

## MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

### STATEMENT OF COMMITMENT

I am committed to and support a work environment that is free of discrimination and which supports quality resident care and customer service, continued improvements in productivity, personal and professional growth, and employee job satisfaction.

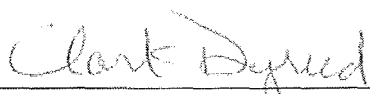
Discrimination in any employment matter based upon race, color, creed, religion, national origin, sex, marital status, and status with regard to public assistance, membership or activity in local commission, disability, sexual orientation, or age, is illegal and is prohibited. Further, retaliation is prohibited against employees who have acted in good faith in reporting discrimination within the Department.

This Department is committed to a discrimination – free work environment which includes:

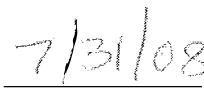
- Aggressive and continuous commitment to support the State's Affirmative Action efforts and implementation of the Department Affirmative Action Plan.
- Commitment to hiring, promoting, and retraining protected group individuals as provided in the Department Affirmative Action Plan.
- Respect for differences among employees, which encourages the consideration and use of different perspectives within daily work.
- A dedication of resources to retention, training, and development programs which will result in strengthening of the entire Department by nurturing the talents of individual employees.

Each work site shall continue to enhance its programs of affirmative action, 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.

The leadership for the Department in these matters will come from myself and the Deputy Commissioners, Senior Program Directors, Administrators and Program Directors, and the Chief Operating Officer. Questions regarding this plan may be addressed to the Chief Operating Officer at 651-297-5252(TTY:651-297-5353).



Clark Dyrud, Commissioner Minnesota Department of Veterans Affairs



Date

**I. ORGANIZATION: RESPONSIBILITIES, DUTIES, AND ACCOUNTABILITY; DISSEMINATION OF PLAN**

**A. ORGANIZATION**

With the recent consolidation of services provided to Minnesota Veterans, by merging the five Minnesota Veterans Homes with the Minnesota Department of Veterans Affairs, the State continues a long tradition of recognizing contributions of veterans.

The history of Minnesota's Veterans Homes began two decades after the Civil War out of a growing conviction that provisions should be made for those veterans who, because of wounds, disease, old age or infirmities, were unable to support and care for themselves.

There are five Minnesota Veterans Homes located throughout the state, each managed by an Administrator who reports directly to the Deputy Commissioner of Health Care. The Administrator of each of the facilities is responsible for implementing the Affirmative Action Plan; and does so by designating an Affirmative Action Officer at their respective facility.

The Minnesota Department of Veterans Affairs was established by the Minnesota Legislature in 1943 in order to consolidate and strengthen services provided to veterans and their families during the height of World War II. As needs of the returning veterans were recognized, it also became apparent that the needs of veterans of previous wars were often times neglected. The new Department was to consolidate the services and assistance provided to all veterans and their families.

The Chief Operating Officer is responsible for administration of the Affirmative Action Plan Department wide and serves as the Affirmative Action Officer for the Central Office. The Department is currently in the process of interviewing and hiring a dedicated individual to be responsible for Affirmative Action for the entire Department.

The Human Resource Directors are responsible for implementing the Affirmative Action Plan at their respective locations, as well as, being the designees responsible for Americans for Disabilities Act (ADA) compliance efforts.

The following individuals are designated as Affirmative Action Officers:

**MINNESOTA DEPARTMENT OF VETERANS AFFAIRS**

20 West 12<sup>th</sup> Street, Room 149

ST Paul, MN 55155

Nancy Dahl, Chief Operating Officer

651-297-5252

**FERGUS FALLS VETERANS HOME**

1821 N Park Street

Fergus Falls, MN 56537

Janine Conner, Human Resource Director

218- 736-0408

**HASTING VETERANS HOME**

1200 E. 18<sup>th</sup> Street  
Hastings, MN 55033  
Nancy Delmore, Human Resource Director  
651-438-8521

**LUVERNE VETERANS HOME**

1300 North Kniss  
Luverne, MN 56156  
Sandy Kelm, Human Resource Director  
507-283-1111

**MINNEAPOLIS VETERANS HOME**

5101 Minnehaha Avenue, South  
Minneapolis, MN 55417  
Christine Fisher, Human Resources Director  
612-721-0619

**SILVER BAY VETERANS HOME**

45 Banks Boulevard  
Silver Bay, MN 55614  
Gina Thompson, Human Resources Director  
218-226-6328

**B. RESPONSIBILITIES, DUTIES AND ACCOUNTABILITY**

**1. COMMISSIONER**

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

**DUTIES:** 1. To appoint an individual to oversee the implementation of the Affirmative Action Plan throughout the Department.  
2. To issue a written statement to all employees affirming support for equal opportunity, diversity, and the department's Affirmative Action Plan.

**ACCOUNTABILITY:** To the Governor

**2. DEPUTY COMMISSIONERS OF HEALTH AND PROGRAMS**

**RESPONSIBILITIES:** To carry out the Commissioner's Affirmative Action Plan and ensure implementation throughout the Department 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 Officers at each of the five facilities and the program offices.

2. To include responsibility statements for the Affirmative Action Plan in the position description of the designee.

3. To require Administrator's and Program Directors to include responsibility statements in the position descriptions of Affirmative Action Officers, Managers, and Supervisors at each of the work locations.

4. To take action on complaints of discrimination as outlined in Affirmative Action Plan complaint procedure.

**ACCOUNTABILITY:** To the Minnesota Department of Veterans Affairs Commissioner

### **3. DEPARTMENT AFFIRMATIVE ACTION DESIGNEE**

**RESPONSIBILITIES:** To implement the department's Affirmative Action Plan at the Central Office and to oversee the administration of the Affirmative Action Plan at each of the five residential facilities and program work sites.

**DUTIES:** 1. To administer the department's Affirmative Action Plan.

2. To advise the Commissioner on all matters related to affirmative action and equal employment opportunities.

3. To provide leadership and guidance to the facility Administrators, Program Directors and Affirmative Action Officers in carrying out the Affirmative Action Plan and in adhering to affirmative action principles in the decision-making process of all personnel functions (i.e. hiring, promotion, disciplinary actions, reallocations, transfers /separations, department/division classification studies).

4. To assist department staff in the recruitment of members of protected classes for consideration in filling vacancies.

5. To oversee and provide guidance for investigations of complaints of discrimination as outlined in the Affirmative Action complaint procedure.

6. To oversee the department's pre-hire review process as it applies to the Affirmative Action Plan.

7. To act as the department liaison with DOER ACCESS.

8. To revise the department's Affirmative Action Plan biennially.

**ACCOUNTABILITY:** To the Commissioner

### **4. ADMINISTRATORS/PROGRAM DIRECTORS**

**RESPONSIBILITIES:** To administer the Affirmative Action Plan at each of their respective facilities and work sites, in compliance with Federal and State law, rules, regulations and policies.

