



**MINNESOTA DEPARTMENT OF VETERANS AFFAIRS
AFFIRMATIVE ACTION PLAN**

2012 – 2014

**Minnesota Department of Veterans Affairs
5101 Minnehaha Avenue South
Minneapolis, Minnesota 55417-1699**

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MN DEPARTMENT OF VETERANS AFFAIRS EXECUTIVE SUMMARY

Review revealed underutilization of the following protected groups in the specified goal units:


	Women	Minorities	People with a Disability
EEO Job Group			
Officials and Administrators			x
Professionals			x
Technicians		x	x
Paraprofessionals			x
Office/Clerical			x
Skilled Craft	x	x	x
Service Maintenance			x

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of our agency. Our intention is that every employee is aware of the Minnesota Department of Veterans Affairs' commitments to affirmative action and equal employment opportunity. This plan will also be posted on our agency's website and maintained in the Human Resources and Affirmative Action offices.

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


 Vikki L. Getchell, Affirmative Action Officer
 (612) 548-5961
3-26-2013
(phone number)
(date)

This affirmative action plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as goals, timetables and methods for achieving them which are reasonable and sufficiently assertive to deal with identified disparities.


 Carol A. Lynch, Human Resources Director
 3-25-2013
(date)

This affirmative action plan meets the applicable statutes and rules governing affirmative action as well as my personal statement of commitment to achieving the goals and timetables described herein.


 Larry W. Shellito, Commissioner
 Minnesota Department of Veterans Affairs
 3-22-2013
(date)

STATEMENT OF COMMITMENT

As commissioner of the Minnesota Department of Veterans Affairs, I affirm the MDVA's continuing commitment to uphold the State's affirmative action and equal opportunity efforts. The MDVA is committed to supporting a work environment that is free of discrimination and which respects, accepts, and celebrates the differences of our workforce, colleagues and the Veterans whom we serve.

We value the diversity of our workforce. The MDVA will not tolerate discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, and marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. Furthermore, the MDVA prohibits retaliation against employees who have acted in good faith in reporting discrimination.

The MDVA is committed to implementing our Affirmative Action Plan and the State's affirmative action efforts thereby:

Recruiting, hiring, training, promoting and retaining protected group individuals.

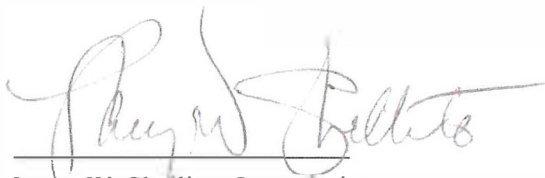
Dedicating resources to training, development and education programs which will result in the strengthening of the entire MDVA by nurturing the talents of our employees.

Striving toward a respectful and inclusive work environment which values the diversity of our workforce.

Assuring that the MDVA policies and practices are non-discriminatory.

The position of Affirmative Action Officer/ADA Coordinator reports to me. I have charged that position with the task of updating the MDVA's Affirmative Action Plan, implementing and monitoring the MDVA's affirmative action efforts, reporting the effectiveness of those efforts and investigating complaints that allege conduct in violation of the MDVA's statutory discrimination and harassment policies which are based on federal and state human rights laws. Also, this position is tasked with initiating and supporting recruitment and retention activities and providing training on respectful communication and work behaviors, cultural awareness and preventing discrimination and harassment in the workplace.

I am committed to the implementation of the MDVA's Affirmative Action Plan. Our goal is to ensure that equal opportunity is provided on the basis of individual qualifications, to encourage all persons to strive for advancement and to proactively support a work environment free of discrimination. I encourage all employees of the MDVA to join me in this mission and to become active partners with me to achieve this goal.



Larry W. Shellito, Commissioner
Minnesota Department of Veterans Affairs

5-22-2013

Date

AFFIRMATIVE ACTION DUTIES AND RESPONSIBILITIES

I. COMMISSIONER

Responsibilities: To oversee and ensure implementation of the MDVA's Affirmative Action Plan in compliance with all Federal and State laws, rules, regulations and policies.

Duties:

1. To appoint an Affirmative Action Officer to implement MDVA's Affirmative Action Plan and to coordinate ADA matters.
2. To issue a written statement to all employees affirming support for equal employment opportunity, diversity and the MDVA's Affirmative Action Plan.
3. To take action, if needed, on complaints covered by this plan and to ensure final determinations and follow up actions on employee complaints of statutory discrimination or harassment.

Accountability: To the Governor and indirectly to the Commissioner of Minnesota Management & Budget.

II. DEPUTY COMMISSIONERS

Responsibilities: To carry out the Commissioner's Affirmative Action Plan and ensure implementation throughout MDVA in compliance with all Federal and State laws, rules regulations and policies.

Duties:

1. To appoint or designate an employee to be responsible for overseeing the activities of the Affirmative Action Coordinators at each of the Veterans Homes and Programs & Services work locations.
2. To include responsibility statements of the Affirmative Action Plan in the position description of the designee.
3. To take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure and ensure final determinations are made.
4. To ensure that the MDVA managers and supervisors are informed of the individual responsibilities in the area of Equal Employment, Affirmative Action and diversity and they are provided with clear expectations regarding their responsibilities.
5. To ensure that managers and supervisors are being held accountable for their responsibilities outlined in this plan.
6. To ensure policies, procedures and practices are changed as needed to remove barriers to ensure the success of this plan.

Accountability: To the Commissioner of the MDVA.

III. AFFIRMATIVE ACTION OFFICER

Responsibilities: To implement MDVA's Affirmative Action Plan on a department-wide level and to oversee the administration of the Affirmative Action Plan at each MDVA work site.

Duties:

1. To advise the Commissioner on all matters related to affirmative action and equal employment opportunities.
2. To develop, implement and monitor MDVA's affirmative action programs.
3. To fulfill all affirmative action reporting requirements.
4. To serve as MDVA's ADA Coordinator maintaining records of all requests for reasonable accommodations and effectively recommend to the Commissioner approvals, alternatives or denials
5. To review and recommend changes in policy, procedures and programs to ensure affirmative action is effectuated throughout MDVA and compliant with Federal and State laws, rules, regulations and policies.
6. To provide leadership and guidance to the Veterans Home Administrators, Program Directors and Affirmative Action Coordinators in carrying out the Affirmative Action Plan and in adhering to the affirmative action principles in the decision-making process of personnel functions.
7. To advise agency management of the requirement to notify contractors and subcontractors of their affirmative action responsibilities.
8. To assist MDVA staff in the recruitment of qualified members of protected classes for consideration in filling vacancies.
9. To oversee and provide guidance for investigations or to investigate complaints of statutory discrimination and harassment as outlined in the Affirmative Action Plan complaint procedure and to report on the findings.
10. To collaborate with Human Resources to oversee MDVA's pre-hire review process as it applies to the Affirmative Action Plan.
11. To conduct and facilitate affirmative action programming and training.
12. To identify and eliminate barriers to equal employment opportunities within MDVA.
13. To serve as a liaison with Minnesota Management and Budget, in regards to affirmative action matters.
14. To revise MDVA's Affirmative Action Plan biennially establishing goals, timetables and various programmatic activities and to monitor progress towards affirmative action goals and objectives.

Accountability: To the Commissioner of the MDVA.

IV. HUMAN RESOURCES PERSONNEL

Responsibilities: To ensure that personnel functions at each of the Veterans Homes and Programs & Services work sites are carried out in accordance with the Affirmative Action Plan and to ensure that policies and procedures are administered fairly and uniformly.

Duties:

1. To work closely with the MDVA's Affirmative Action Officer in matters of affirmative hiring, recruitment, retention and training.
2. To review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationship to job performance.
3. To maintain records that will enable the analysis of all portions of the job selection process and coordinate with the Affirmative Action Officer to ensure effective monitoring of the MDVA's personnel actions.
4. To oversee all job vacancies in each division and section and publicize both competitive and promotional examinations throughout MDVA when appropriate.
5. To communicate affirmative hiring policies and procedures to hiring supervisors when affirmative action goals exist.

Accountability: To the Commissioner of the MDVA.

V. ADMINISTRATORS/PROGRAM DIRECTORS/MDVA MANAGERS

Responsibilities: To administer the Affirmative Action Plan at each of their respective Homes, work site or functional area of responsibility in compliance with Federal law, State law, rules, regulations, policies and this Affirmative Action Plan.

Duties:

1. To support MDVA's affirmative action and equal employment opportunity efforts.
2. To ensure compliance with the Affirmative Action Plan and policies and procedures.
3. To forward the Commissioner's written Statement of Commitment to all staff members.
4. To take steps to ensure a respectful and inclusive workplace for all employees.

Accountability: To the Deputy Commissioners of the MDVA.

VI. MDVA SUPERVISORS

Responsibilities: To ensure compliance with the MDVA's Affirmative Action Plan and to ensure equal treatment of all employees.

Duties:

1. To strive for a respectful and inclusive work environment for all employees and to take timely and appropriate steps towards correcting and mediating conflict situations in the work environment.
2. To work with the Affirmative Action Officer in identifying and resolving conflict in the work unit and in eliminating barriers which inhibit equal employment opportunities.
3. To select candidates for new positions or promotional opportunities on the basis of training, experience, MDVA's affirmative action goals and in accordance with MDVA's pre-hire review policies.
4. To communicate and demonstrate to all employees in their area of responsibility a personal commitment to MDVA's affirmative action and equal employment opportunity efforts.
5. To discuss and document training needs and career planning goals with each employee during scheduled performance evaluations.
6. To ensure the MDVA's Affirmative Action Plan is accessible and communicated to staff on an ongoing basis.

