

# STATE OF MINNESOTA



## **Affirmative Action Plan**

2016-2018

This document can be made available upon request in alternative formats by contacting the Human Resource Management Office at (651)201-5779 (fax) or via email at [health.hr@state.mn.us](mailto:health.hr@state.mn.us). Minnesota Department of Health is at 625 Robert Street North, Saint Paul, MN 55164-0975

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## I. EXECUTIVE SUMMARY

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

**Table 1: UNDERUTILIZATION ANALYSIS OF PROTECTED GROUPS**

<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals With Disabilities</b>
Officials/Administrators			<b>XX</b>
Professionals		<b>XX</b>	<b>XX</b>
Office/Clerical			
Technicians			<b>XX</b>

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

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

Vikki L. Getchell (Signature on file)

2/15/17

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Affirmative Action Officer

Date

Kathie Eiland-Madison (Signature on file)

2/15/17

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Human Resources Director

Date

Edward P. Ehlinger (Signature on file)

2/14/17

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Commissioner

Date

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## II. STATEMENT OF COMMITMENT

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As Commissioner of the Minnesota Department of Health (MDH), I reaffirm this agency's commitment to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- No individual will be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, genetic information, sexual orientation (including gender identity), disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

I am committed to MDH's policy of providing an employment environment free from discrimination and harassment as prohibited by federal, state, and local human rights laws. I strongly encourage all MDH employees to join in this commitment as we continue our mission of protecting, maintaining and improving the health of all Minnesotans.

Edward P. Ehlinger (Signature on file)

02/14/17

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Commissioner

Date

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

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#### A. Commissioner

**Dr. Edward Ehlinger, Minnesota Department of Health**

##### **Responsibilities:**

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

##### **Duties:**

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

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

##### **Accountability:**

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

#### B. Affirmative Action Officer

**Vikki Getchell, Director, Office of Inclusion**

##### **Responsibilities:**

The Director of the Office of Inclusion is responsible for the strategic design, management and communication of equal opportunity, affirmative action and diversity programs across

the agency and for insuring agency compliance with applicable state and federal laws, rules, and regulations.

**Duties:**

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

- Oversee the Affirmative Action Plan, including development and setting of agency-wide goals;
- Monitor the compliance and fulfillment of affirmative action reporting requirements;
- Inform the agency's Commissioner of progress in affirmative action and equal opportunity and report potential concerns;
- Develop and maintain policies and procedures that support affirmative action and equal employment opportunity;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide an agency-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies, and practices;
- Oversee strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation and technical guidance to directors, managers, supervisors, and staff regarding equal employment opportunity, affirmative action and ADA program compliance requirements; and
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

**Accountability:**

The Affirmative Action Officer is directly accountable to the Commissioner on all matters pertaining to affirmative action and equal employment opportunity and reports operational issues pertaining to affirmative action and equal employment opportunity to the Assistant Commissioner, Health Operations Bureau.

**C. Affirmative Action Officer Designee**

**James Baertlein, Affirmative Action Officer, Office of Inclusion**

**Responsibilities:**

The Affirmative Action Officer Designee is responsible for implementation of the policies contained in the agency's affirmative action plan, promoting a diverse workforce, and ensuring an inclusive work environment for all employees.

**Duties:**

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

- Prepare and the Affirmative Action Plan, including development and setting of agency-wide goals;
- Develop and submit reports to fulfill affirmative action reporting and other regulatory requirements;
- Identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies, and practices;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and
- Assign and conduct investigations of allegations of discrimination and sexual harassment; and
- Develop and participate in strategies to recruit and/or retain individuals in protected groups for employment, promotion and training opportunities.

**Accountability:**

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

**D. Americans with Disabilities Act Coordinator and Designee**

**Vikki Getchell, Director, Office of Inclusion**

**James Baertlein, Affirmative Action Officer, Office of Inclusion**

**Responsibilities:**

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

**Duties:**

The duties of the Americans with Disabilities Act Coordinator and Designee will include, but not limited to the following:



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

**Accountability:**

The Americans with Disabilities Act Coordinator is directly accountable to the Commissioner.

**E. Human Resources Director**

**Kathie Eiland-Madison**

**Responsibilities:**

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

**Duties:**

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

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Ensure pre-hire review process is implemented and receives support from directors, managers, and supervisors;
- Include the Director of Inclusion and Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;

- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
- Make available to the Director of Inclusion and Affirmative Action Officer and Americans with Disabilities Act Coordinator all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

**Accountability:**

The Human Resources Director is directly accountable to Assistant Commissioner, Lee Ho.

**F. Directors, Managers, and Supervisors**

**Responsibilities:**

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

**Duties:**

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

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

**Accountability:**

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

## G. All Employees

### Responsibilities:

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

### Duties:

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

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

### Accountability:

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

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## IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

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

### A. Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The agency's Affirmative Action Plan is available to all employees on the agency's internal website at <http://fyi.health.state.mn.us/fadmin/hrm/owd/aaplan/> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.
- During orientation, new employees will be informed of the Affirmative Action Plan, and the name, telephone number, and email address for the Office of Inclusion.

## **B. External Methods of Communication**

- The agency's Affirmative Action Plan is available on the agency's external website at <http://www.health.state.mn.us/divs/hrm/aaplan.html> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."
- Nondiscrimination and equal opportunity statements and posters will be prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

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## **V. STATEWIDE POLICY PROHIBITING DISCRIMINATION AND HARASSMENT**

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The Minnesota Department of Health is committed to providing a respectful and inclusive workplace where discrimination and harassment are not tolerated. It is the policy of the State of Minnesota to prohibit discrimination and harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights, 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.