- DUTIES:**
1. To appoint an Affirmative Action Officer who shall be responsible for overseeing affirmative action activities at the facility/work site.
  2. To ensure the Affirmative Action Plan and policies and procedures are adhered to.
  3. To forward the Commissioner's written statement of commitment to all staff members.
  4. To require managers and supervisors to include responsibility statements for affirmative action in their annual objectives.
  5. To periodically report to the Deputy Commissioners the facility's/work site in implementing and administering the Affirmative Action Plan.
  6. To make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative action at the facilities/work sites, unless to do so would impose an undue hardship on the facility.

**ACCOUNTABILITY:** To the Executive Director

## **5. AFFIRMATIVE ACTION OFFICERS**

**RESPONSIBILITIES:** To administer the Department's Affirmative Action Plan at the facilities/work sites.

- DUTIES:**
1. To monitor the Affirmative Action Plan's objectives at the facilities/work sites.
  2. To assist managers and supervisors in understanding and meeting their affirmative action responsibilities.
  3. To ensure alleged discrimination complaints are investigated and written summaries of the issues and findings are maintained within the Department.
  4. To ensure that the Affirmative Action Plan is communicated to all staff through formal orientation and annual training.
  5. To determine the need for affirmative action and diversity training and to initiate and development of appropriate training programs.
  6. To review work site policies, procedures, programs and reasonable accommodations for people with disabilities and to oversee the Department's administration of the Americans with Disabilities Act.

**ACCOUNTABILITY:** To the facility Administrator, Program Directors and facility Human Resources Director directly; indirectly, to the Affirmative Action facilitator.

## **6. MANAGERS AND SUPERVISORS**

**RESPONSIBILITIES:** To ensure compliance with the Department's Affirmative Action Plan and to ensure equal treatment of all employees.

- DUTIES:**
1. To strive for a hostile-free work environment for all employees and take appropriate steps to correct conflict situations in the work unit.
  2. To work with Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunities.
  3. To hire and promote qualified protected class members where a disparity exists and to ensure equal treatment in all aspects of employment for each protected group.
  4. To communicate and demonstrate a personal commitment to the department's affirmative action plan to all employees in their area of responsibility.
  5. To discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
  6. To ensure the department's Affirmative Action Plan is accessible and communicated to their staff on an ongoing basis.

**ACCOUNTABILITY:** Facility administrators and Program Directors directly to Deputy Commissioners; all others to the facility Administrators directly and to the Affirmative Action facilitator indirectly.

## **7. ALL EMPLOYEES**

**RESPONSIBILITIES:** All employees shall be responsible for conducting themselves in accordance with the policies and procedures of this plan. Employees will refrain from any actions which would adversely affect the performance of a co-worker with respect to their race, color, creed, religion, national origin, sex, marital status, and status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

**ACCOUNTABILITY:** Directly to co-workers, immediate supervisors and Administrator/Program Director; indirectly to the Affirmative Action facilitator.

### **C. DISSEMINATION OF AFFIRMATIVE ACTION PLAN:**

The following steps will be undertaken to ensure that all employees are advised of, and understand the Minnesota Department of Veterans Affairs policy of nondiscrimination and the Commissioner's interest in actively and affirmatively providing equal opportunity in all employment practices.

#### **A. INTERNAL**

1. Copies of the Affirmative Action Plan will be furnished to the Deputy Commissioners, and to the Administrators, Program Directors, Managers, and Supervisors at each facility/work site. 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 department's operating policies.
2. The Affirmative Action Plan and the name and telephone number of the Affirmative Action Officer will be prominently displayed at each of the facilities/work sites on the bulletin board in the Human Resources Office and on the employee bulletin board at the Central Office. The Affirmative Action Plan may be posted in additional places at each facility/work site at the discretion of the Administrator/Program Director.
3. New employees will be informed of the Affirmative Action Plan, the name of the Affirmative Action officer, and the availability of the actual plan during the orientation period.
4. Affirmative action, diversity and sexual harassment training sessions will be conducted for managers and supervisors. Such training will be coordinated between the Affirmative Action Facilitator, the Affirmative Action Officers and Staff Development personnel.
5. Individual copies of the Affirmative Action Plan will be provided to employees upon request.

#### **B. EXTERNAL**

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

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4. The department will inform all persons and organizations with which it does business of the applicable non-discrimination and Americans with Disabilities Act compliance requirements.



**INTERNAL PROCEDURE  
FOR  
PROCESSING DISCRIMINATION COMPLAINTS**

**INDIVIDUALS RESPONSIBLE FOR DISCRIMINATION COMPLAINTS**

**MINNESOTA DEPARTMENT OF VETERANS AFFAIRS      NANCY DAHL,  
CHIEF OPERATING OFFICER  
651-297-5252**

**FERGUS FALLS VETERANS HOME      JANINE CONNOR,  
HUMAN RESOURCES DEPARTMENT  
218-736-0408**

**HASTINGS VETERANS HOME      NANCY DELMORE,  
HUMAN RESOURCES DEPARTMENT  
651-438-8521**

**LUVERNE VETERANS HOME      SANDY KELM,  
HUMAN RESOURCES DEPARTMENT  
507 – 283-1111**

**MINNEAPOLIS VETERANS HOME      CHRISTINE FISHER,  
HUMAN RESOURCES DEPARTMENT  
612-721-0619**

**SILVER BAY VETERANS HOME      GINA THOMPSON,  
HUMAN RESOURCES DEPARTMENT  
218 – 226 - 6328**

# MINNESOTA DEPARTMENT OF VETERANS AFFAIRS AFFIRMATIVE ACTION COMPLAINT FORM

1. Information on the Complainant (person filing the complaint)

Name \_\_\_\_\_ Job Title \_\_\_\_\_  
Department \_\_\_\_\_ Supervisor \_\_\_\_\_  
Work Location \_\_\_\_\_ Work Phone \_\_\_\_\_

2. Information on the Primary Respondent (person against whom you are filing the complaint)

Name \_\_\_\_\_ Job Title \_\_\_\_\_  
Department \_\_\_\_\_ Supervisor \_\_\_\_\_  
Work Location \_\_\_\_\_ Work Phone \_\_\_\_\_

Name of any Secondary Respondents involved in your complaint: \_\_\_\_\_

3. Information on the Complaint

I believe I was discriminated against because of my: (check all that apply).

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

If you filed this complaint with another organization, please give the name of the organization:

\_\_\_\_\_

Describe how you have been discriminated against or harassed. Give the names, dates, places and all of the pertinent information. Be as specific as you can.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Witness(s)

Name

Work Location/Phone

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_
- 7) \_\_\_\_\_

What resolution are you seeking?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The complaint is being filed based on my honest belief that I have been discriminated against or sexually 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.

