



**MINNESOTA DEPARTMENT OF VETERANS AFFAIRS  
AFFIRMATIVE ACTION PLAN  
2010-2012**



# Table of Contents

STATEMENT OF COMMITMENT .....	1
AFFIRMATIVE ACTION DUTIES AND RESPONSIBILITIES.....	2
COMMUNICATION OF AFFIRMATIVE ACTION PLAN .....	6
DISCRIMINATION/HARASSMENT POLICIES AND PROCEDURES.....	8
Employee Discrimination Complaint Procedure.....	8
Affirmative Action Complaint Procedure.....	15
Guidelines for Charging Parties.....	16
MINNESOTA DATA PRACTICES NOTICES FOR CHARGING PARTIES.....	17
Minnesota Department of Veterans Affairs Harassment/Discrimination Complaint Form .....	18
Minnesota Department of Veterans Affairs Affirmative Action Management Intake Form .....	21
GOALS & TIMETABLES CHART .....	24
Overview .....	25
Protected Group: WOMEN .....	26
Protected Group: MINORITIES.....	27
Protected Group: PERSONS with a DISABILITY .....	28
AFFIRMATIVE ACTION PROGRAMS & OBJECTIVES .....	29
AUDITING, EVALUATING AND REPORTING AFFIRMATIVE ACTION PROGRAM SUCCESS .....	31
WEATHER EMERGENCIES & EVACUATIONS.....	32
AMERICANS WITH DISABILITIES & REASONABLE ACCOMMODATIONS .....	33
Individuals Responsible for ADA Compliance .....	33
Agency Operating Policy .....	35
Reasonable Accommodations-Americans with Disabilities Act.....	35
Employee Request for Reasonable Accommodation .....	40
Healthcare Provider Report for ADA.....	41
Reasonable Accommodation Agreement .....	43
AFFIRMATIVE ACTION RECRUITMENT PLAN .....	44
AFFIRMATIVE ACTION RETENTION PLAN.....	45
Individuals Responsible for MDVA Retention Plans: .....	45
Separation Analysis.....	46
Retention Strategies .....	47



## STATEMENT OF COMMITMENT

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

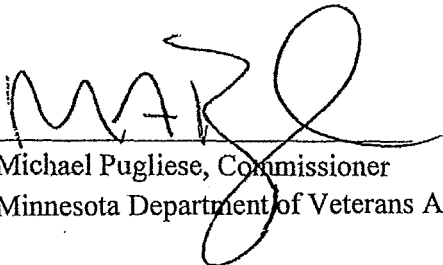
We value the diversity of our workforce. The Department will not tolerate discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age. Furthermore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

The Department 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 Department by nurturing the talents of our employees.
- Striving towards a respectful and inclusive work environment which values the diversity of our workforce.
- Assuring that our Department policies and practices are non-discriminatory.

The Affirmative Action Officer and ADA Coordinator, Lavanh Lo, reports to me. I have charged her with the task of updating the Department's Affirmative Action Plan, implementing and monitoring the Department's affirmative action efforts, reporting the effectiveness of those efforts, investigating complaints that allege conduct in violation of the Department's discrimination and harassment policies, supporting recruitment efforts and providing training on respectful communication, cultural awareness and preventing discrimination and harassment in the workplace.

I am committed to the implementation of our Department's 2010-2012 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 Minnesota Department of Veterans Affairs to join me in this mission and to become active partners with me to achieve this goal.

  
Michael Pugliese, Commissioner  
Minnesota Department of Veterans Affairs

  
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 of discrimination.
4. To ensure final determinations on employee complaints of discrimination.

Accountability: To the Governor.

### **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 Program & 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.

Accountability: To the Commissioner of the Minnesota Department of Veterans Affairs.