Accountability: To their appropriate supervisor or manager up to the Deputy Commissioner and Commissioner of the MDVA.

VII. ALL EMPLOYEES

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the policies and procedures of the Affirmative Action Plan as well as the code of conduct for respecting others in the workplace.

Duties:

1. To conduct themselves with dignity and respect towards others.
2. To create and maintain a work environment free from discrimination and harassment.
3. To participate in maintaining a respectful and inclusive workplace.

Accountability: All employees are accountable for their conduct and actions, to the Veterans we serve, co-workers, supervisors and ultimately to the Commissioner of the MDVA.

COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

INTERNAL DISSEMINATION

1. The Commissioner will transmit a letter or memo biennially to all employees reaffirming the MDVA's commitment to equal employment opportunity and affirmative action.
2. Training sessions will be conducted biennially for managers and supervisors on the Affirmative Action Plan and their associated responsibilities.
3. The Affirmative Action Plan will be furnished to the Deputy Commissioners, Administrators, Program Directors, Managers, Supervisors and Human Resources Personnel at each of the work facilities. It will be the responsibility of management to communicate the Affirmative Action Plan to all employees under their supervision. Additionally, the Affirmative Action Plan and related policies will be made part of the MDVA's operating policies.
4. The Affirmative Action Plan and the name, telephone number and electronic mailing address of the Affirmative Action Officer will be prominently displayed at each of the work facilities on the bulletin board in the Human Resources Office and/or in areas where information directed towards employees is generally posted. The Affirmative Action Plan may be posted in additional locations at each work facility at the discretion of the Administrator/Program Director.
5. During the orientation period, new employees will be informed of the Affirmative Action Plan and the name, telephone number and electronic mailing address of the Affirmative Action Officer and the location of the Affirmative Action Plan.
6. The Affirmative Action Plan will be posted on the MDVA intranet or other official electronic resource for easy access by all employees. Additionally, a print copy will be kept in the Office of Affirmative Action and all Human Resources Offices, and will be made available upon request to any employee who seeks to view it.

EXTERNAL DISSEMINATION

1. The Affirmative Action Plan will be furnished to all employee bargaining representatives.
2. Job application materials, advertisements, and MDVA stationery will include the statement, "An Affirmative Action/Equal Opportunity Employer."
3. A copy of the Affirmative Action Plan will be provided to individuals upon request.

4. MDVA will inform all persons and organizations with which it does business of the applicable non-discrimination and Americans with Disabilities Act compliance requirements.
5. The Affirmative Action Plan will be posted in its entirety on the MDVA public website for easy access by all employees and employee applicants, as well as by members of the public. Additionally, a print copy will be kept in the Office of Affirmative Action and at all Human Resources offices, and will be made available upon request to anyone who seeks to view it.

POLICY PROHIBITING DISCRIMINATION AND SEXUAL HARASSMENT



MINNESOTA DEPARTMENT OF VETERANS AFFAIRS POLICY STATEMENT

It is the policy of the MDVA that illegal discrimination and sexual harassment will not be tolerated. All employees are expected to treat co-workers, clients, and residents with respect and dignity. Discrimination or harassment based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation or age is illegal and prohibited. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment.

In fulfilling MDVA's obligation to maintain a positive and productive work environment, the Affirmative Action Officer, Affirmative Action Designees and all employees are expected to address or report any suspected harassment, discrimination, or reprisal. The MDVA provides a procedure for processing internal harassment and discrimination complaints consistent with its ongoing commitment to equal opportunity and affirmative action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees must be informed that harassment is unacceptable behavior.

The Affirmative Action Officer will be expected to keep the MDVA apprised of any changes in the law or its interpretation regarding discrimination. The Affirmative Action Designees will be responsible for:

1. Notifying all employees, and orienting each new employee who is hired, of this policy;
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Individuals who engage in, or cause others to engage in, discrimination or harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer, or termination. Additionally, inappropriate behavior or general harassment that does not rise to the level of statutory harassment or discrimination, but is nonetheless disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behavior or general harassment in the workplace are also subject to disciplinary actions.

DEFINITIONS

Affirmative Action Officer	The person designated by the Commissioner as having primary responsibility for developing, implementing and maintaining the Agency's Affirmative Action Plan. The Affirmative Action Officer shall report administratively and on policy issues directly to the Commissioner.
Affirmative Action or Human Resources Designee	The person designated at each major Division or Home as having primary responsibility for implementation of the Agency's Affirmative Action Plan. This person will normally be the Affirmative Action Officer or the Human Resources Director at the Division or Home.
Age	Refers to the prohibition against unfair employment practices based on age if the person is over the age of majority (18 years for employment).
Appointing Authority	A person or a group of persons empowered by the Constitution, statute, or executive order to employ persons in, or to make appointments to positions in the MDVA.
Appropriate Management Staff	Management staff that may include, but is not limited, to the appropriate Home Administrator, Division Manager, and the Agency's Human Resources Director.
Business Day	Any day that is not a Saturday, Sunday, or federal or state legal holiday.
Charging Party	A person filing a charge with the Office of Affirmative Action pursuant to this policy.
Confidential, private, public data on individuals; protected nonpublic data not on individuals	Classifications of data under the Minnesota Government Data Practices Act, Minn. Stat., §13. Classifications relate to information collected by the agency and who may see and request the information. <i>See also</i> AOP: Data Practices Management (AOP-A-01-003).
Disability	"Disability" means any condition or characteristic that renders a person disabled. A person may be disabled if he or she (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment.
Discriminate	For purposes of the Affirmative Action Plan, the term "discriminate" includes segregate, separate, treat differently or unfairly and, for purposes of discrimination based on sex, it includes sexual harassment.

Harassment (General)	Any unwelcomed, repeated behavior which serves no legitimate business purpose and causes differential or unfair treatment or substantial emotional distress.
Harassment (Based on Protected Class)	<p>Any unwelcomed behavior based on an individual's protected class that is personally offensive, and therefore may adversely affect morale and interfere with the employee's ability to perform his or her job responsibilities. Harassment based on protected class status is a severe type of discrimination and is illegal in the employment environment.</p> <p>Harassment can include, for example, offensive remarks about a person's protected class. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so pervasive or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision.</p> <p>Harassment based on an individual's protected class may occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public.</p>
Local Human Rights Commission	An agency of a city, county, or group of counties created pursuant to law, resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.
Marital Status	Whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
National Origin	The place of birth of an individual or any of the individual's lineal ancestors. Harassment based on national origin is defined as "ethnic slurs and other verbal or physical conduct relating to an individual's national origin."
Physical Access	The absence of physical obstacles that limit opportunities for a person with a disability for full and equal use of, or benefit from, goods, services, and privileges; or, when necessary, the use of methods to overcome the discriminatory effect of physical obstacles.
Program Access	The use of auxiliary aids or services to ensure full and equal use of, or benefit from, goods, services, and privileges; and the absence of criteria or methods of administration that directly, indirectly, or through contractual or other arrangements, have the effect of subjecting qualified persons with disabilities to discrimination on the basis of disability, or have the effect of defeating or impairing the accomplishment of the objectives of the program.
Protected Class Status	Status based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, activity or membership in a local human rights commission, disability, sexual orientation or age.

Reasonable Accommodation	Changes in the job or workplace which enable a person with a disability to perform the work. Also refers to adjustments made by an employer to accommodate an employee whose religious beliefs forbid working certain days and hours.
Reprisal	Includes but is not limited to any form of intimidation, retaliation, or harassment against a person who files a charge of discrimination or harassment, participates in an investigation, or opposes an unlawful employment practice.
Respondent	A person against whom a complaint has been filed.
Sex Discrimination	Discrimination that is based on a person's sex. "Sex" includes, but is not limited to pregnancy, childbirth or disabilities related to childbirth. Discrimination in payment of wages to women and men performing substantially equal work in the same establishment is also prohibited.
Sexual Harassment	<p>A form of illegal harassment involving unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:</p> <p>(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment;</p> <p>(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or</p> <p>(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile, or offensive employment environment, and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.</p> <p><i>Note:</i> The person who has been the recipient of the sexual harassment does not need to talk to or confront the alleged harasser.</p> <p><i>Note:</i> Whether unwelcome attention of a sexual nature "substantially interferes" with a person's employment has been considered in hundreds of court decisions. Generally, isolated remarks or occasional profanity or crude language do not rise to the level of sexual harassment even though they are unpleasant. Behavior that is persistent and pervasive may alter the conditions of employment by creating a "hostile environment."</p>

Sexual Orientation	Having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person; or having or being perceived as having an orientation for such attachment; or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
Status with Regard to Public Assistance	The condition of being a recipient of federal, state, or local assistance (including medical assistance) or being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

COMPLAINT PROCEDURES FOR ALLEGED HARASSMENT OR DISCRIMINATION COMPLAINTS

MDVA has established an internal complaint procedure that provides a method for resolving complaints involving violations of MDVA's non-discrimination policies within the agency. Employees and applicants are encouraged to use this internal complaint process. However, if an employee or applicant chooses, she/he may file a sexual harassment or protected class discrimination complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission (EEOC) or other enforcement agency. Reprisal against a person who has filed a complaint either internally or through an outside enforcement agency is prohibited.