This material is available in alternative formats, such as large print, Braille, computer diskette, or audio tape, or by calling 651-215-9010 (voice) or 651-297-5353 (TTY).

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Received by \_\_\_\_\_

\*Submit this form to the Affirmative Action Officer if the supervisor is the person you are filing against.

A-12-001-f (2/00; rev. 01/01)

## **POLICY:**

The Minnesota Department of Veterans Affairs prohibits discrimination or harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership in a local commission, disability, sexual orientation or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment.

In fulfilling the department's obligation to maintain a positive and productive work environment, the Affirmative Action Officer and all employees are expected to address or report any suspected harassment or retaliation.

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 Minnesota Department of Veterans Affairs and its employees apprised of any changes in the law or its interpretation regarding discrimination. The Affirmative Action Officer is also responsible for:

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

## **COMPLAINT PROCEDURES:**

Any employee, applicant or person eligible for employment at the Minnesota Department of Veterans Affairs who believes that she/he has experienced discrimination or harassment based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership in a local commission, disability, sexual orientation or age may file a complaint under this procedure.

An employee subjected to discrimination or harassment should bring the matter to the attention of, or file a complaint internally with, the Minnesota Department of Veterans Affairs Affirmative Action Officer. If the employee chooses, she/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. The employee may contact the Office of Diversity and Equal Opportunity at the Minnesota Department of Employee Relations for information regarding filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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 behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behavior in the workplace are also subject to disciplinary actions.

All complaints shall be investigated in a timely, impartial, and thorough manner. The Minnesota Government Data Practices Act governs the use of the information gathered during the investigation. All participants to an investigation are protected by law against acts of reprisal or intimidation

**REPORTING PROCEDURES:**

<b>Complaint/ Reporting Discriminatory Behavior based on Protected Class Status</b>	
<b>STEP</b>	<b>ACTION</b>
1	An employee, applicant or person eligible for employment who wishes to file a charge shall meet with the Affirmative Action Officer. The Affirmative Action Officer will meet with the employee, applicant or person eligible for employment, to determine if an internal investigation is necessary or if a fact-finding conference may resolve the issues.
2	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. The Affirmative Action Officer will explain employee rights to union representation during an investigation as provided by collective bargaining agreements and plans.
3	The Affirmative Action Officer will request that the charging party complete a complaint form and provide information and documentation necessary to the investigation.
4	All complaints must be resolved within a reasonable time frame (60 days).
	a. The Affirmative Action Officer will conduct a fair and impartial investigation into the allegations of the charge.
	b. The Affirmative Action Officer will complete a written summary of the investigation. Summaries will be provided to appropriate management staff for review. Management is responsible to initiate disciplinary action. Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline.
	c. The Affirmative Action Officer will report findings to management and report will be completed no later than 60 days of the date the complaint was signed.
	d. The Affirmative Action Officer will provide memorandums to the charging party and the Respondent notifying them the investigation has been completed.
	e. Appeals of the finding will be processed by the Affirmative Action Officer who will respond within fifteen (15) days of their receipt.

<b>Complaint/ Reporting Discriminatory Behavior based on Sexual Harassment</b>	
STEP	ACTION
1	Supervisors and managers are responsible for taking effective action and reporting all instances of alleged sexual harassment to the Affirmative Action Officer immediately. The manager or supervisor should document all conversations with an employee who reports sexual harassment incidents to them.
2	The Affirmative Action Officer will initiate an impartial and thorough investigation. When the initial facts indicate that there have been allegations of violence, or physical contact, it may be advisable to institute an investigative leave for the alleged harasser.
3	The Affirmative Action Officer will request that the charging party complete a complaint form and provide information and documentation necessary to the investigation. <b>NOTE:</b> 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 required.
4	Even when an employee tells the employer that they do not want the employer to take any action on incidents of sexual harassment the employer must investigate promptly and thoroughly.
5	All complaints must be investigated within a reasonable time frame (30 days).
6	A notice of a sexual harassment complaint will be sent to the appropriate union unless the employee requests the union not be advised. If the employee 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 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.
7	Within thirty (30) calendar days of the investigation's completion, if the complaining employee has requested the union's involvement in the complaint, the Union's representative shall be provided notice of completed investigation.
8	The complaint may be referred to Equal Opportunity Division of the Department of Employee Relations for review within twenty-one (21) calendar days of the response.

**FORMS:**

Affirmative Action Complaint (A-12-001)

Affirmative Action Charging Party/Witness Data Practices Notice (A-12-002)

Affirmative Action Respondent Data Practices Notice (A-12-003)

Guidelines for Charging Parties (A-12-012)

Interview Report (A-12-013)

**REFERENCES:**

Minn. Stat., Ch. 363 (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

**DISTRIBUTION:**

Administrators/Program Directors; Human Resources

Approved: /s/  
Commissioner, Minnesota Department of Veterans Affairs

Dated:

Date Previously Approved: 11/24/99

AOP: 07/08 (11/99)

# MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

## PRINTABLE UTILIZATION ANALYSIS CHART

### UTILIZATION ANALYSIS for a State Agency

	Protected Group <u>Women</u>					
EEO Job Group	A	B	C	D	E	F
	Total Number in Group	Total Number of <u>Women</u> in Group	% <u>Women</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	21	12	57.14%	37.8%	8	0
Professionals	294	214	72.79%	53.8%	158	0
Technicians	111	91	81.98%	63.1%	70	0
Protective Services						
Paraprofessionals	443	319	72.01%	87.5%	388	69
Office/Clerical	69	58	84.06%	67.7%	47	0
Skilled Craft	28	1	3.57%	7.8%	2	1
Service Maintenance	281	180	64.06%	43.6%	122	0

#### Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

D = Availability % (from the Census data)

E = Column A multiplied by Column D (rounded numbers)

F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.



# MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

## PRINTABLE UTILIZATION ANALYSIS CHART

### UTILIZATION ANALYSIS for a State Agency

EEO Job Group	Protected Group <u>Minorities</u>					
	A	B	C	D	E	F
	Total Number in Group	Total Number of <u>Minorities</u> in Group	% <u>Minorities</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	21	2	9.52%	5.1%	1	0
Professionals	294	37	12.58%	8.0%	24	0
Technicians	111	27	24.32%	6.8%	7.8	0
Protective Services						
Paraprofessionals	443	150	33.86%	18.2%	81	0
Office/Clerical	69	9	13.05%	8.2%	6	0
Skilled Craft	28	3	10.71%	7.1%	2	0
Service Maintenance	281	74	26.34%	14.3%	40	0

#### Column Instructions for the Utilization Analysis

**A** = Total number of employees in the job group

**B** = Total number of protected group in the job group

**C** = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

**D** = Availability % (from the Census data)

**E** = Column A multiplied by Column D (rounded numbers)

**F** = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

# MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

## PRINTABLE UTILIZATION ANALYSIS CHART

### UTILIZATION ANALYSIS for a State Agency

EEO Job Group	Protected Group <u>Disability</u>					
	A	B	C	D	E	F
	Total Number in Group	Total Number of <u>Disabled</u> in Group	% <u>Disable</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	21	1	4.76%	11.31%	2	1
Professionals	294	6	2.04%	10.88%	32	26
Technicians	111	3	2.70%	11.52%	13	10
Protective Services	-					
Paraprofessionals	943	4	0.40%	10.863%	48	44
Office/Clerical	69	2	2.90%	11.56%	8	6
Skilled Craft	28	0	0%	11.55%	3	3
Service Maintenance	281	5	1.78%	11.37%	32	27

#### Column Instructions for the Utilization Analysis

**A** = Total number of employees in the job group

**B** = Total number of protected group in the job group

**C** = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

**D** = Availability % (from the Census data)

**E** = Column A multiplied by Column D (rounded numbers)

**F** = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

## **PROGRAMS AND PROGRAM OBJECTIVES**

Affirmative Action Programs and program objectives are developed using an Department strategic planning process. This process is a collaborative process involving the Deputy Commissioners, Senior Program Directors, Administrations and Program Directors as well as other department employees. The ultimate objective being the department, the facilities, and programs move more in concert and closer to greater diversity and understanding of diversity within the organization.

### **PROGRAM INITIATIVES:**

**CAREER DEVELOPMENT (INCLUSIVE OF INTERNSHIPS) :** All employees are encouraged to prepare Individual Career Development Plans (ICDP's) which will identify specific goals and steps to be taken by individual employees and supported by the department which will "grow" and "develop" current employees to meet the changing needs of the future of the organization. The ICDP process is periodically monitored to assure that there is no disparate or discriminate treatment of protected group members as the process is implemented.

**CULTURAL DIVERSITY:** Each facility and program within the department develops a program specific to their work site which (1) creates a need for diversity within the work site; (2) shapes a vision of diversity for each work site; (3) mobilizes a commitment to diversity; (4) changes systems and structures which support diversity or individualize diversity in our management practices such as hiring, training, staffing, performance reviews and communications; and (5) makes diversity last.

**CHANGING ORGANIZATIONAL CULTURE:** Each work site will develop a process that will: (1) define and clarify the concept of cultural change; (2) articulate why cultural change is central to business success; (3) assess the current culture, the desired future culture, and the gap between the two; (4) identify alternative approaches to creating culture change; and (5) build an action plan that integrates multiple approaches to culture changes.

## **AFFIRMATIVE ACTION AUDIT PROCESS**

In accordance with 41 CFR Part 60 – 2, subpart B, the Minnesota Department of Veterans Affairs will submit a periodic reports to the Department’s Program Directors and Department of Employee Relations specific to key areas of the Affirmative Action Plan. The report contains at a minimum dialog on the following subject areas:

1. A determination of whether the facility has successfully implemented the Affirmative Action Plan.
2. A determination of compliance with complaint investigations and requirements addressing concerns of protected groups.
3. An evaluation of attainment of Affirmative Action goals.
4. Identification and analysis of job groups that reflect adverse impact.
5. An evaluation of purpose, frequency, and quality of contacts with community organizations which serve as potential recruitment/referral services for protected groups.
6. A records review which demonstrates the facility uses all potential resources for making hiring decisions; evidence for determining which employee had better qualifications for hiring, vacancy filling, and promotional decisions.
7. Annual review and revision of affirmative action policies and procedures.
8. An evaluation of management and supervisory participation in the affirmative action process.

The Program Directors and the Commissioner will review reports and recommendations for revising the strategic plan to assure Affirmative Action goals are met and the Affirmative Action Plan is fully implemented.

## **WEATHER EMERGENCIES**

The Minnesota Department of Veterans Affairs operates as a twenty-four hours a day, seven days a week continuous operation. The continuous operation of the residential facilities dictates that the operations are essential and must continue despite weather emergencies. All employees of the residential facilities are notified during orientation and periodically throughout the year that their presence is essential to the operation of the facility; and they will be expected to try 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 during a weather emergency will be addressed and the needs of the residents entrusted to our care will be met. Employees of the services side of the operation are not considered essential employees and will be notified of weather related emergencies pursuant to the State weather related alert system. Program Directors for services maintain telephone trees for notification.

## **BUILDING EVACUATION**

Each residential facility has a detailed plan for building evacuation which includes the safe evacuation of both residents and staff. The plan particularly identifies the manner in which all staff and residents will be located and removed from the facility. This plan particularly addresses individuals with physical, communication, visual and hearing disabilities. The plans meet the standards identified by the American National Safety Institute; and, the Federal and State regulations for Longterm Healthcare Facilities. Building evacuation plans are part of every employees' orientation program, mandatory annual training plans and are practiced at least quarterly.

Program building areas each have an evacuation plan in place which includes the safe evacuation of both employees and consumers. The plan particularly identifies the manner in which all staff and consumers will be located and removed from the building. This plan particularly addresses individuals with physical, communication, visual, and hearing disabilities. Building evacuation plans are part of every employee's orientation program and annual training plans.

Minnesota Department of Veterans Affairs

**Agency Operating Policy**

**Affirmative Action Plan:  
Workplace Violence Prevention Policy and Plan**

**OBJECTIVE:**

To maintain an environment which is free from threats and acts of violence. The department will not tolerate acts of violence of any type, from any source. This includes threatening or violent actions by or to employees, residents, their family members, volunteers or any guests on our work sites.

**DEFINITIONS:**

Violence: the abusive or unjust exercise of power, intimidation, harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering or death.

Workplace violence generally falls into three categories:

1. A violent act or threat (perceived or real) by a current or former employee, supervisor or manager or someone who has some involvement with a current or former employee, such as an employee's spouse, significant other, relative or another person who has had a dispute with an employee.
2. A violent act or threat (perceived or real) by someone receiving service from the department.
3. A violent act by someone totally unrelated to the work environment. The purpose of the visit is to commit a criminal act such as robbery or bombing.

Weapon: any instrument or device which, through its use, is capable of threatening or producing bodily harm to others or self. Weapons include, but are not limited to:

1. firearms, including rifles, pistols, hand guns, air guns, pellet guns or stun guns;
2. except for the following that have been pre-approved by a supervisor to perform work assignments, knives with blade lengths of more than three inches, swords or switchblades;

3. any object that is a facsimile of a real, functioning weapon, which a reasonable person could interpret as real;
4. any other instrument or device which the person intends to use as a weapon.