### **III.AFFIRMATIVE ACTION DESIGNEE/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 serve as MDVA's ADA Coordinator.
4. To review and recommend changes in policy, procedures and programs to ensure affirmative action is enforced throughout MDVA and compliant with Federal and State laws, rules, regulations and policies.
5. 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.
6. To assist MDVA staff in the recruitment of members of protected classes for consideration in filling vacancies.
7. To oversee and provide guidance for investigations of complaints of statutory discrimination and harassment as outlined in the Affirmative Action Plan complaint procedure.
8. To collaborate with Human Resources to oversee the Department's pre-hire review process as it applies to the Affirmative Action Plan.
9. To conduct and facilitate affirmative action programming and training.
10. To identify and eliminate barriers to equal employment opportunities within MDVA.
11. To serve as liaison to Department of Minnesota Management and Budget, in regards to affirmative action matters.
12. To revise MDVA's Affirmative Action Plan biennially.

Accountability: To the Commissioner of the Minnesota Department of Veterans Affairs.



#### **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.

Duties:

1. To work closely with the Department'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.
4. To oversee all openings 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 Minnesota Department of Veterans Affairs.

#### **V. ADMINISTRATORS/PROGRAM DIRECTORS**

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

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.

## **VI. MANAGERS & 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: Administrators and Program Directors are directly accountable to the Deputy Commissioners; all others to the Administrators and Program Directors directly and to the Affirmative Action Officer indirectly.

## **VII. ALL EMPLOYEES**

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the policies and procedures of the Affirmative Action Plan.

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 Minnesota Department of Veterans Affairs.

## **COMMUNICATION OF AFFIRMATIVE ACTION PLAN**

### **INTERNAL DISEMINATION**

1. The Commissioner will transmit a letter or memo biennially to all employees reaffirming the Minnesota Department of Veterans Affairs' 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 responsibilities under it.
3. Copies of the Affirmative Action Plan will be furnished to the Deputy Commissioners, Administrators/Program Directors, Managers and 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 actual Plan.
6. The Affirmative Action Plan will be posted in its entirety 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 DISEMINATION**

1. A copy of the Affirmative Action Plan will be furnished to all employee bargaining representatives.
2. Job application materials, advertisements and MDVA stationery shall bear the mast head, "An Equal Opportunity/Affirmative Action 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 Minnesota Department of Veterans Affairs public website for easy access by all applicants and potential employees, 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.

# DISCRIMINATION/HARASSMENT POLICIES AND PROCEDURES



## MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

### Affirmative Action Plan: Employee Discrimination Complaint Procedure

#### OBJECTIVES:

To provide procedures for processing internal discrimination complaints consistent with both state and federal legislation for complaints based on protected group status and for complaints of sexual harassment.

#### 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 Designee	The person designated at each of the facilities by the Administrator as having primary responsibility for implementation of the Agency's affirmative action plan.
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).
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., Ch. 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 disabled person is any person who (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an 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.
Statutory Harassment	Any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore may affect morale and interfere with the employee's ability to perform. Statutory harassment may occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public.
Local 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 a disabled person's opportunity 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 disabled persons 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, membership in a local commission, disability, sexual orientation or age.
Reasonable Accommodation	Changes in the job or workplace which enable a disabled individual 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	A form of statutory harassment involving unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which occurs between supervisors and subordinates or among peers or co-workers when: a) submission to that conduct or communication is made a term or condition, explicitly or implicitly, or b) submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment; c) 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 have known of the existence of the harassment and failed to take timely and appropriate action. <i>Note:</i> the person who has been the recipient of the sexual harassment does not have to talk to or confront the alleged harasser.
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" doesn't 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.