Any employee subjected to such discrimination or harassment should file a complaint internally with the agency's Affirmative Action Officer or designee. If the employee chooses, a complaint can be filed 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. In extenuating circumstances, the employee may contact the State Affirmative Action Program Coordinator in the Office of Equal Opportunity and Diversity at Minnesota Management and Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer or designee will be expected to keep the Minnesota Department of Health and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer or designee is also responsible for:

- Notifying all employees and applicants of this policy; and

- Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

**Definitions:**

Discriminatory harassment is any behavior based on protected class status which is not welcome, is personally offensive, may affect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or
- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur:

- Among peers or coworkers;
- Between managers and subordinates; or
- Between employees and members of the public.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate 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 behaviors at work are also subject to disciplinary actions.

Any employee or applicant who believes that they have experienced discrimination or harassment based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal complaint procedure included in this Affirmative Action Plan.

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

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The Minnesota Department of Health has established the following discrimination/harassment complaint procedure to be used by all employees and applicants. Retaliation including coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited. This includes complaints filed either internally or through an outside enforcement agency or other legal channels.

### Responsibility of Employee:

All employees will respond promptly to any and all requests by the Affirmative Action Officer or designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer or designee to carry out responsibilities under this complaint procedure.

### Who May File:

Any employee or applicant who believes that they have been discriminated against or harassed by reason of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint.

### Complaint Procedure:

The internal complaint procedure provides a method for resolving complaints involving violations of this agency's policy prohibiting discrimination and harassment within the agency. Employees and applicants are encouraged to use this internal complaint process.

### Filing Procedures:

1. MDH employees or applicants are encouraged to report discrimination or harassment complaints by completing the "[Discrimination/Harassment Complaint Form](#)" attached to this plan or located on the MDH Intranet. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form. Requirements or procedures identified in applicable collective bargaining agreements will be addressed as part of the notification, investigation, findings and/or resolution process.
2. The complaint form should be submitted directly to the Affirmative Action Officer or designee who determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment based on protected class or is based on a general personnel concern.

- If it is determined that the complaint does not involve protected class discrimination or harassment, the Affirmative Action Officer designee will inform the complainant, in writing, within ten (10) working days.
  - If it is determined that the complaint involves protected class discrimination or harassment and an investigation is used to resolve the complaint, the Affirmative Action Officer or designee will conduct the investigation and notify the complainant and the person whom the complaint was filed in writing, within sixty (60) days after the complaint was filed, that the investigation is completed.
  - If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
  - If insufficient evidence exists to support the complaint, a letter will be sent to the complainants and the respondents dismissing the complaint.
  - If an alternative dispute resolution (ADR) process is used to address the complaint and results in a resolution agreement between the complainant and the respondent, the agreement will be provided to the parties, in writing, within sixty (60) days after the complaint was filed. If an agreement is not reached, a written response will be provided to the complainant within sixty (60) days after the complaint was filed documenting the use of alternative dispute resolution procedures and the complainant may pursue other resolution processes.
3. The complainants will be notified should extenuating circumstances prevent completion of the investigation or alternative dispute resolution procedures within sixty (60) days after the complaint was filed, the complainant will be notified.
  4. Disposition of the complaint will be filed with the Commissioner of the Minnesota Management and Budget within thirty (30) days after the final determination.
  5. All documentation associated with a complaint will be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
  6. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
    - Interviews or written interrogatories with all parties involved in the complaint, i.e., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.; and
    - All records pertaining to the case i.e., written, recorded, filmed, or in any other form.

7. The Affirmative Action Officer or designee will maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

## VII. REASONABLE ACCOMODATION POLICY

### Disability and Reasonable Accommodation

The Department of Health is committed to recruit, select and retain qualified people with disabilities. In accordance with Title I of the Americans with Disabilities Act, the Minnesota Human Rights Act, and the Minnesota ADA Reasonable Accommodation Policy (HR/LR Policy #1433), MDH will provide reasonable accommodations to qualified applicants and employees unless doing so would cause an undue hardship or pose a direct threat.

Reasonable accommodations will be provided when:

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

#### A. Applicability

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

#### B. Definitions

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



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

	system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
Medical Documentation	Information from the requestor’s treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using MDH’s <a href="#">Letter Medical Inquiry Requesting Documentation for Determining ADA Eligibility Form</a> .
Reasonable Accommodation	<p>An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodation may include:</p> <ul style="list-style-type: none"> <li>• Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or</li> <li>• Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or</li> <li>• Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.</li> </ul> <p>Modifications or adjustments may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Providing materials in alternative formats like large print or Braille;</li> <li>• Providing assistive technology, including information technology and communications equipment, or specially designed furniture;</li> <li>• Modifying work schedules or supervisory methods;</li> <li>• Granting breaks or providing leave;</li> <li>• Altering how or when job duties are performed;</li> <li>• Removing and/or substituting a marginal function;</li> <li>• Moving to a different office space;</li> <li>• Providing telework;</li> <li>• Making changes in workplace policies;</li> <li>• Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;</li> <li>• Removing an architectural barrier, including reconfiguring work spaces;</li> </ul>

	<ul style="list-style-type: none"> <li>• Providing accessible parking; or</li> <li>• Providing a reassignment to a vacant position.</li> </ul>
Reassignment	Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.
Support Person	Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.
Undue Hardship	A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

### C. General Standards and Expectations

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

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

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

### D. How to Request a Reasonable Accommodation

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

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

***All requests for accommodation will then be forwarded to the ADA Coordinator in MDH's Office of Inclusion to begin the reasonable accommodation process.***

### **Timing of the request**

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

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

### **Form of the request**

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed. An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally). The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability". Oral requests must be later documented in writing on the MDH [ADA Employee Request Form](#) to ensure efficient processing of the request.