**POLICY:**

It is the responsibility of this department and its managers, supervisors and employees to maintain a work site free from threats and acts of violence. The department will continue to provide a safe place for employees, residents and guests. Everyone who works on, lives at or visits a department site will be treated with courtesy and respect. This will continue to be accomplished by encouraging mutual respect among all individuals, establishing open, honest and appropriate communication, and enforcing "zero tolerance" for any type of violent behavior.

The department's policy on work-related violence includes:

1. The department will continue to actively work to prevent and eliminate acts of work-related violence.
2. The department will continue to clarify and enforce expectations regarding behaviors for employees, residents, volunteers and guests.
3. The department will continue to respond promptly, positively and aggressively when dealing with threats or acts of violence. This response will include timely involvement of law enforcement agencies, when appropriate.
4. The department prohibits possession of firearms and other dangerous weapons in the workplace or on the premises.
5. Incidents of work-related threats or acts of violence will continue to be treated seriously by the department. Reports of all such acts are promptly investigated and management will take action, as necessary, to appropriately address each incident.
6. The department will take strong disciplinary action up to and including discharge from State employment, against employees of the department who are involved in the commission of work-related threats or acts of violence.
7. The department will support criminal prosecution of those who threaten or commit work-related violence against its employees or visitors to its work environment.
8. For all of its locations, the department will continue to provide information and training for staff to foster a 1) safe work environment, 2) respectful work environment, and 3) an

environment that is proactive and able to be responsive to threats (perceived or real) in the workplace.

**A. PREVENTION PLAN**

**1. The department will continue to provide for a safe environment at all of its locations.**

The department is committed to ensuring that each work site provides for the safety of its residents, family members of residents, employees and visitors. Each work site's "Disaster Plan" or "Emergency Preparedness Plan" shall address the physical security requirements and include procedures for appropriate response to threats and acts of violence.

**2. The department will continue to work toward positively affecting the attitudes and the behavior of its employees with a goal of reducing the potential for internal workplace violence.**

A. Behaviors and Interactions: Clear expectations of behaviors and interactions for employees, customers and guests in the workplace are established by virtue of this policy. They include a zero tolerance for behaviors such as name-calling, using inappropriate or offensive references, obscene language or gestures, throwing things, pushing, stalking, bullying, hazing, unjust exercise of power, negative racial or sexual comments, violent acts of hate such as assault or striking others, inappropriate touching, carrying weapons, making "fun" or showing disrespect for others within the workplace or at functions outside the work place.

B. Maintaining a low-risk environment: Department managers and supervisors are expected to promote positive behavior, and to lead by example, by treating employees with respect and dignity. Emphasis is placed on creating a workplace where the established standards of conduct are clearly communicated and consistently enforced and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.

C. All staff training: Appropriate to their positions, all department staff will continue to be provided with training on managing conflict. Training will focus on prevention and de-escalation of violence, suggestions for appropriate responses to threats and acts of violence, and resources that are available once a potential problem has been identified or an incident has occurred.

Other training and information that foster a positive workplace environment such as enhanced communication or stress management, etc. will continue to be made available.



- D. Employee Counseling and Assistance: The department encourages use of the State of Minnesota Employee Assistance Program (EAP). EAP is primarily an assessment, short-term counseling and referral agency. While supervisors, union representatives, or family members may encourage employees to seek help from EAP, the decision to use its services must be a voluntary one. Employees may also choose to seek assistance from private health services to deal with pressures, stress, emotional problems or other personal issues which could, if ignored, lead to threats or acts of violence.
- E. Safety Promotion: Information and instruction for responding to potential safety threats is posted for department employees, residents, family members of residents and all other guests regarding appropriate response to potential safety threats.
- F. Valuing and Respecting Diversity: The department values and respects individual differences among people. Harassment of any person is strictly prohibited. Harassment can be any behavior, when:
- Submission to such conduct is explicitly or implicitly made a term or condition of employment;
  - Submission to, or rejection of, such conduct is used as the basis for employment decisions;
  - Such conduct has the primary purpose or effect of unreasonably interfering with an employee's performance, or of creating an intimidating, hostile or offensive working environment.

Harassment of residents is covered separately under each facility's policies and procedures (*see particularly* Vulnerable Adults policies).

Harassment and discrimination are serious concerns. Incidents of this nature, if not corrected, may result in violence. As stated in the Department Affirmative Action Plan and Department Operating Policy, complaints of alleged harassment or discrimination will be promptly investigated and, as necessary, appropriate disciplinary action will be taken.

**3. The department will continue to attempt to limit violence from external sources by positively affecting the attitudes and the behavior of its customers.**

The department will continue to focus on the delivery of the highest quality of service possible to its residents and clients. In doing so, and by treating residents/clients and their families with respect and dignity, the potential for workplace violence from external

sources should be greatly reduced.

**4. The department prohibits possession of dangerous weapons at any of its locations.**

The possession of any dangerous weapon at any department location is strictly prohibited. This is excepted for law enforcement officers only.

**B. RESPONSE TO VIOLENCE**

**The department response to threats of violence and actual incidents of violence.**

A. Supervisory responsibilities: Department managers and supervisors have primary responsibility for ensuring a safe work environment. Managers and supervisors are specifically empowered to take immediate action to resolve or stabilize violent situations and to protect people from harm. They are to ensure that, when a threat is made or a violent incident occurs, an appropriate response is immediately taken. Also supervisors and managers are to ensure that appropriate disciplinary responses to violence and aggression are taken. Supervisors and managers will carry out these responsibilities with the assistance of human resources staff and, as appropriate, other state and local government officials.

B. Reporting threats or acts of violence: All incidents should be reported to the Person in Charge of the work site and the human resources office. Standard incident reporting processes outlined in each work site's policies/procedures are to be followed. All incidents are to be fully investigated by department management with assistance from human resources and, as appropriate, with assistance from other state and local agents.

A full written report is to be provided to the Commissioner/Deputy Commissioner and the department Human Resources Director. This report will document the incident and the management follow-up actions.

Media inquiries regarding incidents of violence will be handled by the Communications Director.

Law enforcement agencies and emergency medical personnel should immediately be contacted, as necessary.

**C. DEPARTMENT SITE PLAN**

The Minnesota Department of Veterans Affairs has multiple work sites. Administration of this policy and plan will be consistent and in a manner characteristic of all other department operating policies. Each administrator/program director will develop procedures for implementation at their respective work site which will be communicated to employees, residents and volunteers in conjunction with this policy and plan.