Responsibility of All Employees

All employees shall respond promptly (i.e., within ten (10) business days absent extenuating circumstances) to any and all requests by the Affirmative Action Officer or the Affirmative Action Designee within Human Resources (hereafter referred to as "Human Resources Designee") for information and records for the purpose of enabling the Affirmative Action Officer or the Human Resources Designee to carry out their responsibilities under this complaint procedure. Failure to provide requested information will necessitate proceeding without the benefit of the employee's supporting documentation and evidence.

Who May File

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

Filing Procedures

1. An employee or applicant (hereafter referred to as ("the charging party")) may file a complaint with the Affirmative Action Officer or the Human Resources Designee. The charging party will meet with the Affirmative Action Officer or the Human Resources Designee to discuss the nature of their complaint and to complete MDVA's Harassment/Discrimination Complaint Form.
2. A charging party is encouraged to submit MDVA's Harassment/Discrimination Complaint Form in a timely manner. The passage of time can seriously impede the gathering of evidence and testimony. The maximum time limit for filing a harassment or discrimination charge is one (1) year from the date of the alleged discriminatory incident.
3. The Affirmative Action Officer or the Human Resources Designee will determine if the complaint involves harassment or discrimination that falls under the purview of Equal Employment Opportunity law, i.e., the charging party is alleging sexual harassment or discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general harassment or personnel concern. The Affirmative Action Officer or the Human Resources Designee will also discuss other options for resolution such as workplace mediation.
 - a. If it is determined that the complaint **does not involve** sexual harassment or discrimination based on a protected class status but rather involves general harassment or personnel concerns, the Affirmative Action Officer or Human Resources Designee will inform the charging party, in

writing, within ten (10) business days. Human Resources will then seek resolution through facilitated conversation, mediation, investigation, or other means of dispute resolution.

- b. If it is determined that the complaint **does involve** sexual harassment or discrimination based on a protected class status, the Affirmative Action Officer will contact all parties named as respondents and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.
4. After receiving a response to the allegations, the Affirmative Action Officer may offer mediation or some other form of alternative dispute resolution, **if appropriate**, to resolve the complaint. If the charging party rejects the offer or the alternative dispute resolution is not successful, the Affirmative Action Officer or an investigator designated by the Affirmative Action Officer will investigate the complaint.

Reporting Procedures

Discrimination based on Protected Class Status (Not including Sexual Harassment)	
STEP	ACTION
1	The Affirmative Action Officer will inform the appropriate management staff, the appropriate Deputy Commissioner and the Commissioner of the discrimination complaint. The Affirmative Action Officer will recommend alternative dispute resolution, if appropriate, or an investigation to resolve the complaint. The Deputy Commissioner or the Commissioner will make the final determination regarding the most appropriate manner in which to proceed.
2	If an investigation is initiated, the Affirmative Action Officer will inform the charging party, respondent, and witnesses of their rights when providing investigatory information as required by the Minnesota Government Data Practices Act. Participants to an investigation are protected by law against acts of reprisal which include, but are not limited to, forms of intimidation, retaliation and harassment. The Affirmative Action Officer will explain employee rights to union representation during an investigation as provided by the applicable collective bargaining agreement.
3	The Affirmative Action Officer or an investigator designated by the Affirmative Action Officer will conduct a fair and impartial investigation into the charges being investigated and will comply with provisions of the applicable collective bargaining agreement.. Investigations will be completed within a reasonable timeframe, usually sixty (60) days or less. At the conclusion of the investigation, the Affirmative Action Officer will notify the charging party and the respondent that the investigation has been completed. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant and the respondent dismissing the complaint. If sufficient evidence exists to substantiate the complaint, appropriate action will be taken.
4	The Affirmative Action Officer will provide a written summary of the investigation to appropriate management staff, the appropriate Deputy Commissioner, and the Commissioner for review. Management is responsible to initiate disciplinary action. Varying degrees of statutory discrimination and harassment violations can occur and require varying levels of progressive discipline.
5	Dispensation of the complaint will be filed with the Commissioner of Minnesota Management & Budget after the final determination.
6	The Affirmative Action Officer will maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

Sexual Harassment	
STEP	ACTION
1	Supervisors and managers are responsible for taking effective action and reporting all incidents of alleged sexual harassment to the Affirmative Action Officer immediately. The supervisor or manager will document all conversations with an employee who reports sexual harassment incidents to them.
2	The Affirmative Action Officer will request that the employee complete MDVA's Harassment/Discrimination Complaint Form. NOTE: Because the Supreme Court has found that an employer is liable if the employer knew or should have known of sexual harassment and failed to take proper remedial action, the complaint form is not legally required. NOTE: Even when an employee tells the employer not to take any action on alleged incidents of sexual harassment, the employer must take timely and appropriate action.
3	The Affirmative Action Officer will inform the appropriate management staff, the appropriate Deputy Commissioner and the Commissioner of the complaint. The Affirmative Action Officer will recommend alternative dispute resolution, if appropriate, or an investigation to resolve the complaint. The Deputy Commissioner or the Commissioner will make the final determination regarding the most appropriate manner in which to proceed. A notice of a sexual harassment complaint will also be sent to the appropriate union unless the employee/charging party requests the union not be advised.
4	If an investigation is initiated, the Affirmative Action Officer will inform the employee/charging party, respondent, and witnesses of their rights when providing investigatory information as required by the Minnesota Government Data Practices Act. Participants to an investigation are protected by law against acts of reprisal which include, but are not limited to, forms of intimidation, retaliation and harassment. The Affirmative Action Officer will explain employee rights to union representation during an investigation as provided by the applicable collective bargaining agreement. When initial facts indicate that there may have been acts of violence, or physical contact, it may be advisable to institute an investigative leave for the alleged harasser.
5	If the employee/charging party states that she/he is unable to function in the worksite from which the complaint arose, a preliminary investigation will be conducted within two (2) working days. If the preliminary investigation establishes that there is a reasonable basis for the employee's/charging party's concern about continuing in the work situation, intervening action will be taken to defuse the situation. This action may include temporarily reassigning either party until such time as the complaint is fully investigated, there is a finding, and corrective action, if required, is implemented. If initial facts indicate that there may have been acts of violence, or physical contact, it may be advisable to institute an investigative leave for the alleged harasser.
6	The Affirmative Action Officer or an investigator designated by the Affirmative Action Officer will conduct an impartial and thorough investigation. At the conclusion of the investigation, the Affirmative Action Officer will notify the employee/charging party and the respondent that the investigation has been completed. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant and the respondent dismissing the complaint. If sufficient evidence exists to substantiate the complaint, appropriate action will be taken.
7	All sexual harassment complaints must be investigated within a reasonable time frame (thirty (30) calendar days).

8	The Affirmative Action Officer will provide a written summary of the investigation to appropriate management staff, the appropriate Deputy Commissioner, and the Commissioner for review. Management is responsible to initiate disciplinary action. Varying degrees of statutory discrimination and harassment violations can occur and require varying levels of progressive discipline.
9	Within thirty (30) calendar days of the investigation's completion, if the employee/charging party has requested the union's involvement in the complaint, the union's representative shall be provided a written summary of the findings and resolution. All hearings and records shall be private and reprisal against an aggrieved employee/charging party or a witness is prohibited.
10	If the complaint is not resolved, the complaint may be referred to other agencies in accordance with the employee's/charging party's applicable bargaining unit agreement.
11	The Affirmative Action Officer will maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

Forms

Minnesota Data Practices Notices for Charging Parties

Minnesota Department of Veterans Affairs Harassment/Discrimination Complaint Form

References

Minn. Stat. § 363A (Minnesota Human Rights Act)

Minn. Stat. §181.81 (Minnesota Retirement Act)

Title VII of the 1964 Civil Rights Act, as amended (42 USC §2000e *et. seq.*)

Age Discrimination in Employment Act (29 USC §621 *et. seq.*)

Americans with Disabilities Act (42 USC §12101 *et. seq.*); 1973 Rehabilitation Act



MINNESOTA DATA PRACTICES NOTICES FOR CHARGING PARTIES

Please Read Before Completion of Harassment/Discrimination Complaint Form

TENNESSEN NOTICE:

The following Harassment/Discrimination Complaint Form asks you to supply data concerning yourself that is considered private or confidential under the Minnesota Government Data Practices Act (Minn. Stat. § 13). The reason this data is being collected is to help the MDVA 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 MDVA 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 which may see the data at some point include: supervisors and managers whose input is necessary in the decision-making process; human resources personnel; exclusive representatives of employees; staff of Minnesota Management and Budget; 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 Re-employment Compensation Division of the Minnesota Department of Economic Security; law enforcement agencies; counsel for and parties to litigation pursuant to court order; the Office of Legislative Auditor; and the employee who is being investigated.

Signature (Requested, but not required)

Date

Please submit this form to Human Resources or to the Office of Affirmative Action with the Harassment/Discrimination Complaint Form.

Upon request, this material can be made available in alternative formats, such as large print, Braille, computer diskette, or audio tape. Please contact the Affirmative Action Officer.