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

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

## **E. The Interactive Process**

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

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

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

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

#### **Agency responsibility for processing the request**

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the ADA Coordinator in MDH's Office of Inclusion and notify the requestor that the request has been forwarded.

#### Commissioner

The Commissioner has the ultimate responsibility to ensure compliance with the ADA and this policy, and to appoint an ADA Coordinator.

#### ADA Coordinator

The ADA Coordinator is the agency's decision maker for all reasonable accommodation requests and will collaborate with supervisor and managers for requests that fall under the scope of their authority. The ADA Coordinator will work with the supervisor and manager, and where necessary, with Human Resources and Facilities Management, to explore options and implement the approved reasonable accommodation.

#### **Analysis for processing requests**

Before approving or denying a request for accommodation, the Agency ADA Coordinator will work collaboratively with the requestor and the appropriate supervisor or manager to:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
  - Enable a qualified applicant with a disability to be considered for the position the individual desires;
  - Enable a qualified employee with a disability to perform the essential functions of the position; or
  - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;

4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

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

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

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

The ADA Coordinator may request medical information in certain other circumstances. For example when:

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

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

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

### **Confidentiality requirements**

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records.

Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the ADA Coordinator.

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

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

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

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

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

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

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

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

### **Funding for reasonable accommodations**

Funding must be approved and provided by the appropriate supervisor or manager in the agency division where the requestor made his/her request for accommodation. When applicable, funding reimbursement request will be made to the state's consolidated accommodation fund.

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

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

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

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

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

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

The ADA Coordinator will provide an explanation for denial to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial.

### **Consideration of undue hardship**

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis by the ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, factors to be considered include the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

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



### **Determining direct threat**

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

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

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

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

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

At MDH, an applicant or employee who is denied a request for reasonable accommodation may file an appeal with the Commissioner, within sixty (60) days from the date of the denial, for a final decision on the accommodation request.

If the applicant or employee believes the denial decision was based on discriminatory reasons, the applicant or employee may file a complaint internally through the MDH's internal complaint process as outlined in this plan or with the Minnesota Department of Human Rights (MDHR).

The time line for filing a discrimination complaint with MDHR is one (1) year from the date of the discriminatory incident.

### **Information tracking and records retention**

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

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

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

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A copy of the agency's weather and emergency evacuation plans can be found in the Intranet Directory under “Safety” or at <http://fyi.health.state.mn.us/fadmin/safesecure/emergency.html>.

Knowledge and preparation by both individuals needing assistance and those who don't is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each agency will work to develop a plan and consult the appropriate building and safety personnel.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the agency Lonna Beilke below to request the type of assistance they may need.

Lonna Beilke, Safety Director, (651)201-5771, [lonna.beilke@state.mn.us](mailto:lonna.beilke@state.mn.us)

### Evacuation Options:

Individuals with disabilities have four basic, possibly five, evacuation options:

- Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- Stairway evacuation: Using steps to reach ground level exits from building;
- Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- For agencies equipped with an evacuation chair: Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair.

### Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

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

**Staff and evacuation assistants:**

- Employees with temporary or permanent mobility impairments, or those who would be unable to evacuate the building in a timely manner due to a personal health condition will:
  - Notify their supervisor and the building emergency coordinator(s) they require assistance.
  - Select two or more evacuation assistants to provide aid during an emergency.
- Mobility impaired employees and their evacuation assistants will form a plan to meet in a specific area of the workplace for all emergencies and will communicate this information to their supervisor, building emergency coordinator(s) and floor warden.
  - Identify a primary and secondary meeting area.
  - Near an exit route is a good area to meet.
- Staff working irregular hours, holidays or weekends will notify the security guard on duty they require evacuation assistance by notifying Capital Security dispatch at 9-651-296-6741 upon entering and exiting the building.

**Building emergency coordinator(s), floor warden and supervisors will:**

- Coordinate with staff and their evacuation assistants in the development of an appropriate evacuation plan and relocation site.
- Annually review and verify staff requiring assistance or upon a new request being added.
- Ensure information regarding the location of all staff requiring assistance be kept near or within the building fire panel for easy access and use by emergency response officials.

Keep duplicate copies of all staff requiring assistance at the security desk and with the building emergency coordinators.

**During an evacuation:**

- Meet at the primary or secondary pre-determined evacuation area.
- Once at the pre-determined location, the evacuation assistant(s) will assist the mobility impaired employee in evacuating the building if possible.
- If they are unable to evacuate and if safe to do so, the evacuation assistant will remain with the mobility impaired employee until help arrives.
- The evacuation assistant will then instruct a fellow employee (another evacuation assistant, floor warden, or alternate) to leave and report to the building emergency coordinator or fire department personnel, the location of the mobility impaired employee and evacuation assistant.
- These individuals will remain at this location until their rescue is assisted by fire department personnel.
- If, due to building conditions, they are unable to remain at this location, they will:
  - Relocate to an area behind doors (an office or conference room).
  - Relocate horizontally and further away from the area of imminent danger.
  - Immediately call 9-911 to advise them of their relocation or use any available means to contact emergency response officials (e.g. cell phone, sign in a window, etc.).

If the mobility impaired employee is in another area of the building, or one or both of the evacuation assistants is not available to help, the mobility impaired employee will ask for assistance from other individuals evacuating the building.