## **D. CRITICAL INCIDENTS STRESS DEBRIEFING**

1. Critical incidents are defined as:
  - a. Any violent incident which results in death, great bodily harm or substantial bodily harm.
  - b. Any violent incident in which deadly force is used by an employee or against an employee (e.g. use of weapons, physical assault, bombs, etc.).
  - c. Any violent incident deemed serious enough by the circumstances to warrant investigation and review. Examples include: hostage situations, pursuits, sudden death or serious injury to a resident, a difficult rescue effort, a victim with overwhelming traumatic injuries, natural disasters or mass casualty incidents, threats of violence to an employee or group of employees, suicides, death or injury of a person known by employees, extremely hostile encounters, several difficult incidents within a short period of time.
2. All critical incidents are to be reported immediately to the "person in charge" and the Deputy Commissioner. The "person in charge" shall refer to the Disaster Plan or Emergency Preparedness Plan for follow-up.
3. **Debriefing Process:** the debriefing process has three parts:
  - a. initial ventilation of feelings by affected employees to a designated debriefer. The debriefer is someone assigned by the Administrator/Program Director to listen and assess employees' reactions to a critical incident. This person would normally come from the States EAP but could be a staff social worker, counselor, chaplain, or other such qualified employee.
  - b. follow-up debriefing sessions will be convened as necessary. These are more detailed discussions between the affected employees and the debriefer about the incident and are to provide reassurance and support
  - c. closure to the debriefing process will include the mobilization of resources, a plan of action and referrals when necessary.
4. Debriefing is not intended as therapy or counseling. It is to provide an opportunity for education, ventilation and reassurance and to provide an avenue for screening and referral. It should serve as a form of helpful intervention during a critical incident. No employee will be required to participate. Information given during the debriefing will be kept confidential to the extent possible under the Minnesota Government Data Practices Act.
5. Responses to a critical incident can include the following: paid administrative leave time, professional counseling, referral to EAP, relocation of employees on a temporary basis if site

is not habitable, reassignment of employees to different work sites.

#### **E. IMPLEMENTATION PLAN**

This policy will be reviewed at orientation for new employees and volunteers, and will be part of annual mandatory training for current employees and volunteers. Additionally, this policy shall be posted on public bulletin boards at each work site. Managers and supervisors are responsible for orientation/training employees of this policy and plan and for enforcing compliance.

The department will continue to provide information about the services available through the EAP to help employees deal with concerns and issues related to workplace and family violence. Training needs will continue to be assessed and training sessions for staff will continue to be made available.

Managers and supervisors have primary responsibility for ensuring a safe workplace, for monitoring and resolution of employee conflicts or disputes, for taking appropriate corrective action when potentially violent situations develop, and for working with human resources staff and other appropriate agencies when threats or acts of violence do occur.

#### **FORM:**

AAP Workplace Violence Policy Acknowledgement Form (A-13-007)

**REFERENCE:** Minn. Stat. §15.86.

Approved: /s/  
Commissioner  
Minnesota Department of Veterans Affairs

Date:

Date Previously Approved: 12/17/99

AOP: AAP-07/08 (12/99)

**INDIVIDUALS RESPONSIBLE  
FOR COMPLIANCE WITH  
AMERICAN FOR DISABILITIES ACT**

**MINNESOTA DEPARTMENT OF VETERANS AFFAIRS: NANCY DAHL  
651-297-5252**

**FERGUS FALLS VETERANS HOME: JANINE CONNOR 218-736-0408**

**HASTINGS VETERANS HOME: NANCY DELMORE 651-438-8521**

**LUVERNE VETERANS HOME: SANDY KELM 507-283-1100**

**MINNEAPOLIS VETERANS HOME: CHRISTINE FISHER 612-721-0619**

**SILVER BAY VETERANS HOME: GINA THOMPSON 218-226-6328**

# MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

## Department Operating Policy

### Affirmative Action Plan: Reasonable Accommodations-- Americans with Disabilities Act

#### OBJECTIVE:

To ensure agency compliance with the reasonable accommodations requirements of the Americans with Disabilities Act.

#### DEFINITIONS:

ADA Coordinator: the Americans with Disabilities Act Coordinator is the Affirmative Action Officer or designee for the work site or central office.

ADA-Qualified Individual: one who could perform all essential functions of the position with or without reasonable accommodation.

Person with a Disability: for purposes of this policy, a person with a disability is one who: a) has a physical 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 an impairment.

Reasonable Accommodation: a reasonable accommodation is any modification or adjustment to a job, an employment practice or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. The department 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 work sites 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: an action that is unduly costly, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the agency.

**POLICY:**

**This policy applies to applicants, employees and employees seeking promotional opportunities.**

The Minnesota Department of Veterans Affairs is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is central to non-discrimination. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. This department will accommodate ADA-qualified individuals with physical, sensory or mental disabilities under this policy if the accommodation is reasonable and accommodation would not impose an undue hardship.

Funding for reasonable accommodations which do not cause an undue hardship must be provided by the agency.

**PROCEDURES:**

A. Reasonable Accommodation - Existing Staff

Step      Action

- 1      The department will inform all employees of this accommodation policy in accessible formats.
- 2      The employee shall inform his or her manager or supervisor of the need for an accommodation. An "Employee Request for Reasonable Accommodation" form should be completed.
- 3      The department 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. Supervisors and managers will not be told or have access to medical information unless the disability might require emergency treatment.
- 4      When a qualified individual with a disability has requested an accommodation, the agency will, in consultation with the individual: Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary. The department will determine the precise job-related limitation, identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job. The department will select and implement the



accommodation that is the most appropriate for both the individual and the department. While an individual's preference will be given consideration, the department is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

- 5 The agency's ADA Coordinator/Designee will work with the supervisor and employee to obtain technical assistance, as needed.
- 6 If the supervisor is unable to make a definitive decision, for whatever reason, about providing the accommodation, the supervisor will forward a written request for accommodation along with his/her recommendation to the site's Human Resources office within 5 working days following the employee's request.
- 7 If Human Resources is unable to make a definitive decision, for whatever reason, about providing the accommodation, the manager/supervisor will forward a written request for accommodation, along with his/her recommendations, to the agency ADA Coordinator within 5 working days following receipt of the employee's request.
- 8 If the ADA Coordinator is unable to make a definitive decision about providing the accommodation, the ADA Coordinator will forward a written request, along with his/her recommendations to the executive director within 10 working days from the date the request was received from the manager/supervisor.
- 9 The Deputy Commissioner will provide a decision in writing to the ADA Coordinator and employee within 10 working days.
- 10 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.

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

The department will look at transfer, mobility, appointment, non-competitive and competitive opportunities.

The department 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.

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

#### B. Job Application Process

<u>Step</u>	<u>Action</u>
1	The Department shall notify all applicants of this accommodation policy using accessible formats.
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, if approved, take the necessary steps to see that the 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, 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	If approved, the ADA Coordinator will take the necessary steps to see that the accommodation is provided. 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 Applicants – 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	<i>See also</i> Agency Operating Policy: Pre-Placement Physical Examinations, for appropriate job classes.

- 4 Supervisor makes determination regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, inform the applicant of the reason for non-approval, in writing, within 3 working days of the decision.
- 5 All participants identified in this section will comply with the Pre-Hire Review procedure.