## **POLICY:**

The Minnesota Department of Veterans Affairs prohibits discrimination or harassment on the basis race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership in a local commission, disability, sexual orientation and/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 MDVA's obligation to maintain a positive and productive work environment, the Affirmative Action Officer, Affirmative Action Coordinators 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 apprised of any changes in the law or its interpretation regarding discrimination. The Affirmative Action Designees are 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 and/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 Minnesota Management and Budget 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 statutory harassment or discrimination, but are nonetheless disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate 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 or Designee 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. The Affirmative Action Officer or Designee informs the Agency Facilitator of a complaint
2	The Affirmative Action Officer or Designee 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 or Designee will explain employee rights to union representation during an investigation as provided by collective bargaining agreements and plans.
3	The Affirmative Action Officer or Designee 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 or Designee will conduct a fair and impartial investigation into the allegations of the charge.
b.	The Affirmative Action Officer or Designee 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 statutory harassment violations can occur and require varying levels of progressive discipline.
c.	The Affirmative Action Officer or Designee will report findings to Agency Facilitator and to management and will be completed no later than 60 days of the date the complaint was signed.
d.	The Affirmative Action Officer or Designee will provide memoranda to the charging party and the Respondent notifying them of the findings of the investigation.
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>	
<b>STEP</b>	<b>ACTION</b>
1	Supervisors and managers are responsible for taking effective action and reporting all instances of alleged sexual harassment to the Affirmative Action Designee immediately. The manager or supervisor should document all conversations with an employee who reports sexual harassment incidents to them. The Affirmative Action Designee will report the complaint immediately to the Affirmative Action Officer and Agency Facilitator.
2	The Affirmative Action Designee or 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 a written summary of the findings and resolution.
8	The complaint may be referred to Equal Opportunity Division of Minnesota Management and Budget for review within twenty-one (21) calendar days of the response.

**FORMS:**

- Affirmative Action Harassment/Discrimination Complaint Form (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. 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

**DISTRIBUTION:**

Administrators; Human Resources

Approved: /s/

Commissioner,

Minnesota Department of Veterans Affairs

Dated: 12/30/04

Date Previously Approved: 1/31/01

Page 7: AOP: 12-001 (1/01)



## Affirmative Action Complaint Procedure

It is the policy of the Minnesota Department of Veterans Affairs that discriminatory conduct will not be tolerated. Discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation and/or age, is illegal and prohibited by Chapter 363 of the Human Rights Act and Title VII of the Civil Rights Act 1964, as amended. Employees are expected to treat co-workers, clients, and residents with respect and dignity.

It is the policy of the Minnesota Department of Veterans Affairs to provide a procedure for processing internal discrimination complaints consistent with the MDVA's ongoing commitment to equal opportunity and affirmative action. Discriminatory actions may include incidents of verbal, visual, or written abuse, comments or innuendo.

**Complaint Procedure:** Any classified or unclassified employee or applicant for employment, who believes they have been discriminated against based on their protected class, may file a complaint under this procedure. 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.

Employees are encouraged to report discriminatory situations to their immediate supervisor for resolution; however, employees may choose to file a complaint directly with the Affirmative Action Officer. If the determination is made that the complaint is not related to protected class status the complaint may be resolved through the General Harassment Policy.

The Charging Party is requested to complete a Complaint Form. Complaint forms are available from Human Resources or the Office of Affirmative Action. Complaints must be filed with the Affirmative Action Officer within 365 days of the alleged act of discrimination. If the decision to investigate is made, the Affirmative Action Officer will conduct a fair and impartial investigation into the allegations of the charge within a reasonable time frame.

The Minnesota Department of Veterans Affairs encourages all employees and applicants to use this procedure to resolve allegations of discrimination. However, employees may pursue their right to file complaints with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission (EEOC) or other enforcement agencies at any time.

**Complaints should be sent to:** Office of Affirmative Action  
Minnesota Department of Veterans Affairs  
5101 Minnehaha Avenue South  
Minneapolis, MN 55417

**Contact Information:** (612) 728-1287 – Telephone  
OR  
[mdva.affirmativeaction@state.mn.us](mailto:mdva.affirmativeaction@state.mn.us) – E-mail

Minnesota Relay Services: (800) 627-3529 (hearing impaired) or (877) 627-3848 (speech to speech)

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.