**Severe Weather Evacuation Options:**

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

- Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;

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

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**IX. GOALS AND TIMETABLES**

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

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

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

Job Categories	Underutilization - # of Individuals			Hiring Goals for 2016-2018		
	Women	Racial/Ethnic Minorities	Individuals With Disabilities	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	0	0	2	0	0	2
Professionals	0	4	27	0	6	9
Office/Clerical	0	0	0	0	0	0
Technicians	0	0	2	0	1	1

**Availability:**

The Minnesota Department of Health determined the recruitment area to be statewide for all job categories as the agency’s workforce is comprised of individuals working across various state locations. In conducting its underutilization analysis, the Minnesota Department of Health used the two factor analysis. The agency determined that the two factor analysis was appropriate in identifying the workforce availability percentage taking into consideration both internal and external availability. The two factor analysis will help establish placement goals for each job category comparing the estimated availability from the agency’s recruitment area.

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

**Women:** At the Minnesota Department of Health, the population of women has remained consistent between this Affirmative Action Plan and the 2014-2016 Affirmative Action Plan. There is no underutilization of women in any job category.

**Minorities:** At the Minnesota Department of Health, the population of minorities has improved in the following job categories: Professionals. The Minnesota Department of Health has improved in the Professionals job category as the agency has decreased the underutilization of minorities from ten minority individuals to four. Hiring minority individuals is an agency priority and the goal will be to continue to recruit individuals from the minority population and to implement a vigorous pre-hire/pre-offer review process.

**Individuals with Disabilities:** At the Minnesota Department of Health, the population of individuals with disabilities has improved in the following job categories: Professionals and Technicians, and has not improved in the following job categories: Officials and Administrators. The agency will continue to review our hiring practices and position requirements to ensure they do not present barriers for attracting candidates with disabilities. The agency will continue to work on agency recommendations from MMB to expand our disability recruitment through outreach, internships and addressing internal barriers.

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## X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

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In pursuing the agency's commitment to affirmative action, the agency will take the following actions during 2016-2018:

**Objective #1:** Enhance the agency's affirmative hiring efforts to develop a workforce that reflects the increasing diversity of Minnesota's Labor Force and the diversity of the communities served by MDH.

**Action Steps:**

- In collaboration with Human Resources, hiring managers and supervisors, continue to improve affirmative hiring processes including the implementation of (1) a pre-hire consult to discuss position qualifications and agency hiring goals, (2) a comprehensive pre-offer review to ensure equal opportunity hiring and (3) guidelines to assist in the identification and removal of barriers that inhibit the hiring and retention of protected group members.
- Identify and utilize new electronic recruiting sources, attend job and career fairs, and pursue other targeted recruitment opportunities for protected group members and veterans.
- Analyze, update and report MDH's underutilization quarterly hiring goals to senior management and Human Resources.
- Promote MDH's efforts to develop a potential workforce pipeline by pursuing established internship programs that serve protected group members.

**Evaluation:**

This is a new objective that will be periodically evaluated and progress will be reported in the agency's next Affirmative Action Plan.

**Objective #2: Provide training opportunities to ensure notice of equal employment opportunity requirements and to promote a respectful and inclusive work environment.**

**Action Steps:**

- Work collaboratively with Training and Development to develop and implement an online, interactive diversity and inclusion module for all MDH employees.
- Train managers and supervisors on affirmative action hiring practices and the pre-hire review process.
- Develop and publish informational articles and distribute presentations on diversity-related topics.
- Train all MDH employees on the Americans with Disabilities Act (ADA) and the reasonable accommodation process.
- Require all MDH employees to complete the on-line general and sexual harassment training.
- Promote and utilize contracted training opportunities involving subjects such as racial equity and cultural awareness.

**Evaluation:**

Although the agency has completed harassment training in the past, this is a new training objective that will be periodically evaluated and progress will be reported in the agency's next Affirmative Action Plan.

**Objective #3: Improve ACCESSIBILITY of internal and external electronic information sources to ensure staff and members of the public with disabilities have equal opportunity to access Agency information and resources.**

**Action Steps:**

- Conduct employee accessibility training including the design and creation of websites, applications, multi-media and other content.
- Evaluate and redesign Agency electronic documents and forms that are inaccessible to individuals with disabilities.

**Evaluation:**

This is a new objective that will be periodically evaluated and progress will be reported in the agency's next Affirmative Action Plan.



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

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### **Rationale:**

State rules governing the statewide affirmative action program specify that each agency must develop a procedure that “requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals.”

### **A. Pre-Hire Consult Process/Pre-Offer Review (Monitoring the Hiring Process)**

As the Minnesota Department of Health seeks to represent the state we serve and also exceed standard “utilization” rates, the agency will use this plan to meet the overall goal of hiring a diverse workforce.

The Minnesota Department of Health will use the procedures described below to also implement the agency’s Affirmative Action Plan, reach equal opportunity employment goals, and comply with state rules.

1. When a position vacancy exists or is created, the hiring supervisor/manager will work with the HRM staff to develop a position description and determine the appropriate classification. The hiring supervisor/manager, HRM staff and the Affirmative Action Officer when needed, will ensure the position description and classification do not overtly or implicitly exclude persons of color and people with disabilities.
2. Once the vacancy is ready to be posted HR staff will notify the hiring supervisor/manager that affirmative action goals have not been met for one or more protected group(s) if there is an underutilization for the job class.
3. HRM staff will post the position vacancy in accordance with all applicable collective bargaining provisions. When the position is open for outside candidates, the vacancy will be sent to a diversity mailing list established by MMB as well as any others determined by the Division in question.
4. HRM staff will determine whether the applicant pool contains protected group candidates who could fulfill placement goals where the underutilization(s) exists. HRM staff will provide the applicant list to the hiring supervisor/manager and discuss affirmative action goals and potential ways to meet goals for the vacant position.
5. When candidates are contacted for an interview, they will receive a description of the interview format and will be invited to request any reasonable accommodations for individuals with disabilities. For example, the candidates will be told whether skills testing will be conducted or what technology may be used during the interview process. This helps candidates determine whether they may need to request or arrange for a reasonable accommodation in advance of the interview.