D. Procedure for Determining Undue Hardship

Step Action

- 1 Affirmative Action Officer requests determination of undue hardship.
- 2 Administrator/Program Director determines undue hardship 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.

If the ADA Coordinator believes the accommodation will impose an undue hardship, he/she will forward an undue hardship analysis and recommendation to the Deputy Commissioner within 10 working days following employee request or within 3 working days following applicant request.

- 3 Deputy Commissioner to provide a decision in writing to the ADA Coordinator and employee within 10 working days or applicant

**FORMS:**

ADA Government Data Practices Notice (A-13-006)  
 ADA Authorization for Release of Medical Information (A-13-005)  
 ADA Employee Request for Reasonable Accommodation (A-13-004)

**REFERENCES:**

Minn. Stat. §43A.191 (c)

Date Previously Approved: 12/7/99

AOP: AAP - 07/08 (12/99)

## Employee Request for Reasonable Accommodation

Employee Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Date of Request: \_\_\_\_\_ Division: \_\_\_\_\_

This information will be used by \_\_\_\_\_ or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MIIRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however, if you refuse to provide it, your employer may refuse to provide reasonable accommodations.

1. Please describe the nature of your limitations, what life activity(s) is substantially limited, and how this life activity(s) is substantially limited.

2. How does it affect your ability to perform your job?

3. Type of accommodation you are requesting:

- |   |   |
|---|---|
| <input type="checkbox"/> Making facilities 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 essential functions of your job?

5. Additional comments:

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

**Letter Requesting Documentation for Determining ADA Eligibility  
From a Medical Provider**

Date

Doctor's Name and Address

Re: [Employee Name]

Dear Dr. \_\_\_\_\_:

Your patient, \_\_\_\_\_, is an employee of our Department and has requested a reasonable accommodation for his/her disability. In order to **fulfill** our responsibility as an employer under the Americans with Disabilities Act, specific information is being requested at this time. A Release of Information is attached to this document.

**Please do not send copies of medical records.** We are not authorized to have medical records and are not qualified to interpret them. Please read through all of the attached questions and answer them to the best of your ability. Thank you in advance for your prompt reply to this brief inquiry. If you prefer to discuss this on the telephone, please feel free to contact me at

\_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_

## Medical Provider Report for ADA

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

Name of Employee: \_\_\_\_\_

Name of Person Completing This Form: \_\_\_\_\_

“An individual with a disability is a person has a physical or mental impairment that substantially limits one or more major life activities.”

1. Does this individual currently have a physical or mental impairment?

If yes, what is the diagnosis? \_\_\_\_\_

2. Does this impairment substantially limit one or more major life activities? (Major life activities are those which an average person can perform with little or no difficulty, such as walking, talking, hearing, seeing, thinking, concentrating, working with others, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe the nature, severity and anticipated duration of the impairment.

Temporary (explain) \_\_\_\_\_  
\_\_\_\_\_

Temporary but will take longer than normal to heal (explain) \_\_\_\_\_  
\_\_\_\_\_

Anticipated healing period \_\_\_\_\_

Temporary with residual effects (explain) \_\_\_\_\_  
\_\_\_\_\_

Permanent

Chronic (explain) \_\_\_\_\_  
\_\_\_\_\_

4. If your response to questions 1 and 2 is that the employee has an impairment that substantially limits one or more major life functions, please list what, if any, medications and/or other corrective measures are currently prescribed to control or eliminate the individual's symptoms and/or limitations. Please describe how the impairment is mitigated and include information about any side effects that the individual experiences in light of the use of the medications and/or corrective measures outlined.

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5. Please list any specific functional limitations resulting from the impairment.

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6. The essential functions of this individual's current job include:

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7. How do the functional limitations listed impact the individual's ability to perform the essential functions identified?

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8. If you answered "Yes" to question #1, are there any reasonable accommodations you would suggest that may enable him/her to perform the essential functions identified? If so, what suggestions do you have?

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Doctor's Signature: \_\_\_\_\_

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

## Authorization for Release of Medical Information for ADA

TO: \_\_\_\_\_  
Name of Medical Provider

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

RE: \_\_\_\_\_  
Name of Patient Birthdate or SSN

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

I hereby authorize \_\_\_\_\_  
Medical Provider

to disclose to \_\_\_\_\_, or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA purposes any information concerning my physical or mental condition, that are necessary to determine whether I have a disability and to determine whether any accommodations can be made.

I also authorize \_\_\_\_\_, or any other person who is authorized by my employer to handle medical information for ADA purposes, to speak to my treating physician or health care provider directly in regards to any questions he/she may have with respect to my condition that relates to the performance of the essential functions of my job and any accommodations that may be necessary.

I understand that the requested data is for the above-mentioned purposes, 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 is as valid as an original.

\_\_\_\_\_  
Signature of Patient

\_\_\_\_\_  
Date



## Reasonable Accommodation Agreement

Employee name: \_\_\_\_\_

Job title: \_\_\_\_\_

Division or department: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Date of reasonable accommodation request: \_\_\_\_\_

Limitation(s) identified:

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Accommodation requested:

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Accommodation approved:

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Review date (if any): \_\_\_\_\_

<u>Signatures</u>	<u>Date</u>
Employee:	
Supervisor:	
ADA Coordinator:	

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## Reasonable Accommodation Process Checklist

(with helpful hints along the way)

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1. Do you have medical documentation or other reliable, objective information to believe that the employee has an impairment?

- Yes  
 No

If yes, go to step 2. ↘

If no, there is no reason to believe that the employee has an impairment that requires a reasonable accommodation. The process does not begin.

Note: If a supervisor notices a performance problem or other behavior that could be the result of an impairment, the supervisor may ask the employee if there is any way that the supervisor can assist the employee in the performance of the job tasks.

2. Check all that may be answered with a "yes".

- Does the employee have an impairment that substantially limits a major life activity?  
 Does the employee have a record of such an impairment?  
 Is the employee regarded as having such an impairment?

If the employee has an impairment that is substantially affecting a major life activity, go to step 3. ↘

If the employee has no physical, mental or sensory impairment or no history of such an impairment, then there is no need for a reasonable accommodation.

Note: Even if the employee has a record of such an impairment, if there are no current restrictions or limitations on a major life activity, then there is no need for an accommodation.

Note: If the employee is regarded as having such an impairment, advise the supervisor that the employee must be treated the same as other employees in all aspects of employment. Only if there is an *observable basis* for believing that the employee has an impairment that is affecting job performance may the supervisor inquire about the need for some on-the-job accommodation.

Definition: "Major life activities" are "those basic activities that the average person in the general population can perform with little or no difficulty." Examples of these activities include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting and reaching.