## Guidelines for Charging Parties

Allegations of general harassment/discrimination will be processed by Human Resources. Allegations of harassment/discrimination based on an individual's "protected class status", including race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation and/or age will be processed by the Office of Affirmative Action. The Affirmative Action Officer investigates charges of discrimination based on protected class status that are filed by Minnesota Department of Veterans Affairs/Minnesota Veterans Homes employees based on protected class status. A charge must be filed within 365 days of the alleged discriminatory act.

When the Affirmative Action Officer accepts a charge, the claims made in the charge will be impartially investigated. Acceptance of the charge does not mean that the Affirmative Action Officer has decided that there is a violation of the Agency's Discrimination Policy, nor does it mean that the Affirmative Action Officer represents or advocates for the Charging Party. The Affirmative Action Officer is neutral and weighs the evidence from both sides.

Your right to file a charge is protected by law. If anyone takes action against you because you filed a charge, notify the Affirmative Action Officer immediately.

You will be notified of the Affirmative Action Officer's decision on your charge in writing. The correspondence to you is copied to the respondent, the management person involved, and, when appropriate, the involved union representative.

Management is responsible for correcting any situation or taking appropriate corrective action. Because of confidentiality and the Minnesota Data Practices Act, it is not usually possible for the Charging Party to know what action management has taken to correct the situation.

Please feel free to call the Office of Affirmative Action with any questions or concerns you may have. All employees and clients have the right to file charges of discrimination with the following agencies:

Equal Employment Opportunity Commission	(612) 335-4040
Minnesota Department of Human Rights	(651) 296-5663

You can contact the MDVA's Office of Affirmative Action at: (612) 728-1287 or [mdva.affirmativeaction@state.mn.us](mailto:mdva.affirmativeaction@state.mn.us). If you have questions or concerns about matters related to general harassment/discrimination, please contact your Human Resources representative. For assistance in contacting us, please call the Minnesota Relay Services at (800) 627-3529 (hearing impaired) or (877) 627-3848 (speech to speech).

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.

**\*\*Please keep this page for your records.**



## 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 (Mn. Stat., chapter 13). The reason this data is being collected is to help the Department of Veterans Affairs 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 the Department 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

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.

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



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

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

Name \_\_\_\_\_ Job Title \_\_\_\_\_  
Department \_\_\_\_\_ Supervisor \_\_\_\_\_  
Work Location \_\_\_\_\_ Work Phone \_\_\_\_\_  
Home Telephone \_\_\_\_\_  
Email Address (if frequently used as a means of communication) \_\_\_\_\_  
Mailing Address \_\_\_\_\_

I believe that the treatment that I am experiencing is: (check either "General Harassment" or "Statutory Harassment")

\_\_\_ General Harassment/Discrimination (Check this box if you believe you are being harassed/discriminated against based on some other reason not listed below. For example, you feel that your co-worker/supervisor just does not like you or because you and your co-worker/supervisor just have differences in opinion.)

**OR**

\_\_\_ Statutory Harassment/Discrimination (If you select this option, please check all categories below that you feel apply to your situation.)

\_\_\_ Race \_\_\_ Color \_\_\_ Creed \_\_\_ Religion \_\_\_ Disability \_\_\_ Marital Status

\_\_\_ Sex \_\_\_ National Origin \_\_\_ Reliance on Public Assistance

\_\_\_ Age \_\_\_ Membership/activity in a local commission \_\_\_ Sexual Orientation

2. Describe how you have been harassed or discriminated against. Give the names, dates, places and all pertinent information. Please be as specific as you can. If necessary, attach additional pages.

Name of person(s) discriminating/harassing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s), location(s) the discrimination/harassment took place: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe the incident(s) in detail \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Information on the person(s) against whom you are filing the complaint

Name \_\_\_\_\_ Job Title \_\_\_\_\_  
Department \_\_\_\_\_ Supervisor \_\_\_\_\_

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

5. Witness(es)

Name	Work Location
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____

6. What resolution are you seeking?

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

6. 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? If you have any concerns about this process please indicate them below. \_\_\_\_\_



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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.