6. The hiring supervisor/manager will create an interview panel and should consist of three (3) or more members.
7. Before an offer is made, if protected group candidate(s) were interviewed and the candidate selected is not a member of a protected group where an underutilization exists, a pre-offer review must be completed. The hiring supervisor/manager will provide written explanation outlining the reasons for the selection and supporting documentation to the Division Director/Assistant Division Director. If approved by the Division Director/Assistant Director, supporting documentation will be sent to the Office of Inclusion. The Office of inclusion will review the hiring supervisor/manager's justification and supporting documentation of the rationale for their selection.
8. If the Office of Inclusion approves the justification, they will forward written notice of their approval and documentation to the hiring manager/supervisor, Division Director/Assistant Director and HRM staff to continue the hiring process.
9. If the Office of Inclusion does not approve of the justification, the Office of Inclusion must contact the hiring supervisor/manager to discuss the proposed hiring. If agreement is not reached, the Office of Inclusion will notify the appropriate Assistant Commissioner and will submit the documentation to the Deputy Commissioner for final determination. The Office of Inclusion will notify the appropriate Assistant Commissioner, Division or Assistant Division Director, hiring manager, and HR of the final determination.

### **Recruiting**

The Affirmative Action Officer will establish recruitment goals, and along with the HRM staff, recruit among communities of color and people with disabilities.

### **Training**

The following training will be provided for staff involved in recruiting and hiring:

- Hidden biases in the hiring process
- Cultural competency

### **Reporting**

The Affirmative Action Officer will provide quarterly status updates to the HRM staff and MDH leadership on the progress of the agency's hiring goals and identified areas of underutilization.

HRM staff will complete a State of Minnesota Monitoring-the-Hiring-Process Form for all underutilized job categories.

The Affirmative Action Officer will report the number of affirmative and non-affirmative hires, as well as missed opportunities, to Minnesota Management and Budget quarterly.

The Affirmative Action Officer will provide Division Directors and Assistant Commissioners quarterly reports on their division's progress toward hiring goals

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

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

The Affirmative Action Officer, in conjunction with the agency's Human Resources office, will be responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

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

## **C. Other Methods of Program Evaluation**

1. Maintain a system of tracking protected group representation and monitor the monthly affirmative action report.
2. Conduct periodic reviews of reasonable accommodation requests to determine patterns and improvements needed.
3. The Minnesota Department of Health submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

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

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

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;

- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

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## XII. RECRUITMENT PLAN

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

Recruitment costs incurred during the 2014-2016 plan year total: up to \$7,000

Below are various recruitment methods or strategies utilized by the agency during the past year.

### A. Advertising Sources

The Minnesota Department of Health has successfully recruited individuals by utilizing a variety of sources and will continue to advertise specific vacancies in community newspapers, utilize electronic media, and distribute postings of internships and job opportunities in the following list of resources, as well as adding new sources as they become available.

- Minneapolis Star Tribune
- Duluth News Tribune
- Mankato Free Press
- Rochester Post-Bulletin
- Fergus falls daily journal
- St Cloud Times
- St Paul Pioneer Press

### Advertising Agency

- Greystone Group Advertising

### Websites

The Human Resource Management Division, the Office of Inclusion and other agency program staff will utilize several websites for recruitment:

- Minnesota Works <https://www.minnesotaworks.net/>
- Minnesota Department of Health site <http://www.health.state.mn.us/>
- State of Minnesota <https://mn.gov/mmb/careers/>
- Minnesota Public Health Association <http://www.mpha.net>
- Craigslist Minnesota
- Public Health Jobs <http://www.publichealthjobs.net>
- CareerBuilder <http://www.careerbuilder.com/>
- LinkedIn: <https://www.linkedin.com/company/mnhealth>

- Facebook: <https://www.facebook.com/mnhealth>
- MNjobs.com <http://www.mnjobs.com>

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

The Human Resource staff of the Minnesota Department of Health has successfully recruited individuals from these venues and will continue to attend these job fairs and community fairs during the term of the 2016-2018 Affirmative Action Plan years. Attending these functions will be a priority for developing partnerships and expanding diversity goals. Additional functions may be added, as they become available.

- The Minnesota Veterans Career Fair
- University of Minnesota School of Public Health Job Fair
- University of Minnesota Job and Internship Fair
- Minnesota State Fair
- The Minnesota College and University Career Services Association (MCUCSA), Government and Nonprofit Career Fair

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

The Human Resources staff and the Affirmative Action Officer of the Minnesota Department of Health will utilize College and University Events to establish continued partnership in the diverse recruiting efforts of the Agency.

- University of Minnesota School of Public Health
- St. Catherine University
- Minnesota State University Moorhead
- MNSCU network
- Minnesota State University Mankato

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

1. Review of job postings for physical and sensory requirements and ensure that qualifications in job postings are inclusive and do not pose any unnecessary barriers

- The Minnesota Department of Health will review all job postings for physical and sensory requirements and determine if the qualifications for the position are job-related and consistent with business necessities. Additionally, our agency will edit language pertaining to physical and sensory requirements to reflect more inclusive language for job qualifications.

2. Self-Identification

- At the time of application and once a year, our agency will communicate to our employees that we collect summary data related to the number of individuals who have applied for positions and who are in our workforce. We will inform employees that we collect this summary data to make determinations about where we need to improve in terms of recruitment, selection, and retention of individuals with disabilities.