**Minnesota Department of Veterans Affairs
Harassment/Discrimination Complaint Form**

1. Information about the Complainant (person filing the complaint):

Name _____ Job Title _____

Department Supervisor _____ Work Telephone _____

Home Telephone _____

Email Address (if frequently used as a means of communication) _____

Mailing Address _____

2. I believe that the treatment that I am experiencing is: (check either “General Harassment/Personnel Concern” or “Statutory Harassment/Discrimination”):

_____ General Harassment/Personnel Concern (Check this option if you believe the unwelcomed words, conduct, or actions repeatedly directed toward you by a co-worker/supervisor **are not** based on your protected class status but cause you to be treated differently or unfairly or cause you substantial emotional distress, and serve no legitimate business purpose.)

OR

_____ Sexual Harassment/Discrimination based on Protected Class (Check this option if you believe the unwelcomed words, conduct, or actions directed toward you by a co-worker/supervisor **are** based on your protected class status and cause you to be illegally harassed or discriminated against. If you select this option, please check the protected class(es) below that apply to your situation.)

_____ Race _____ Color _____ Creed _____ Religion _____ Disability _____ Marital Status

_____ Sex _____ National Origin _____ Reliance on Public Assistance _____ Sexual Orientation

_____ Age _____ Membership/activity in a local human rights commission

3. Describe how you have been harassed or discriminated against. Provide names, dates, places and all pertinent information. Be as specific as you can. If necessary, attach additional pages.

Name of person(s) discriminating/harassing: _____

Describe the incident(s) in detail including the date and location of each incident:

4. List any potential witness(es):

Name

Work Location

1) _____

2) _____

3) _____

4) _____

5) _____

5. List any supporting physical evidence (documents, emails, etc.):

6. Information about the person(s) against whom you are filing the complaint:

Name _____ Job Title _____

Department _____ Supervisor _____

7. If you filed this complaint with another agency, for example the EEOC or the MN Dept. of Human Rights, please give the name of the agency and date that you filed: _____

8. What resolution are you seeking?

9. Mediation is a voluntary process where individuals involved in a conflict meet with a neutral, third-party mediator in an informal, yet structured setting in order to resolve the conflict in a respectful and productive manner. Would you be interested in meeting with a mediator and the other individual(s) involved in order to resolve this matter? _____ Yes _____ No

If you have any questions or concerns about the mediation process, please indicate them below:

This complaint is being filed based on my belief that I have been discriminated against or harassed. I hereby certify that the information I have provided relative to my complaint is true, correct and complete to the best of my knowledge and belief.

I understand that if it is found that this complaint has been filed for other than legitimate reasons, it may be considered to be a falsification of records and may subject me to disciplinary action.

Signature _____ Date _____

****Submit this form to your Human Resources representative or to:**

MN Dept. of Veterans Affairs
Office of Affirmative Action
5101 Minnehaha Ave. S., Bldg. 10
Minneapolis, MN 55417

Fax: (651) 757-1584 Email: mdva.affirmativeaction@state.mn.us

For assistance, please call the Office of Affirmative Action at (612) 548-5961. We can also be reached through the Minnesota Relay Service at 7-1-1 or 1-800-627-3529 (TTY, Voice, ASCII, HCO) or 1-877-627-3848 (STS).

***** **For office use only. Please do not write below this line.** *****

Complaint Received by: _____

Date Received: _____

Processing: _____ Investigation _____ Mediation by Supervisor _____ Mediation by AAO _____ Other

Notes/Explanation:

Upon request, this material can be made available in alternative formats, such as large print, Braille, computer diskette, or audio tape. Please contact the Office of Affirmative Action.



**Minnesota Department of Veterans Affairs
Harassment/Discrimination Management
Intake Form**

This form is to be completed when a member of management wishes to report an act of alleged statutory discrimination or harassment by one employee against another.

1. Information on the individual completing this form:

Name _____ Job Title _____
Department _____ Work Location _____
Work Phone _____

2. Protected class basis for complaint: (check all that apply)

Race Color Creed Religion Disability Marital Status
 Sex National Origin Reliance on Public Assistance _____
 Age Membership/activity in a local human rights commission
 Sexual Orientation

3. Please describe the incidents that give rise to this complaint. Give the names, dates, locations and all pertinent information. Please be as specific as you can. If necessary, attach additional pages.

A. Name/position/supervisor(s) of employee(s) engaging in alleged discriminating/harassing conduct: _____

B. Name/position/supervisor of the employee on whose behalf the complaint is being filed:

C. Please describe the incident(s) in detail: _____

4. Witness(es)

	<u>Name</u>	<u>Position</u>	<u>Supervisor</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____
4)	_____	_____	_____
5)	_____	_____	_____
6)	_____	_____	_____
7)	_____	_____	_____

5. Management Action

A. When did management become aware of the incident/issue? _____

B. Who was the first member of management to learn of the issue? _____

C. How did management first learn about this incident/issue? _____

A. Has any member of management taken any action to address the complained of behavior?
If so, who took the action, when did it occur and what was the action?

**Submit this form to:
Affirmative Action Officer
5101 Minnehaha Ave. S. (Bldg 10)
Minneapolis, MN 55417

Email: mdva.affirmativeaction@state.mn.us
Phone: (651) 548-5961
Fax: (651) 757-1584

Received by AAO on _____

Upon request, this material can be made available in alternative formats, such as large print, Braille, computer diskette, or audio tape. Please contact the Office of Affirmative Action.

GOALS & TIMETABLES

The MDVA's utilization analysis was conducted using statewide census data. After categories in which there are underutilizations were identified, hiring goals were set. Several factors were weighed to determine reasonable hiring goals and timeframes. The first step was to consider the number of vacancies that can reasonably be expected based on expressions of interest from employees who intend to separate from the MDVA within two years and based on the frequency with which vacancies in certain job categories generally become available. Another factor is anticipated department expansion and growth. These factors were considered as part of overall anticipated, department staffing needs. MDVA's hiring goals are optimistic and attempts will be made to meet these goals depending on availability and opportunity to hire. The chart below provides a numerical representation of this information.

GOALS AND TIMETABLES CHART

Overview

EEO Job Group	Women			Minorities			People with a Disability		
	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	*Goal	Timetable
Officials and Administrators	0	0	---	0	0	---	1	0	NA
Professionals	0	0	---	0	0	---	28	3	2-4 yrs
Technicians	0	0	---	22	22	2-4 yrs	66	7	2-4 yrs
Paraprofessional <i>(Included in Technicians Group)</i>									
Office/Clerical	0	0	---	0	0	---	6	1	2-4 yrs
Skilled Craft	1	1	2-4 yrs	0	1	2 yrs	3	1	2-4 yrs
Service Maintenance	0	0	---	0	0	---	28	3	2-4 yrs

*Goals represent approximately ten percent improvement.

Protected Group: WOMEN

EEO Job Group	Total Number in Group	Total Number of Women in Group	% Women in the Group	Availability % (Census Table) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	21	8	38.1%	37.8%	8	0	0	Same	0
Professionals	283	206	72.8%	53.8%	152	0	0	Same	0
Technicians <i>(Including Paraprofessionals)</i>	624	452	72.4%	63.1%	394	0	N/A	N/A	N/A
Protective Services: Sworn	0	0	0.0%	21.3%	0	0	0	Same	0
Protective Services: Non-sworn	0	0	0.0%	64.4%	0	0	0	Same	0
Paraprofessional <i>(Included in Technicians group)</i>	0	0	0	87.5%	0	0	0	Same	0
Office/Clerical	72	61	84.7%	67.7%	49	0	0	Same	0
Skilled Craft	24	1	4.2%	7.8%	2	1	1	Same	0
Service Maintenance	296	190	64.2%	43.6%	129	0	0	Same	0

	Protected Group: MINORITIES								
EEO Job Group	Total Number in Group	Total Number of Minorities in Group	% Minorities in the Group	Availability % (Census Table) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	21	1	4.8%	5.1%	1	0	0	Same	0
Professionals	283	32	11.3%	8.0%	23	0	0	Same	0
Technicians <i>(Including Paraprofessionals)</i>	624	20	3.21%	6.8%	42	22	N/A	N/A	N/A
Protective Services: Sworn	0	0	0.0%	11.9%	0	0	0	Same	0
Protective Services: Non-sworn	0	0	0.0%	6.3%	0	0	0	Same	0
Paraprofessional <i>(Included in Technicians group)</i>	0	0	0	18.2%	0	0	0	Same	0
Office/Clerical	72	8	11.1%	8.2%	6	0	0	Same	0
Skilled Craft	24	1	8.3%	7.1%	2	0	0	Same	0
Service Maintenance	296	62	21%	14.3%	42	0	0	Same	0

	Protected Group: PERSONS with a DISABILITY								
EEO Job Group	Total Number in Group	Total Number of Disability in Group	% Disability in the Group	Availability % (Census Table) MN Statewide	Availability Number	AAP 2012-2014 Number Underutilized	AAP 2010-2012 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	21	1	4.8%	11.31%	2	1	1	Same	0
Professionals	283	3	1.1%	10.88%	31	28	30	Improved	2
Technicians <i>(Including Paraprofessionals)</i>	624	6	1.0%	11.52%	72	66	N/A	N/A	N/A
Protective Services: Sworn	0	0	0.0%		0	0	0		0
Protective Services: Non-sworn	0	0	0.0%		0	0	0		0
Paraprofessional <i>(Included in Technicians group)</i>	0	0	0	10.86%	0	0	0	Same	0
Office/Clerical	72	2	2.8%	11.56%	8	6	6	Same	0
Skilled Craft	24	0	0.0%	11.55%	3	3	3	Same	0
Service Maintenance	296	4	1.4%	11.37%	34	30	28	Not Improved	-2

AFFIRMATIVE ACTION PROGRAM OBJECTIVES 2012-2014

1. To **RECRUIT** and **HIRE** affirmatively so that the workplace reflects the increasing diversity of the community and qualified applicants for employment.