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.

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

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

Office of Affirmative Action or email: [mdva.affirmativeaction@state.mn.us](mailto:mdva.affirmativeaction@state.mn.us) or Fax: (612) 728 – 0699  
MN Dept. of Veterans Affairs  
5101 Minnehaha Ave. S.  
Minneapolis, MN 55417

For assistance, please email [mdva.affirmativeaction@state.mn.us](mailto:mdva.affirmativeaction@state.mn.us) or call (612) 728-1287. Also, we can be reached through the Minnesota Relay Service at 800-627-3529 (hearing impaired) or 877-627-3848 (speech to speech relay).

\*\*\*\*\* 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:



**Minnesota Department of Veterans Affairs  
Affirmative Action 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 \_\_\_\_\_ Age \_\_\_\_\_  
Sexual Orientation \_\_\_\_\_ Reliance on Public Assistance \_\_\_\_\_  
Membership/activity in a local commission \_\_\_\_\_

**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 who management is filing on behalf of:

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

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

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

**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? \_\_\_\_\_

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B. Who was the first member of management to learn of it? \_\_\_\_\_

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

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D. 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?

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\*\*Submit this form to:  
Lavanh Lo, Affirmative Action Officer      Email: [Lavanh.Lo@state.mn.us](mailto:Lavanh.Lo@state.mn.us)  
5101 Minnehaha Ave. S. (Bldg 1)      Phone: (612) 728-1287  
Minneapolis, MN 55417      Fax: (612) 728 – 0699

Received by AAO on \_\_\_\_\_

## GOALS & TIMETABLES CHART

The Minnesota Department of Veterans Affairs' 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	---	0	0	NA
Professionals	0	0	---	0	0	---	27	6	2-4 yrs
Technicians	0	0	---	0	0	---	16	3	2-4 yrs
Protective Services	NA	NA	NA	NA	NA	NA	NA	NA	NA
Paraprofessional	48	6	2-4 yrs	0	0	---	45	6	2-4 yrs
Office/Clerical	0	0	---	0	0	---	6	2	2-4 yrs
Skilled Craft	1	1	2-4 yrs	1	1	2 yrs	3	1	2-4 yrs
Service Maintenance	0	0	---	0	0	---	29	4	2-4 yrs

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 2010-2012 Number Underutilized	AAP 2008-2010 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	20	10	50.0%	37.8%	8	0	0	Same	0
Professionals	304	218	71.7%	53.8%	164	0	0	Same	0
Technicians	154	125	81.2%	63.1%	97	0	0	Same	0
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 Office/Clerical and/or Technicians group)</i>	473	340	72.9%	87.5%	388	48	69	Improved	21
Office/Clerical	67	59	88.1%	67.7%	45	0	0	Same	0
Skilled Craft	26	1	3.8%	7.8%	2	1	1	Same	0
Service Maintenance	282	184	65.2%	43.6%	123	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 2010-2012 Number Underutilized	AAP 2008-2010 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	20	2	10.0%	5.1%	1	0	0	Same	0
Professionals	304	30	9.9%	8.0%	24	0	0	Same	0
Technicians	154	27	17.5%	6.8%	10	0	0	Same	0
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 Office/Clerical and/or Technicians group)</i>	473	116	24.5%	18.2%	81	0	0	Same	0
Office/Clerical	67	6	9.0%	8.2%	5	0	0	Same	0
Skilled Craft	26	1	3.8%	7.1%	2	1	0	Not Improved	1
Service Maintenance	282	55	19.5%	14.3%	40	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 2010-2012 Number Underutilized	AAP 2008-2010 Number Underutilized	Improved, Not Improved, Same	Numerical Difference
Officials and Administrators	20	2	10.0%	11.31%	2	0	1	Improved	-1
Professionals	304	6	2.0%	10.88%	33	27	26	Not Improved	1
Technicians	154	2	1.3%	11.52%	18	16	10	Not Improved	6
Protective Services	0	0	0.0%	11.60%	0	0	0	Same	0
Paraprofessional	473	3	0.6%	10.86%	48	45	44	Not Improved	1
Office/Clerical	67	2	3.0%	11.56%	8	6	6	Same	0
Skilled Craft	26	0	0.0%	11.55%	3	3	3	Same	1
Service Maintenance	282	3	1.1%	11.37%	32	29	27	Not Improved	2