3. Reasonable Accommodation

- The Minnesota Department of Health will prominently display on our career site that we will provide reasonable accommodation to qualified individuals with a disability who apply for our positions where needed. Once hired, we will educate employees, supervisors and managers on accommodating employees in the workplace.

4. Accessibility Matters Campaign

- Our agency will distribute marketing material and resources to our staff to remind them to create accessible electronic documents and systems, so that employees with disabilities coming into the workforce can contribute to the workforce and will be able to access similar information and resources as other employees.

5. Strategic Partnerships

- The Minnesota Department of Health will build strategic partnerships with DEED – Vocational Rehabilitation Services (“VRS”), DEED – State Services for the Blind (“SSB”), and other state agency partners to conduct job evaluations and to assist in recruitment or referral of candidates to open positions. Our agency will work to inform VRS or SSB when a position is posted or prior to a posting if possible about the position.

6. Self-Analysis

- Our agency will conduct periodic self-checks to determine if our systems or documents are accessible, language in our job postings is inclusive, and reasonable accommodations have been provided and staff have been trained on how to provide reasonable accommodations.

**E. Relationship Building and Outreach**

The Office of Inclusion will continue to inform collaborative partners and the general community regarding employment opportunities with the agency. For this purpose we utilize Minnesota Management and Budget network of collaboration/enterprise with about 500 diverse organizations in diversity and public health.

Additionally, it is our commitment to meet our overarching goal of eliminating health disparities for our protected group populations. An example of this commitment is our Center for Health Equity which provides leadership on minority and multicultural health issues among programs and communities. Center for Health Equity promotes racial and ethnic approaches to public health and health care services and leads the departments Eliminating Health Disparities Initiative. This effort works to close the gap in the health status of African Americans/Africans, American Indians, Asian Americans, and Hispanic /Latinos in Minnesota compared with whites in the following priority health areas: breast and cervical cancer, cardiovascular disease, diabetes, HIV/AIDS and sexually transmitted infections, healthy youth development, and violence and unintentional injuries, and by 2010, decrease by 50 percent the disparities in infant mortality

rates and adult and child immunization. This initiative partners with a wide variety of organizations and groups and integrates state level activities within the Minnesota Department of Health.

We will strengthen our current relationships with community partners (serving people with disabilities, racial/ethnic minorities and women) as well as develop new ones. These relationships will be cultivated through:

- In-service Learning opportunities for Minnesota Department of Health staff
- Immersion experience's in the community
- Partnership with a wide variety of community organizations

We will offer in-service learning forums for community resource contacts to present information about their services to Minnesota Department of Health staff. Community emersion experiences will be offered as they arise. Partnership with other organizations will conserve resources and add value to our efforts.

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

The Minnesota Department of Health supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

#### **G. Additional Recruitment Activities**

Our strategy in the past and in the future is to expand diversity within our department and concentrate our efforts by creating a national presence at organizations that represent diverse populations with the science skills necessary for our positions. The following organizations represent women, minorities, and disabled individuals with careers in science:

- University of Minnesota Center of American Indian and Minority Health
- SACNAS-Society for Advancement of Chicanos and Native Americans in Science
- APPINA-Asian American/Pacific Islander Nurses Association
- Minority Nurses-Nurses with Disabilities
- The Minnesota Black Nurses Association

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### **XIII. RETENTION PLAN**

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

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

The Minnesota Department of Health will strive to affirmatively ensure equal opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on underutilized individuals. The responsibility for these retention efforts to be successful lies

with all employees. The department's retention strategy's is a multi-faceted approach, guided by the Health Steering Team, agency management, Human Resources Director, and the Affirmative Action Officer.

Primary responsibility for the retention activities:

Kathie Eiland-Madison, Human Resource Director

651-201-5778, [Kathie.Eiland-Madison@state.mn.us](mailto:Kathie.Eiland-Madison@state.mn.us)

Vikki Getchell, Director, Office of Inclusion, Affirmative Action Officer/ADA Coordinator

651-201-4175, [Vikki.Getchell@state.mn.us](mailto:Vikki.Getchell@state.mn.us)

James Baertlein, Affirmative Action Officer Designee/ADA coordinator

651-201-4089, [James.Baertlein@state.mn.us](mailto:James.Baertlein@state.mn.us)

Secondary responsibility for the retention activities:

- Hiring Authority in all Divisions
- Human Resource Staff
- Training and Employee Development Staff

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

The Minnesota Department of Health has had 114 individuals resign during FY2014 and FY2015 which constitutes 53% of the total separations. Of these resignations, approximately 82% were women, 16% were minority individuals and 3% were individuals with disabilities. The HRM Division will continue to monitor the turnover within these groups to identify trends in separation and initiate programs to lower the rate of resignation by employees within protected groups.

The agency will conduct quantitative and qualitative analysis of agency turnover.

- Quantitative analysis – Will continue to monitor the patterns of separation by Divisions and employment trends that affect turnover. Data will be available quarterly and annually.
- Qualitative analysis – The agency will apply turnover reduction strategies, following the identification of cause, behaviors and separation trends. These strategies will include surveys, exit interviews, focus groups and additional data gathering methods. Data will be available quarterly and annually.

## **C. Methods of Retention of Protected Groups**

Our primary focus will be to anticipate future needs for talent, cultivate our employee's knowledge, skills and abilities in order to prepare them for advancement opportunities, and to continuously enhance all of our efforts so that employees view the Minnesota Department of Health as a preferred place in which to work.