Action Steps:

- A. Conduct additional training for hiring managers and supervisors on affirmative recruitment and hiring as well as on affirmative action and equal employment opportunity policies and procedures.

Responsibility: Affirmative Action Officer and Human Resources.

Target Date: March 2013

- B. Explore the feasibility of creating an electronic data management system that tracks and maintains affirmative action information including hiring goals, justifications and missed opportunities.

Responsibility: Affirmative Action Officer with the assistance of Information

Technology Department and Human Resources.

Target Date: June 2014

- C. Establish community partnerships with organizations and agencies which serve individuals with disabilities, to demonstrate Department's commitment to diversity recruitment, enhance community relationships and increase the number of diverse applicants.

Responsibility: Affirmative Action Officer and Deputy Commissioners.

Target Date: Ongoing, reassess in March 2013

- D. Participate in career fairs, community events or conferences, such as the annual Minnesota Human Rights Day, to demonstrate MDVA's commitment to diversity recruitment and hiring, recruit potential applicants and promote programs and services for Veterans and their families.

Responsibility: Affirmative Action Officer with assistance from Human Resources.

Target Date: Ongoing

- E. Establish new and strengthen existing networking resources for the purposes of announcing job vacancies and finding qualified candidates for job vacancies.

Responsibility: Affirmative Action Officer

Target Date: Ongoing

2. To continue to ensure **COMPLIANCE** with the State and Federal Laws and Regulations regarding affirmative action and equal employment opportunity.

Action Steps:

- A. Evaluate and revise all affirmative action related policies and procedures.
Responsibility: Affirmative Action Officer to present to agency managers and for approval by the Deputy Commissioners and Commissioner.
Target Date: September 2013

- B. Revise MDVA's Americans with Disabilities Act: Reasonable Accommodations policy, procedures and forms.
Responsibility: Affirmative Action Officer with assistance from Human Resources.
Target Date: September 2013

- C. Evaluate and revise MDVA's Affirmative Action Complaint Procedure.
Responsibility: Affirmative Action Officer with assistance of MDVA Policies and Procedures Committee.
Target Date: July 2013

3. To align affirmative action goals and objectives with MDVA's

MISSION Action Steps:

- A. Develop affirmative action strategies consistent with MDVA Strategic and Quality Plans.
Responsibility: Affirmative Action Officer, Deputy Commissioners, Human Resources Director, Quality Director and all of MDVA's Managers.
Target Date: December 2012

 - B. Form an interdisciplinary affirmative action steering committee representing crucial departments with MDVA to ensure wide-spread implementation of the Affirmative Action Plan and equal employment opportunity efforts.
Responsibility: Affirmative Action Officer and Deputy Commissioners.
Target Date: December 2012
4. To foster a workforce that is **RESPECTFUL** and **INCLUSIVE** by increasing education, training and programming.

Action Steps:

A. Develop a plan to conduct biennial training for managers, supervisors and staff, focused on such issues as diversity, respect and inclusion in the workplace; conflict resolution; cultural competence; diverse workforce management and other similar topics. **Responsibility:** Affirmative Action Officer, with assistance from Human Resources and Staff Development.

Target Date: Ongoing on a biennial basis.

B. Explore the development of an internal mentorship program that will provide employees with formal and informal opportunities to increase their job satisfaction and advance their career goals.

Responsibility: Affirmative Action Officer, with assistance from Human Resources and Staff Development.

Target Date: March 2013

AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

Pre-Employment Review Procedure/Monitoring the Hiring Process

In its commitment to successful implementation of the Affirmative Action Plan and to equal opportunity employment, the MDVA will utilize the following procedures:

1. The Affirmative Action Officer will provide quarterly status updates to Human Resources staff on the MDVA's hiring goals and identified areas of underutilization.
2. When a position vacancy exists, Human Resources staff and the hiring manager will develop a position description and determine the minimum and preferred applicant qualifications.
3. If Human Resources staff determines that bargaining unit employees are eligible to bid on the position, the position vacancy will be posted in accordance with collective bargaining agreement provisions.
4. If a position vacancy is announced, Human Resources staff will affirmatively recruit for the position and will determine whether the applicant pool contains protected group candidates who may help fulfill placement goals where underutilization exists. Human Resources staff will ensure selection procedures do not discriminate against any protected group.
5. Human Resources staff will complete a State of Minnesota Monitoring the Hiring Process Form for any position vacancy where there is an underutilization for a protected group in an EEO job category. The original form will be retained in the Human Resources hiring file and a copy of the form will be sent to the Affirmative Action Officer.
6. The Affirmative Action Officer will review the Hiring Process Form and will contact Human Resources staff to explain any identified discrepancies or concerns.
7. The Affirmative Action Officer will keep the Hiring Process Form on file for three (3) years and will use the information to help evaluate the effectiveness of the MDVA's affirmative action policies and procedures.

Pre-Review Procedure for Layoff Decisions

An Appointing Authority may layoff an employee by reason of abolition of the position, shortage of work or funds, or other reasons outside the employee's control, not reflecting discredit of the service of the employee. The MDVA will follow the layoff procedures specified in the bargaining unit agreements applicable to MDVA employees. Prior to implementation, all layoff decisions will be reviewed by the Deputy Commissioner, the Human Resource Director and the Affirmative Action Officer to assess the effects on MDVA's affirmative action goals and timetables.

Other Methods of Program Evaluation

The Affirmative Action Officer will review and analyze the following documents to determine compliance with affirmative action goals. Periodic reports will be submitted to the Commissioner, Deputy Commissioners, Administrators and Human Resource Directors.

- MDVA's Affirmative Action Plan
- Affirmative Action Complaints
- New hire, promotion, transfer and termination records
- Recruitment activities

WEATHER EMERGENCIES & EVACUATIONS

WEATHER EMERGENCIES

The MDVA operates as a twenty-four hours a day, seven days a week continuous operation. The continuous operation of the Veterans' Homes residential facilities dictates that the operations are essential and must continue despite weather emergencies. All employees of the residential facilities are noticed during orientation and periodically throughout the year that their presence is essential to the operation of the facility; and they will be expected to report to work as scheduled and to remain in contact with the administration of the facility as to their progress in getting to the facility. Each facility has in place a detailed plan which identifies how staffing and operations will be addressed during a weather emergency to meet the needs of our residents.

Employees of the Programs and Services division of the MDVA are not considered essential employees and will be notified of weather-related emergencies declared by Minnesota Management & Budget (MMB). MMB may initiate the closing of state offices by officially declaring an emergency.

When the MMB commissioner determines weather conditions are hazardous enough to declare an emergency and that state offices must be closed, MMB will:

- Use the emergency notification system called "Alertcast" to alert state agency designees. Upon notification, MDVA's Program and Services directors may use telephone trees for employee notification.
- Update its Be Ready MN website at <https://www.bereadymn.com> to inform employees and the public of weather-related emergencies that result in closure of state government facilities.
- Provide an announcement to WCCO (830 AM) radio station and KARE, KMSP, KSTP, and WCCO television stations for broadcast. Television broadcasts are closed captioned. In addition, an announcement will be placed on the Associated Press newswire for radio stations in greater Minnesota.
- Use the social media platform "Twitter" to provide information regarding emergencies affecting state employees. At the Twitter website, employees can voluntarily sign up their personal cell phones to receive a text message. Employees are encouraged to sign up for this account at home, on their personal computers, so there will be no need to approve employee access to the "Twitter" website during business hours.

Supervisors of employees with hearing disabilities should ensure there is a notification procedure in place for those individuals to learn about a weather emergency. This includes use of a TTY machine if the employee has one, or through other means that are acceptable to the supervisor and the employee(s).

BUILDING EVACUATION

Each Veterans Home has a detailed plan for building evacuation which includes the safe evacuation of both residents and staff. The plans detail the manner in which all residents and staff will be located and removed from the facility. The plans also address the evacuation of individuals with physical, cognitive, visual and hearing disabilities. The plans meet the standards identified by the American National Safety Institute and the Federal and State regulations for Long-term Healthcare Facilities. Building evacuation plans are part of every employee's orientation program, mandatory annual training plans, and are practiced at least quarterly.

Programs and Services building areas each have an evacuation plan which includes the safe evacuation of both employees and customers. The plan identifies the manner in which all employees and customers will be located and removed from the building. The plan also addresses the evacuation of individuals with physical, cognitive, visual and hearing disabilities.

Copies of each Veterans Home's evacuation plan and each Programs and Services building's evacuation plan are on file both electronically and in hard-copy format at their respective locations.

The following evacuation procedures for employees and volunteer staff with disabilities are incorporated into each Veterans Home's evacuation plan and in the Programs and Services' evacuation plans.

MN Department of Veterans Affairs

Evacuation Procedures for Employees and Volunteer Staff with Disabilities

Persons with disabilities may not be able to evacuate a building or area during an emergency without assistance. Although self-disclosure of a disability is strictly voluntary, individuals are encouraged to self-disclose and to provide information about any special assistance they may require. By providing this information to designated staff with emergency coordination responsibilities, individuals with disabilities will help facilitate safe evacuation procedures in the event of an actual emergency situation.