## AFFIRMATIVE ACTION PROGRAMS & OBJECTIVES FOR 2010-2012

### 1. To **RECRUIT** and **HIRE** affirmatively

#### Action Steps:

A. Conduct 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:** January 2011

B. Create an electronic data management system that tracks and maintains affirmative action information including hiring goals, justifications and missed opportunities.

**Responsibility:** Affirmative Action Officer and Human Resources with the assistance of Information Technology Department.

**Target Date:** January 2011

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 on March 2011

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 and Human Resources

**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 with assistance of MDVA Policies and Procedures Committee.

**Target Date:** July 2012

B. Revise MDVA's Americans with Disabilities Act: Reasonable Accommodations policy, procedures and forms.

**Responsibility:** Affirmative Action Officer and Human Resources with assistance from MDVA Policies and Procedures Committee.

**Target Date:** January 2011

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 2011

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

**Action Steps:**

A. Develop affirmative action goals, objectives and strategies in the MDVA Strategic and Quality Plans.

**Responsibility:** Affirmative Action Officer, Deputy Commissioners, Quality Director, Administrators/Program Directors and Managers

**Target Date:** July 2011, ongoing.

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:** July 2011

4. To continue to strive for a **RESPECTFUL** and **INCLUSIVE** culture through 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, Human Resources and Staff Development.

**Target Date:** Ongoing on a biennial basis.

## **AUDITING, EVALUATING AND REPORTING AFFIRMATIVE ACTION PROGRAM SUCCESS**

In its commitment to successful implementation of the Affirmative Action Plan and to equal opportunity employment, MDVA's Affirmative Action Officer will submit periodic reports to the Commissioner, Deputy Commissioners, Managers, Administrators and Directors, as well as Minnesota Management and Budget specific to key areas of the Affirmative Action Plan. The report contains, at a minimum, dialog on the following subject areas:

1. Status updates on overall MDVA implementation of the Affirmative Action Plan.
2. Review of hiring goal achievements, separation and missed opportunity reports to identify trends/problems and develop action steps to correct.
3. Evaluation of the effectiveness of recruitment strategies and sources utilized in hiring to correct areas in which under-utilizations exist.
4. Updates on the MDVA's affirmative action related policies and procedures.
5. Assessment of management and supervisory participation in implementing affirmative action efforts.
6. Reports on internal and external statutory discrimination/harassment complaints and their resolutions.

### Record Keeping:

The Affirmative Action Officer shall maintain records reflecting the hires, turnovers and complaints regarding such activities.

## **WEATHER EMERGENCIES & EVACUATIONS**

### **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 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 during a weather emergency will be addressed and the needs of the residents entrusted to our care will be met.

Employees of the Programs and Services division of the Department are not considered essential employees and will be notified of weather related emergencies pursuant to the State weather related alert system. Program Directors within the Programs and Services division maintain telephone trees for notification.

### **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 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 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 & Services 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.

# AMERICANS WITH DISABILITIES & REASONABLE ACCOMMODATIONS

## Individuals Responsible for ADA Compliance

### **MDVA Central Office**

Lavanh Lo, Affirmative Action Officer  
Office of Affirmative Action  
5101 Minnehaha Ave. S.  
Minneapolis, MN 55417  
(612) 728-1287  
[mdva.affirmativeaction@state.mn.us](mailto:mdva.affirmativeaction@state.mn.us) OR [lavanh.lo@state.mn.us](mailto:lavanh.lo@state.mn.us)