To improve the rate of retention of talented employees, we will continue with current efforts and integrate new approaches. These efforts will consist of:

- Conducting quantitative and qualitative analysis of agency turnover
- Advising agency leadership of trends and solutions
- Implementations of efforts to reduce turnover in areas identified through analysis
- Implementations of efforts to create and promote employee development opportunities
- Encourage employees to seek out career development opportunities

#### **Employee Orientation Efforts**

- Managers and supervisors new to the department will be offered a special orientation opportunity. This effort is currently organized by the Center for Workforce Development.
- All new employees are offered a New Employee Orientation Session, which is a full-day program that provides information about agency resources (including EEO/AA and diversity).

#### **Work Environment Improvement**

- Employers who provide a safe environment where employees are free to share their ideas and opinions are more likely to retain diverse talent. This Agency is committed to workforce development and open communication, and Office of Inclusion will partner with divisions and work units to accomplish these aims. We will work to implement methods to gather feedback from our employees through focus groups that encourage interactive, authentic dialogues.

#### **Performance Management**

When employees are clear about their expectations, have constructive feedback on an on-going basis and work with their supervisors to construct an individual development plan they are less likely to leave an organization. A performance management toolkit is available for supervisory use.

Human Resource Management provides on-line information to agency management regarding the number of completed performance reviews within a one-year time period. This office will work towards a goal of assisting and encouraging managers, supervisors and administrators in the completion of performance reviews and individual development plans of all Minnesota Department of Health staff during the time period for this Plan. Office of Inclusion will be available to work with supervisors and representatives of the bargaining units upon request to identify barriers employees have in meeting performance expectations and work on initiatives that will produce measurable results.

### **Early Conflict Intervention**

Employers who quickly respond to employee disputes are less likely to lose valuable employees. The department strongly believes in early detection and intervention of employee conflicts through various methods including the use of Alternative Dispute Resolutions (ADR). The department will continue its current efforts to retain employees by resolving conflicts at the earliest possible occasion. The Human Resources Management team, including the Office of Inclusion, provides support and guidance to managers and supervisors to resolve conflicts. The Office of Inclusion and Human Resource Management staff will meet with work units as needed and make referrals to the Employee Assistance Program as appropriate.

### **Workforce Planning**

Human resources staffing data has shown that the Minnesota Department of Health will experience a rapid growth in retirement rates. Office of Inclusion and Human Resource Management will monitor the retirement rates and provide these projections to agency management. A coordinated approach will be developed that will provide resources and information on specific steps to be taken to consider issues such as demographic staff composition, cultural sensitivity, human relations aptitude, diversity dynamics and inclusive processes. As required by Executive Order 07-16 the Minnesota Department of Health will develop a workforce plan that will position the department to meet future workforce needs. A focused effort at workforce planning in a couple of critical areas of the Department will be complete.

# APPENDIX

## Monitoring the Hiring Process Form



### State of Minnesota Monitoring the Hiring Process Form

**Complete this form ONLY for vacancies where there is an underutilization for a protected group in an EEO Job Category.**

**I. GENERAL INFORMATION**

Agency Name (include location or facility):	Job Classification and Job Code (example: PCS, Sr / 0859):	EEO Job Category:
Requisition Number (if none, use Position Number):	Unlimited, Classified filled through Multi-Source or Non-Competitive, Qualifying Appt SEMA4 Action/Reason Code :	Appointment Date:

**II. IDENTIFY UNDERUTILIZED PROTECTED GROUP(S) FOR THIS VACANCY (Check all that apply)**

- Women       Minorities       People with a disability

**III. INDICATE RECRUITMENT CONDUCTED FOR THIS POSITION (Check all that apply)**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Newspapers                         | <input type="checkbox"/> Community Newspaper              | <input type="checkbox"/> Community/Civic Organization |
| <input type="checkbox"/> Internet Job Boards                | <input type="checkbox"/> Diversity-focused Internet Sites | <input type="checkbox"/> Employee Suggestions         |
| <input type="checkbox"/> Colleges/University Posting        | <input type="checkbox"/> Trade/Technical School Posting   | <input type="checkbox"/> Workforce Center             |
| <input type="checkbox"/> Job Fair                           | <input type="checkbox"/> MMB Website                      | <input type="checkbox"/> Professional Organization    |
| <input type="checkbox"/> Diversity-focused Magazine/Journal | <input type="checkbox"/> Agency Website                   | <input type="checkbox"/> Disability/Minority Councils |
| <input type="checkbox"/> Direct mailing                     |   |   |
| <input type="checkbox"/> Other, please explain: _____       |   |   |

**IV. RECRUITMENT COSTS FOR THIS POSITION \$ \_\_\_\_\_**  
 (Cost of recruitment in Section III)

**V. INDICATE WHO WAS INVOLVED IN THE RECRUITMENT (Check all that apply)**

- Affirmative Action Officer       Agency Recruiter       Hiring Manager  
 HR Staff       MMB Recruiter  
 Other, please explain: \_\_\_\_\_

**VI. TOTAL NUMBER OF PEOPLE IN THE APPLICANT POOL \_\_\_\_\_**

**VII. NUMBER OF QUALIFIED PROTECTED GROUP MEMBERS IN THE APPLICANT POOL**

Identify underutilized protected group(s) for this vacancy below.	# of protected group members in the Applicant Pool	# of protected group members the agency attempted to contact	# of protected group members responding to contact from agency	# of protected group members who were interviewed	# of protected group members who withdrew or declined job offer
<input type="checkbox"/> Females					
<input type="checkbox"/> Minorities					
<input type="checkbox"/> People with Disability					

**VIII. APPOINTMENT**

- Affirmative**  Yes (If Yes, go to the last section and sign. You do not need to complete the rest of the form.)  
**OR**  
**Non -Affirmative**  Yes (If Yes, indicate in the next section whether the appointment was Justified OR Non-justified.)