3. Do you have the medical documentation to substantiate that a disability exists?

- Yes  
 No

If you have the necessary medical information, proceed to step 4. ↘

You need information to substantiate the disability and the requirement of a reasonable accommodation.

1. Be sure to have the employee sign a medical release form before requesting medical information
2. Have the medical provider indicate what major life activity(ies) is limited
3. Keep all medical information in a file that is separate from the employee's personnel file. This information is private.

4. Do you have a current and accurate job description for the employee's position?
- Yes
- No

If you have a current and accurate job description, proceed to step 5. ↘

The job description must accurately indicate which of the job functions are essential. Non-essential job tasks may be reassigned to other employees for purposes of accommodations, but not essential functions. If you need an updated job description, write one.

5. If you have determined that the employee has a disability and that there may be a reasonable accommodation that would assist the employee in performing the essential functions of the job, have you discussed possible accommodations with the following?
- the employee
- involved medical providers
- managers or supervisors who have knowledge of the work site and the job tasks
- Department of Administration's STAR program (System of Technology to Achieve Results)
- EAP, if the employee has a psychological disability
- A vocational or rehabilitational counselor, if the employee has one
6. Would the accommodation create an undue hardship for the employer?
- Yes
- No

If the answer is no, proceed to step 7. ↘

Note: "Undue hardship" is a result that would be unduly costly, extensive, substantial, disruptive, or would "fundamentally alter the nature or the operation of the business." Most reasonable accommodations cost less than \$1000. Reassignment to another vacant position should be considered only when there is no reasonable accommodation that would enable the individual to perform the essential functions of her/his current position. The employee must be "otherwise qualified" for the reassigned position.

7. Is a contract waiver necessary for the accommodation?
- Yes
- No

If the answer is no, proceed to step 8. ↘

If the answer is yes, discuss the waiver of the "filling vacancies" or "shift assignment" or other involved provisions of the applicable contract with the labor relations office in your agency.

- 8. Does the employee *currently* create a "direct threat" to her/himself or others in the performance of the job tasks?
  - Yes
  - No

If the answer is no, provide the reasonable accommodation.  
If the answer is yes, proceed to step 9. ↘

- 9. Document the direct threat by:
  - Identify the risk caused by the functional limitation  
\_\_\_\_\_
  - Identify the potential, substantial harm that could result  
\_\_\_\_\_
  - Identify the medical and/or observable facts upon which this risk is based  
\_\_\_\_\_

When the documentation is collected, proceed to step 10. ↘

- 10. Will the current direct threat be reduced or eliminated by providing a reasonable accommodation?
  - Yes  
Identify the reasonable accommodation \_\_\_\_\_
  - No. Provide reason that no reasonable accommodation is appropriate  
\_\_\_\_\_

If the answer is yes, provide the reasonable accommodation.  
If the answer is no, no accommodation need be provided, as supported by the documentation.

## ADA Checklist - Determining Whether Individual Poses a Direct Threat

- **Does the employee pose a direct threat (i.e., is employee being screened out for safety reasons?)** Yes \_\_\_\_\_ No \_\_\_\_\_

If yes:

1. Is the specific risk identified? Yes \_\_\_\_\_ No \_\_\_\_\_
2. What is the risk (describe)? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Is the risk significant (highly probable)? Yes \_\_\_\_\_ No \_\_\_\_\_
4. What is the duration of the risk? (Describe) Yes \_\_\_\_\_ No \_\_\_\_\_
5. Is the specific harm identified? Yes \_\_\_\_\_ No \_\_\_\_\_
6. What is the harm? (Describe) Yes \_\_\_\_\_ No \_\_\_\_\_
7. Is the harm substantial (serious)? Yes \_\_\_\_\_ No \_\_\_\_\_
8. Is the harm imminent? Yes \_\_\_\_\_ No \_\_\_\_\_

- **Can the risk or the harm be reduced by providing reasonable accommodation?** Yes \_\_\_\_\_ No \_\_\_\_\_

1. Did you discuss accommodation with the individual? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If Yes, document discussion and include any attachment)
2. Has an accommodation been provided? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, is the accommodative effective? (Discuss) Yes \_\_\_\_\_ No \_\_\_\_\_

- **Do you claim that providing reasonable accommodation would impose an undue hardship?** Yes \_\_\_\_\_ No \_\_\_\_\_

1. What evidence exists to support undue hardship? Describe and document.

Minnesota Department of Veterans Affairs

**Agency Operating Policy**

**Affirmative Action Plan: Recruitment**

**OBJECTIVE:** to hire qualified candidates who are also veterans for job vacancies.

**POLICY:**

The Department, including each facility/program, will recruit for vacancies. Human Resources will provide supervisors with the most qualified applicants available. Affirmative action goals will determine the target populations from which the department will recruit. Veterans will be referred to meet affirmative action goals and will be an important source for all job vacancies.

Each site should consider the development of a recruitment plan which anticipates when vacancies could occur and documents appropriate strategy.

The plan should include the following:

1. When recruitment is appropriate. Recruitment should occur for job classifications with high turnover rates and individual positions which are anticipated to become vacant and serve in a key leadership or in a professional capacity within the Department. Recruitment need not occur when external hiring is precluded (seniority on bidding, layoff lists, short term temporary positions, etc.)
2. What the affirmative action hiring goals are for the vacancies.
3. Where applicant referral sources exist to meet the essential qualifications of the vacancies and the affirmative action goals. In addition, veterans must be accessed from at least one applicant referral source. A veteran is someone who separated under honorable conditions, served in any branch of the armed forces for at least 181 consecutive days of active duty or by reason of disability incurred the minimum active duty requirements.
4. Which applicant referral sources will meet recruitment needs for the most qualified affirmative action and veteran applicants.

**REFERENCES:**

Minn. Stat. §43A.19, subd. 1A (3); Minn. Stat. §197.447 (Veteran Defined)

Approved: /s/  
Commissioner,  
Minnesota Department of Veterans Affairs

Dated:

Date Previously Approved: 12/8/99

AOP: AAP-07/08 (12/99)

**INDIVIDUALS RESPONSIBLE FOR RETENTION PLANS:**

**DEPUTY DIRECTOR of HEALTH CARE: Gilbert Acevedo 651-284-3915**

**FERGUS FALLS VETERANS HOME: Jon Skillingssted 218-736-0404**

**HASTINGS VETERANS HOME: Charles Cox 651-438-8579**

**LUVERNE VETERANS HOME: Michael Bond 507-283-1105**

**MINNEAPOLIS VETERANS HOME: Pam Barrows 612-728-1245**

**SILVER BAY VETERANS HOME: Carol Gilbertson 218-226-6302**

**DEPUTY DIRECTOR OF SERVICES: Michael Pugliese 651-757-1555**

**SENIOR PROGRAM DIRECTOR of SERVICES: Reggie Worlds 651-757-1599**