Carol Lynch, Personnel Director  
Human Resources  
5101 Minnehaha Ave. S.  
Minneapolis, MN 55417  
(612) 721-0619  
[carol.lynch@state.mn.us](mailto:carol.lynch@state.mn.us)

### **MDVA Programs & Services Division**

Roxie Kronick, Personnel Officer  
Human Resources  
5101 Minnehaha Ave. S.  
Minneapolis, MN 55417  
(612) 721-0672  
[roxie.kronick@state.mn.us](mailto:roxie.kronick@state.mn.us)

### **Minnesota Veterans Home – Fergus Falls**

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

**Minnesota Veterans Home – Hastings**

Nancy Delmore, Personnel Officer  
Human Resources  
1200 18th Street East  
Hastings, MN 55033  
(651) 438-8507  
[nancy.delmore@state.mn.us](mailto:nancy.delmore@state.mn.us)

**Minnesota Veterans Home – Luverne**

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

**Minnesota Veterans Home – Minneapolis**

David Lorenz, Personnel Officer  
Human Resources  
5101 Minnehaha Ave. S.  
Minneapolis, MN 55417  
(612) 721-0614  
[david.lorenz@state.mn.us](mailto:david.lorenz@state.mn.us)

**Minnesota Veterans Home – Silver Bay**

Gina Thompson, Personnel Officer AND Lindsey Klegstad, Personnel Officer  
Human Resources  
45 Banks Boulevard  
Silver Bay, MN 55614-1337  
(218) 226-6328 OR (218) 226-6325  
[gina.thompson@state.mn.us](mailto:gina.thompson@state.mn.us) OR [lindsey.klegstad@state.mn.us](mailto:lindsey.klegstad@state.mn.us)



**MINNESOTA DEPARTMENT OF VETERANS AFFAIRS**

**Agency Operating Policy  
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 Agency's Affirmative Action Officer.

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 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: 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 agency 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

<u>Step</u>	<u>Action</u>
1	The agency 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 agency 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 facility 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 facility 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 facility will select and implement the accommodation that is the most appropriate for both the individual and the agency. While an individual's preference will be given consideration, the facility is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

- 5 The facility'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/facilitator within 5 working days following receipt of the employee's request.
- 8 If the ADA Coordinator/facilitator 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 respective Deputy Commissioner within 10 working days from the date the request was received from the manager/supervisor.
- 9 The respective Deputy Commissioner will provide a decision in writing to the ADA Coordinator/facilitator 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/facilitator 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 individual 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 is not required to maintain the individual's salary at the previous level.

The agency will look at 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.

- 11 If a request for accommodation is not approved, the executive director 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	MDVA 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/designee within 3 days following the applicant's request.
5	If approved, the ADA Coordinator/designee will take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the ADA Coordinator/designee 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	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 workings days of the decision.
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	Affirmative Action Designee requests determination of undue hardship.

- 2 Administrator 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/facilitator believes the accommodation will impose an undue hardship, he/she will forward an undue hardship analysis and recommendation to the respective Deputy Commissioner within 10 working days following employee request or within 3 working days following applicant request.

- 3 Executive Director to provide a decision in writing to the ADA Coordinator/facilitator 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)**

Approved: /s/

Commissioner,

Minnesota Department of Veterans Affairs

Dated: 12/30/04

Date Previously Approved: 12/12/00

AOP: AAP – 12-004 (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/MHRA 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: \_\_\_\_\_



**Healthcare Provider Report for ADA**

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

Name of Employee/Patient: \_\_\_\_\_

Employee's/Patient's Work Location: \_\_\_\_\_

Employee's/Patient's Job Title: \_\_\_\_\_

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

1. What at is the employee's/patient's condition(s) for which s/he is requesting a work accommodation?
  
  
  
  
  
  
  
  
  
  
2. Upon what objective data are you basing your assessment of his condition(s)? (For example: physical examination, x-rays, laboratory tests, etc.)
  