In addition to building alarm systems that utilize an audible and flashing strobe notification, and an emergency paging system, the following procedures will be used to provide assistance to employees and volunteer staff with disabilities in the event of an emergency.

General Procedures

- 1.1. A “buddy system” will be established to assist individuals who may need assistance and involves individuals working in teams so they can locate and assist each other in an emergency. The individual with a disability should identify two or more persons who would be available to provide assistance. The “buddies” will be trained by the employee as soon as they are recruited. A trained “buddy” is responsible for providing the appropriate level of assistance in an emergency.
- 1.2. To assist in determining the appropriate level of assistance in an emergency, the individual with a disability will be asked what type of help they require before attempting any assistance.
- 1.3. The individual with a disability will also be asked if there are any special considerations or if there are any special items that need to stay with them. Assistive aids should not be separated from the person.
- 1.4. Extra time should be taken to communicate with people who are deaf, hearing impaired, or speech impaired.
- 1.5. Staff with emergency responsibilities should be cognizant that a disabled person’s equipment may not be working after an emergency occurs, or may have limited effectiveness in an emergency situation. This may alter the level of assistance required by the person.
- 1.6. Service animals may be temporarily confused in an emergency and may not be able to provide the level of assistance they would normally be able to, necessitating a greater level of assistance from emergency staff.

2. Specific Procedures

2.1. Blindness or Visual Impairment

- 2.1.1. Verbal instructions will be given on the safest exit routes using compass directions when possible, estimated distances, and directional terms.
- 2.1.2. Tactile signage, where required, will be installed on doors to assist the blind or visually impaired in evacuating the building.
- 2.1.3. The visually impaired person will be asked if they would like assistance exiting, particularly if there is debris or other people along the exit route which would make the route difficult to navigate.
- 2.1.4. Other verbal instructions pertinent to the emergency will be provided as necessary based on the specific situation (e.g., elevators cannot be used).

2.2. Deafness or Hearing Loss

- 2.2.1. Touch and eye contact will be used to get the attention of an individual who is hearing impaired. The nature of the emergency will be clearly stated. Gestures and pointing, or written direction, will be provided if needed to ensure understanding.
- 2.2.2. Visual instruction will be provided to advise the person of the appropriate exit routes, either by pointing towards exits or facility evacuation maps.

2.3. Mobility Impairment

- 2.3.1. The exit route will be cleared of debris if necessary so that the person can move to a safer area.
- 2.3.2. If an individual with mobility impairment cannot exit, they will be directed to move to a safe area to wait for emergency responders. This may include use of the following evacuation techniques:
 - 2.3.2.1. Horizontal evacuation
 - 2.3.2.2. Vertical (stairway) evacuation
 - 2.3.2.3. Shelter in place
 - 2.3.2.4. Area of rescue assistance

2.4. Cognitive Impairment

- 2.4.1. Individuals with cognitive impairments may not have the ability to recognize, understand, and respond correctly to alarm systems. Direction will be provided during an emergency to follow the appropriate exit route, exit the building, and locate the correct assembly area.

AMERICANS WITH DISABILITIES & REASONABLE ACCOMMODATIONS

Individuals Responsible for ADA Compliance

MDVA Central Office

Vikki Getchell, Affirmative Action Officer
Office of Affirmative Action
5101 Minnehaha Ave. S.
Minneapolis, MN 55417
(612) 548- 5961
mdva.affirmativeaction@state.mn.us

Carol Lynch, Personnel Director
Human Resources
5101 Minnehaha Ave. S.
Minneapolis, MN 55417
(651) 757-1577
carol.lynch@state.mn.us

MDVA Programs & Services Division

Barb Zilmer, Personnel Officer Sr.
Human Resources
5101 Minnehaha Ave. S.
Minneapolis, MN 55417
(651) 757-1576
barb.zilmer@state.mn.us

Minnesota Veterans Home – Fergus Falls

Janine Conner, Personnel Officer Sr.
Human Resources
1821 North Park Street
Fergus Falls, MN 56537
(218) 736-0408
janine.conner@state.mn.us

Minnesota Veterans Home – Hastings

Kerri Hicks, Personnel Officer Sr.
Human Resources
1200 East 18th Street
Hastings, MN 55033
(651) 438-8507
kerri.hicks@state.mn.us

Minnesota Veterans Home – Luverne

Sandra Kelm, Personnel Officer Sr.
Human Resources
1300 North Kniss Avenue
Luverne, MN 56156-1006
(507) 283-1111
sandra.kelm@state.mn.us

Minnesota Veterans Home – Minneapolis

Deb Allen, Personnel Director
Human Resources
5101 Minnehaha Ave. S.
Minneapolis, MN 55417
(612) 548-5986
deb.allen@state.mn.us

Minnesota Veterans Home – Silver Bay

Lindsey Klegstad, Personnel Officer Sr.
Human Resources
45 Banks Boulevard
Silver Bay, MN 55614-1337
(218) 226-6325
lindsey.klegstad@state.mn.us

POLICY FOR REASONABLE ACCOMODATION UNDER THE AMERICAN WITH DISABILITIES ACT



MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

POLICY STATEMENT

The MDVA is committed to the fair and equal employment of people with disabilities. In accordance with the law, reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job functions, competing for a job, or to enjoy equal benefits and privileges of employment.

MDVA will reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. The exact type of reasonable accommodation will be ultimately selected by the agency, in consultation with and consideration of the requester's preference. Funding will be provided unless the accommodation will cause an undue hardship or post a direct threat to the health or safety of the individual making the request or to others.

This policy applies to applicants and employees including those seeking promotional opportunities.

DEFINITIONS

<u>ADA Coordinator:</u>	The Americans with Disabilities Act Coordinator is the Agency's Affirmative Action Officer.
<u>ADA-Qualified Individual:</u>	One who could perform all essential functions of the position with or without reasonable accommodation.
<u>Person with a Disability:</u>	For purposes of this policy, a person with a disability is one who: a) has a physical, sensory or mental impairment that substantially limits one or more major life activities; b) has a record of such impairment; or c) is regarded as having such impairment.
<u>Reasonable Accommodation:</u>	A reasonable accommodation is any modification or adjustment to a job, an employment practice or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. The facility retains the ability to change the accommodation, or review its continued efficacy.

Examples of accommodations may include modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying work schedules; providing qualified readers or interpreters; reassignment to another position for which the employee is qualified.

Reasonable accommodation applies to three aspects of employment:

- a) to assure equal opportunity in the employment process;
- b) to enable a qualified individual with a disability to perform the essential functions of a job;
- c) to enable an employee with a disability to perform the essential duties of employment.

Undue Hardship: Undue hardship is defined by the Americans with Disabilities Act (ADA) as an action that is “excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.”

Reasonable Accommodation Procedures

A. Reasonable Accommodation – Current Employee

<u>Step</u>	<u>Action</u>
1	The agency will inform all employees of this policy and will ensure its accessibility in various formats, if needed.
2	The employee must inform his or her supervisor of the need for an accommodation by completing the “Employee Request for Reasonable Accommodation” form and sending the completed form to the regional Human Resources office, the MDVA ADA Coordinator or the supervisor, who will ensure that the ADA Coordinator is aware of the request and receives the written request.
3	The agency ADA Coordinator, in consultation with the employee and supervisor, may request documentation of the individual’s functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate files and maintained by the agency’s ADA Coordinator. If medical documentation is needed, the ADA Coordinator must obtain written authorization from the employee to release medical information. Supervisors and managers will not have access to the medical information unless the disability might require emergency treatment.
4	When a qualified individual with a disability has requested an accommodation, the ADA Coordinator (and if needed, the supervisor and/or Human Resources) , in consultation with the employee will :

Discuss the purpose and essential functions of the particular job involved.
Complete a step-by-step job analysis, if needed to determine the precise job-related limitation.

Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.

- 5 The Agency will select and implement the accommodation that is the most appropriate. While an employee's preference will be given consideration, the Agency is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

The ADA Coordinator will work with the supervisor and employee to obtain technical assistance, if needed.

- 6 If an accommodation agreement cannot be reached or if the accommodation is being considered for "denial", the ADA Coordinator must forward the written request for accommodation, along with his/her recommendation to the appropriate Deputy Commissioner, who will review the request, the applicable documentation, along with the recommendations and will make the decision regarding how to proceed. The Deputy Commissioners may seek advice and consultation from various resources, if desired, prior to rendering the decision. All such decisions will be made as timely as possible and within reasonable timeframes.

- 7 If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.

- 8 The ADA Coordinator and Human Resources staff will first look for an equivalent vacant position in the Agency equivalent to the one presently held by the employee in terms of pay and other job status. If the employee with the disability is not qualified, with or without reasonable accommodation, for a vacant position (or a position the agency knows will become vacant within a reasonable period of time), the agency may reassign the individual as a reasonable accommodation to a lower graded vacant position for which the employee is qualified. If this occurs, the agency may not be required to maintain the employee's salary at the previous level.

The agency will also consider transfer, mobility, appointment, non-competitive and competitive opportunities.

The agency is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

- 9 If a request for accommodation is not approved, the ADA Coordinator shall inform the employee of the reason (s) for non-approval, in writing, within 3 working days of the decision.