  
  
  
  
  
  
  
  
  
3. How long do you anticipate that this condition(s) will last?
  
  
  
  
  
  
  
  
  
  
4. Does employee/patient have any limitations that prevent her/him from performing any of the duties listed in his job position description? Please describe.
  
  
  
  
  
  
  
  
  
  
5. How long do you anticipate that these limitations will last?

6. What would help employee's/patient's condition(s)?

7. Considering employee's/patient's line of work, what would you recommend as an accommodation?

8. Is the recommendation(s) listed in #7 medically necessary? If so, please explain.

Healthcare Provider Signature: \_\_\_\_\_

Print Healthcare Provider's Name: \_\_\_\_\_

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

Name of Healthcare Facility: \_\_\_\_\_

Healthcare Facility Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

# Reasonable Accommodation Agreement

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

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

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

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

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

Limitation(s) identified:

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

Accommodation requested:

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

Accommodation approved:

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

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

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



## AFFIRMATIVE ACTION RECRUITMENT PLAN

**Objective:** To recruit and hire qualified candidates for job vacancies and in areas in which affirmative action hiring goals exist.

**Strategies:**

1. MDVA will engage in focused recruitment for job classifications with high turnover rates and individual positions which are anticipated to become vacant. Recruitment need not occur when external hiring is precluded (seniority on bidding, layoff lists, short term temporary positions, etc.)
2. When a vacancy occurs for which there is an identified affirmative action goal, the respective Administrator or Program Director will consider how best to recruit for the specific vacancy. Example: Targeted advertisement in a local publication which serves a readership or audience of people with disabilities. The Affirmative Action Officer, in conjunction with the Human Resources Director, will monitor the effectiveness and results of the recruitment activity.
3. On a regular basis, the Affirmative Action Officer will request from Human Resources information on projected hiring and obtain known and “best guess” estimates on potential vacancies and use that information to monitor and adjust recruitment goals as needed.
4. MDVA will increase its participation 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 and to recruit potential applicants.

## AFFIRMATIVE ACTION RETENTION PLAN

### **Individuals Responsible for MDVA Retention Plans:**

- Lavanh Lo, Affirmative Action Officer & Carol Lynch, Human Resources Director

In conjunction with:

#### Veterans Health Care Division

- Gilbert Acevedo, Deputy Commissioner of Veterans Health Care
- Pam Barrows, Senior Program Director of Veterans Health Care
- Administrator, Minnesota Veterans Home – Minneapolis
- Michael Bond, Minnesota Veterans Home - Luverne
- Charles Cox, Minnesota Veterans Home – Hastings
- Carol Gilbertson, Minnesota Veterans Home – Silver Bay
- Jon Skillingstad, Minnesota Veterans Home – Fergus Falls

#### Veterans Programs & Services Division

- Reggie Worlds, Deputy Commissioner of Veterans Programs & Services
- Ronald D. Quade II, Director of Veterans Claims and Outreach
- Donald Pfeffer, Director of Veterans Higher Education
- Kathy Schwartz, Director of Veterans Benefits

## Separation Analysis

### FISCAL YEAR 2009

TYPE OF SEPARATION	NUMBER	PERCENTAGE
Dismissal	71	33.2%
Resignation	113	52.8%
Retirement	19	8.9%
Layoff	8	3.7%
Death	3	1.4%
TOTAL	214	100%

### FISCAL YEAR 2010

TYPE OF SEPARATION	NUMBER	PERCENTAGE
Dismissal	40	22.7%
Resignation	111	63.1%
Retirement	25	14.2%
Layoff	0	0%
Death	0	0%
TOTAL	176	100%

## **Retention Strategies**

1. 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.
2. MDVA will increase training opportunities for managers and supervisors on how to manage and resolve workplace conflict and how to mediate disputes.
3. MDVA will offer a formalized conflict resolution procedure for employees who file complaints through the formal complaint procedure.
4. The Affirmative Action Officer and Human Resources Director will conduct a separation analysis, identify needs and set goals pertaining to workforce retention on a semi-annual basis.