B. Reasonable Accommodation – Job Applicant

<u>Step</u>	<u>Action</u>
1	The agency will notify all applicants of this policy and note that it is available in alternative formats, if desired.
2	When a request for accommodation is received from an applicant, the supervisor and appropriate Human Resources staff will discuss the needed accommodation and discuss possible alternatives with the applicant.
3	The supervisor and appropriate Human Resources staff will make a decision regarding the request for accommodation and take the necessary steps to ensure that any reasonable accommodation is provided.
4	If the supervisor and Human Resources staff are unable to make a definitive decision, for whatever reason, about providing the accommodation, or if the accommodation initially appears to not be reasonable, the Human Resources office will forward a written request for accommodation, along with his/her recommendations to the ADA Coordinator within 3 days following the applicant's request.
5	The ADA Coordinator will take the necessary steps to consult with the appropriate Deputy Commissioner regarding potential reasonable accommodations. If the accommodation is not approved, the ADA Coordinator will inform the applicant the reason for non-approval, in writing, within 3 working days of the decision.

C. Reasonable Accommodation – Job Applicant – Conditional Offer of Employment Made

<u>Step</u>	<u>Action</u>
1	Conditional job offer is made. Applicant notifies Human Resources office of need for job accommodation.
2	When a request for accommodation is received, discuss needed accommodation and possible alternatives with applicant.
3	Supervisor along with consultation with Human Resources and the ADA Coordinator makes determination regarding the request for accommodation and, if approved, takes the necessary steps to see that the accommodation is provided. If the accommodation is not approved, Procedure "D" below will apply.
4	All participants identified in this section will comply with the Pre-Hire Review procedure.

D. Procedure for Determining Undue Hardship

<u>Step</u>	<u>Action</u>
-------------	---------------

- | | |
|---|---|
| 1 | ADA Coordinator will provide an analysis of the requested accommodation and summarize key factors and a recommendation for a determination of undue hardship by consulting with the appropriate Deputy Commissioner and/or Commissioner |
| 2 | Determination of an “undue hardship will be made by considering:

a) nature and cost of the accommodation in relation to the size, financial resources and structure of the agency’s operation; and

b) impact of the accommodation on the nature and operation of the particular department. |

The recommendation to the respective Deputy Commissioner will be presented within 10 working days following employee request or within 3 working days following applicant request.

- | | |
|---|---|
| 3 | The Commissioner or appropriate Deputy Commissioner will provide a decision in writing to the ADA Coordinator within 10 working days or sooner, if practicable. |
|---|---|

Forms

Employee Request for Reasonable Accommodation
Healthcare Provider Report for ADA Reasonable Accommodation
Authorization for Release of Medical Information
ADA Accommodation Agreement
ADA Accommodation Denial

References

Minn. Stat. §43A.191



Employee Request for ADA Reasonable Accommodation Form

Employee Name: _____ Job Title: _____

Work Location: _____

This information may be used by an MDVA Human Resources representative, the MDVA ADA coordinator, MDVA legal counsel or any other person who is authorized by MDVA to receive medical information for Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA) purposes. 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, MDVA may refuse to provide reasonable accommodation.

NOTE: *The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by the law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information" as defined by GINA includes an individual's or family member's medical history, the results of an individual's or family member's genetic tests, the fact that an individual or family member sought or received genetic services and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving reproductive services.*

1. Please describe the nature of your physical, mental or sensory impairment(s) and what major life activity(s) is materially limited because of this impairment(s).

2. How does this limitation(s) affect your ability to perform the functions of your job?

3. Type of accommodation you are requesting:

<input type="checkbox"/> Making facility readily accessible	<input type="checkbox"/> Modification of equipment or devices
<input type="checkbox"/> Job restructuring	<input type="checkbox"/> Qualified reader or interpreter
<input type="checkbox"/> Part-time or modified work schedule	<input type="checkbox"/> Acquisition of equipment or devices
<input type="checkbox"/> Modification to a rule, policy or practice	<input type="checkbox"/> Other (specify):

Please describe in detail the accommodation you are requesting:

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

Employee Signature: _____ Date: _____



Healthcare Provider Report for ADA Reasonable Accommodation Form

Employee Name: _____ Date: _____

Employee's Work Location: _____

Employee's Job Title: _____

Healthcare Provider Contact Information

Name of Healthcare Provider completing this form (please print):

Name of Healthcare Facility:

Mailing Address: _____

Phone Number: () _____ Fax Number: () _____

You have been identified as the healthcare provider to consult regarding a medical condition that may require a workplace accommodation for the employee listed above. In order for the Minnesota Department of Veterans Affairs (MDVA) to fulfill our responsibility as an employer under the Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act (MHRA), we require information about the employee's medical condition from a licensed healthcare practitioner.

The Americans with Disabilities Act requires employers to provide reasonable accommodations to employees who are disabled. The Minnesota Human Rights Act defines a disabled person who may be entitled to a reasonable accommodation as any person who (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; or (2) has a record of such an impairment.

We are requesting that you **complete the following questions as thoroughly as possible** to assist in determining whether the employee has a disability and which major life activities are materially limited. In addition, please advise what accommodations, if any, you believe would enable the employee to perform his or her job functions. An *Authorization for Release of Medical Information for ADA Reasonable Accommodation* purposes and a copy of the employee's position description with his/her job functions are also included. **PLEASE DO NOT SEND COPIES OF MEDICAL RECORDS.**

After completion of this form, please return it to the employee for submission to MDVA Human Resources.

1. Does the employee have a physical, sensory or mental impairment or record of such impairment?
 YES NO

2. If yes, what is the impairment(s)?

3. Upon what objective data (i.e. physical examination, x-rays, laboratory tests, etc.) is your assessment of the impairment based? _____

4. Is the impairment(s) permanent? YES NO

5. If the impairment(s) is not permanent, how long do you anticipate it will last?

- Temporary (please indicate anticipated duration) _____
 Chronic (please indicate anticipated duration) _____

Please answer the following questions based on the limitations the employee has when his or her condition is in an active state and the limitations the employee experiences with or without mitigating measures. Mitigating measures include things such as medication, hearing aids, mobility devices, assistive technology, prosthetics and learned behavioral or adaptive neurological modifications. Mitigating measures do not include ordinary eyeglasses or contact lenses.

6. Does the impairment(s) materially limit one or more major life activities? YES NO
Note: "Materially limit" is less stringent than "substantially limit" and does not need to severely restrict an individual to be "materially limiting."

7. If yes, what major life activity(s) is affected? Major life activities include, but are not limited to, the following:

- | | | | | |
|--|-----------------------------------|------------------------------------|---------------------------------------|-----------------------------------|
| <input type="checkbox"/> Caring for oneself | <input type="checkbox"/> Walking | <input type="checkbox"/> Seeing | <input type="checkbox"/> Hearing | <input type="checkbox"/> Speaking |
| <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Reaching | <input type="checkbox"/> Breathing | <input type="checkbox"/> Learning | <input type="checkbox"/> Working |
| <input type="checkbox"/> Interacting with Others | <input type="checkbox"/> Sitting | <input type="checkbox"/> Sleeping | <input type="checkbox"/> Standing | <input type="checkbox"/> Lifting |
| <input type="checkbox"/> Concentrating | <input type="checkbox"/> Thinking | <input type="checkbox"/> Toileting | <input type="checkbox"/> Reproduction | |
| <input type="checkbox"/> Other (please describe) _____ | | | | |

8. Does the impairment(s) materially limit the operation of a major bodily function? YES NO
Note: "Materially limit" is less stringent than "substantially limit" and does not need to severely restrict an individual to be "materially limiting."

9. If yes, what bodily function(s) is affected? Bodily functions include, but are not limited to the following:

- | | | | | |
|---|--|---------------------------------------|--|---------------------------------|
| <input type="checkbox"/> Cardiovascular | <input type="checkbox"/> Hemic | <input type="checkbox"/> Circulatory | <input type="checkbox"/> Endocrine | <input type="checkbox"/> Brain |
| <input type="checkbox"/> Digestive | <input type="checkbox"/> Lymphatic | <input type="checkbox"/> Bladder | <input type="checkbox"/> Respiratory | <input type="checkbox"/> Bowel |
| <input type="checkbox"/> Normal Cell Growth | <input type="checkbox"/> Reproductive | <input type="checkbox"/> Neurological | <input type="checkbox"/> Genitourinary | <input type="checkbox"/> Immune |
| <input type="checkbox"/> Musculoskeletal | <input type="checkbox"/> Special Sense Organs and Skin | | | |
| <input type="checkbox"/> Operation of an individual organ within a body system such as the liver, kidney, or pancreas | | | | |
| <input type="checkbox"/> Other (please describe) _____ | | | | |

An employee with a disability is entitled to an accommodation when the accommodation is needed because of the disability and the accommodation will help the employee perform the essential functions of his or her job. The following questions are used to help determine whether a required accommodation is needed because of a disability.

10. What specific functional limitation(s) resulting from the impairment is interfering with the employee's job performance?

11. How does the limitation(s) affect the employee's ability to perform the job functions identified in his or her position description?

12. How long do you anticipate this limitation(s) will last? Please be specific.

13. Considering the employee's position description, what would you suggest as a possible accommodation(s) to allow the employee to perform his or her job functions?

14. Is the suggestion(s) listed in question #13 medically necessary? YES NO
If yes, please explain.

Healthcare Provider's Signature: _____ Date: _____



**Authorization for Release of Medical
Information for ADA Reasonable
Accommodation Form**

TO: _____
Name of Healthcare Provider

Address

City State Zip Code

RE: _____
Name of Patient Birthdate

Address

City State Zip Code

I hereby authorize _____ (Name of Healthcare Provider) to disclose to _____ (Name of MDVA Human Resources representative or ADA coordinator), or any other person who is authorized by my employer to receive medical information for ADA purposes, any information concerning my physical or mental condition that is necessary to determine whether I have a disability and to determine whether any reasonable accommodations can be made.

I also authorize _____ (Name of MDVA Human Resources representative or ADA coordinator), or any other person who is authorized by my employer to receive medical information for ADA purposes, to speak to my treating physician or healthcare provider directly in regard to any questions he/she may have with respect to my condition that relates to the performance of my job functions and any accommodations that may be necessary.

I understand that the requested data is for the above-mentioned purposes only, and that I may refuse to provide the requested medical information. However, I understand that if I refuse to provide the information, my employer may refuse to provide reasonable accommodations.

This authorization is valid for one year from the date indicated below or upon receipt of my signed written notice to withdraw my consent. A photocopy of this form is as valid as an original.

Signature of Patient Date



ADA Accommodation Agreement Form

Employee Name:	Date of Agreement:
Employee's Job Title:	
LIMITATION(S) IDENTIFIED:	
ACCOMMODATION(S) REQUESTED OR OFFERED:	
ACCOMMODATION(S) APPROVED:	
REVIEW DATE (if any): _____	
COMMENTS:	
SIGNATURES:	
Employee: _____	Date: _____
HR Representative: _____	Date: _____
ADA Coordinator: _____	Date: _____



ADA Accommodation Denial Form

Employee Name:	Date of Denial:
-----------------------	------------------------

Accommodation(s) Denied:

REASON(S) FOR DENIAL (may check more than one box):

- Accommodation Ineffective (Would not enable employee to perform his/ her essential job functions or provide an equal opportunity to enjoy the benefits and privileges of employment)
- Accommodation Would Cause Undue Hardship
- Medical Documentation Inadequate
- Accommodation Would Require Removal of an Essential Function
- Accommodation Would Require Lowering of Performance or Production Standard
- Employee does not have a disability as defined by the ADA or the MHRA
- Other:

DETAILED REASON(S) FOR THE DENIAL OF ACCOMMODATION:

NEXT STEPS:

- No additional steps needed. Process is complete.
- Request Additional Information
- Meet to Discuss Other Accommodation Options
- Explore Reassignment
- Terminate Employment
- Other:

COMMENTS:

SIGNATURES:

Employee: _____ Date: _____

HR Representative: _____ Date: _____

ADA Coordinator: _____ Date: _____

AFFIRMATIVE ACTION RECRUITMENT PLAN

The objective of MDVA's recruitment plan is to recruit and hire a qualified workforce that is representative of Minnesota's diversity. To meet this objective, MDVA has developed strategies to affirmatively recruit and hire diverse applicants, to enhance the image of MDVA employment and to actively pursue our department's affirmative action goals.

Listed below are various recruitment strategies utilized by the MDVA during the past year and projected recruitment strategies for 2012-2014.

A. Advertising Sources

Websites:

State of Minnesota – <http://www.careers.state.mn.us>

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

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

Smart Recruiters – <https://www.smartrecruiters.com>

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

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

Newspapers:

Minneapolis Star & Tribune

Hastings Gazette

Luverne Announcer

Rock County Star Herald

Pipestone County Star

Worthington Daily Globe

Duluth News Tribune

North Shore Journal

Two Harbors Chronicle

B. Job and Community Fairs

Minneapolis MLK Holiday Diversity Job Fair

DEED's Veterans Career Fair

Washington County Veterans Career Fair

Detroit Lakes Veterans Career Fair

St. Paul Veterans Career Fair

C. College and University Recruitment Events

St. Catherine University Job Fair

University of St. Thomas Multicultural Forum 2013 Career Fair

D. Recruitment for Persons with Disabilities

MDVA actively promotes the hiring of individuals with disabilities with additional emphasis on the hiring of veterans with disabilities. To attract qualified candidates with disabilities, MDVA provides recruiting materials in alternative formats.

E. Relationship Building and Outreach

MDVA continues to accomplish relationship building and outreach by hosting events to educate employers in regard to the value of hiring veterans which includes minority, women and disabled veterans. In partnership with the Minnesota National Guard, MDVA planned and presented "Leaders in Veteran Employment" seminars throughout the state with over 200 employers and human resource professionals attending. MDVA will continue these seminars in 2013. MDVA will also be attending and presenting at the 2013 Multicultural Forum on Workplace Diversity. MDVA will continue to increase their outreach to state Councils and community organizations that serve minorities, women, and individuals with disabilities.

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

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

AFFIRMATIVE ACTION RETENTION PLAN

Individuals Responsible for MDVA Retention Program/Activities

The Affirmative Action Officer, the Affirmative Action Officer designees and the Central Office Human Resources Director are responsible for overseeing MDVA's retention activities in conjunction with:

Veterans Health Care Division

Michael Gallucci, Deputy Commissioner of Veterans Health Care

Robin Gaustad, Senior Program Director of Veterans Health Care

Jon Skillingstad, Administrator, Minnesota Veterans Home – Fergus Falls

Andrew Burnside, Administrator, Minnesota Veterans Home - Hastings

Michael Bond, Administrator, Minnesota Veterans Home – Luverne

Dennis DeCosta, Administrator, Minnesota Veterans Home – Minneapolis

Carol Gilbertson, Administrator, Minnesota Veterans Home – Silver Bay

Veterans Programs & Services Division

Reggie Worlds, Deputy Commissioner of Veterans Programs & Services

Brad Lindsay, Senior Director of Programs and Services

Separation and Retention Analysis by Protected Group

Separation Chart for Women

Protected Group : Women						
EEO Job Group	Dismissal or Non-Certification	Resignation	Retirement	Layoff	Death	TOTAL
Officials and Administrators	0	3	0	0	0	3
Professionals	2	18	14	0	0	34
Technicians <i>(Including Paraprofessionals)</i>	18	74	9	1	0	102
Office/Clerical	1	5	1	0	0	7
Skilled Craft	0	0	0	0	0	0
Service Maintenance	3	16	4	0	0	23
TOTALS BY CATEGORY	24	116	28	1	0	169
TOTALS FOR AGENCY	38	157	37	2	2	236
PERCENTAGE BY CATEGORY	63.2%	73.9%	75.7%	50%	0%	71.6%

*The MDVA workforce is 69.6% female.

Separation Chart for Minorities

Protected Group : Minorities						
EEO Job Group	Dismissal or Non- Certification	Resignation	Retirement	Layoff	Death	TOTAL
Officials and Administrators	0	1	0	0	0	1
Professionals	0	4	0	0	0	4
Technicians <i>(Including Paraprofessionals)</i>	5	13	0	0	0	18
Office/Clerical	1	0	0	0	0	1
Skilled Craft	0	0	0	0	0	0
Service Maintenance	2	1	2	0	0	5
TOTALS BY CATEGORY	8	19	2	0	0	29
TOTALS FOR AGENCY	38	157	37	2	2	236
PERCENTAGE BY CATEGORY	21.1%	12.1%	0.5%	0%	0%	12.3%

*The MDVA workforce is 14.8% minority (includes only those who have disclosed racial/ethnic data).

Separation Chart for People with Disabilities

Protected Group : People with Disabilities						
EEO Job Group	Dismissal or Non- Certification	Resignation	Retirement	Layoff	Death	TOTAL
Officials and Administrators	0	0	0	0	0	0
Professionals	0	1	2	0	0	3
Technicians <i>(Including Paraprofessionals)</i>	0	0	0	0	0	0
Office/Clerical	0	0	0	0	0	0
Skilled Craft	0	0	0	0	0	0
Service Maintenance	0	0	0	0	0	0
TOTALS BY CATEGORY	0	1	2	0	0	3
TOTALS FOR AGENCY	38	157	37	2	2	236
PERCENTAGE BY CATEGORY	0%	0.06%	5.4%	0%	0%	0.01%

*The MDVA workforce is 1.2% persons with a disability (includes only those who disclosed disability status).

Methods of Retention for Protected Groups

The Affirmative Action Officer will collaborate with MDVA's Quality Council and Strategic Planning Committee on initiatives pertaining to employee satisfaction and workforce retention. This includes participation in follow-up on the Quality Council's annual Employee Satisfaction Survey.

MDVA will increase training opportunities for managers and supervisors on how to manage and resolve workplace conflict to include the use of alternative dispute resolution. MDVA will pursue transformative mediation to encourage effective communications and to move relationships between conflicting parties in a positive direction. MDVA will also promote the use of the Employee Assistance Program as another tool to resolve workplace disputes.

MDVA will offer a formalized conflict resolution procedure for employees who file complaints through the formal complaint procedure.

MDVA will continue to promote and maintain a respectful workplace environment by offering training to all employees. This training may include, but is not limited to, information on the following topics: New Employee Orientation, Equal Employment Opportunity, Sexual Harassment, and Anti-discrimination policies, Americans with Disabilities Act and Reasonable Accommodations, and Valuing Diversity.