<b>IX.</b> <b>JUSTIFIED</b> The following reasons may apply if appointee is not a member of a protected group (women, minority, or person with disability) for which there is an underutilization. Select a reason for each member of a disparate group.	<b>OR</b>	<b>NON-JUSTIFIED</b>
<p><b>Collective Bargaining Agreement Provisions</b></p> <p><input type="checkbox"/> Contract/Plan provisions applied. Including, but not limited to: seniority, appointment from layoff, claiming, transfer/demotion in lieu of layoff or reassignment to avert a layoff. Cite contract language: _____</p> <p><input type="checkbox"/> Appointment made in order to comply with grievance, arbitration, or litigation settlement.</p> <p><b>Workers' Compensation/Disability</b></p> <p><input type="checkbox"/> Appointed workers' compensation employee or appointed individual with a disability as a reasonable accommodation (under A.P. 13.1).</p> <p><input type="checkbox"/> Unable to make reasonable accommodation for applicant's disability. Explain: _____</p> <p><b>Human Resource, Protected Group or Requirement Issues</b></p> <p><input type="checkbox"/> No members of disparate groups were in the Applicant Pool. There were (____) applicants in the pool who did not disclose their protected status.</p> <p><input type="checkbox"/> Member of disparate group failed to pass mandatory job requirements; such as: education, training, experience, certification /licensure, physical exam, or background check. Explain: _____</p> <p><input type="checkbox"/> Member of disparate group did not respond to agency's contact, voluntarily withdrew their name, or were not interested in the position.</p> <p><input type="checkbox"/> The person selected was not a member of the disparate group, but was more qualified than the candidates not selected. What Knowledge, Skills, and Abilities made the appointee substantially more qualified? Explain: _____</p>		<p><input type="checkbox"/> Missed opportunity Explain: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>

**X. PRE-APPOINTMENT/EMPLOYMENT REVIEW PROCESS**  
 Was the pre-appointment/employment review process followed as stipulated in agency affirmative action plan?  
 Yes  No If no, please explain: \_\_\_\_\_

<b>XI. SIGNATURE BLOCK</b>	
Signature of Agency Human Resource Staff _____  Date _____ Phone _____	Signature of Affirmative Action Officer _____  Date _____ Phone _____

## Complaint of Discrimination/Harassment Form



### Minnesota Department of Health **Office of Workforce Diversity** Discrimination/Harassment Complaint Form

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**\*Please Read Before Completion of Form\***

TENNESSEN NOTICE: This form asks you to supply data concerning yourself that may be 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 Health understand and investigate a complaint that you wish to file alleging discrimination or harassment. Although you are not legally required to supply the requested data, failure to do so may make it difficult for the department to investigate your complaint. While providing data may put you at risk in terms of possible legal action that could be taken against you, the consequences of not supplying the data would be that we do not have all of the information relevant to your complaint. If you supply this data, you may be required to testify at subsequent hearings and/or data you provide may be used to take disciplinary or other remedial action.

The other persons or entities which, as authorized by law, may see the data at some point include: supervisors and managers whose input is necessary in the decision-making process; exclusive representatives of employees; staff of Minnesota Management and Budget; 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 (includes the Attorney General's office). This could include the: State and federal courts; State and federal human rights enforcement agencies; the Re-employment Compensation Division of the Minnesota Department of Employment and Economic Development; law enforcement agencies; counsel for and parties to litigation pursuant a court order; the Legislative Auditor's office; the employee who is being investigated.

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**Name of Complainant:** \_\_\_\_\_

**Division/Section/Unit:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_

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

**Phone:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Check any of the following that you believe may be the basis for the complaint:**

- |                                     |  |  |
|-------------------------------------|--|--|
| <input type="checkbox"/> Disability | <input type="checkbox"/> National Origin | <input type="checkbox"/> Status with Regard to Public Assistance |
| <input type="checkbox"/> Race       | <input type="checkbox"/> Religion        | <input type="checkbox"/> Local Human Rights Commission Activity  |
| <input type="checkbox"/> Sex        | <input type="checkbox"/> Creed           | <input type="checkbox"/> Retaliation for filing prior complaint  |

Age                       Sexual Orientation                      If so, date of complaint: \_\_\_\_\_  
 Color                       Marital Status

**Why do you believe the reason(s) you checked above is the basis of your complaint?**

**Who do you believe discriminated against or harassed you?**

Name: \_\_\_\_\_

Division/Section/Unit: \_\_\_\_\_

Phone: \_\_\_\_\_

**Please describe the reason (or reasons) you believe that you were discriminated against or harassed.**

Describe the incident(s) in detail, with the most recent incident first (include names and types of behavior, dates, times, locations). Attach additional sheets if necessary. If you have documentation you believe is relevant to your complaint, please attach it to this complaint form.

1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Has an act of physical violence occurred?
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Has intimidation or a threat of violence occurred?
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Did police or security respond to this incident? If yes, who responded?
4.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was a police report filed? List Jurisdiction and report number.
5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was your supervisor notified? When?
6.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was a weapon involved? If yes, specify.
7.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Were you alone when the incident occurred? List the names of any witnesses.
8.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Were you injured? Describe the nature of the injuries and list any facility where you were treated.
9.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Did you lose any work time as a result of this incident? Explain.

**Were there any witnesses? If so, who?**

**Witness #1**

Name: \_\_\_\_\_

Division/Section/Unit: \_\_\_\_\_

Phone: \_\_\_\_\_

**What did he/she observe?**

**Witness #2**

Name: \_\_\_\_\_

Division/Section/Unit: \_\_\_\_\_

Phone: \_\_\_\_\_

**What did he/she observe?**

**Did you attempt resolution of this matter through any other process, such as a union grievance, mediation or other process? If so, please specify.**

**Did you file this complaint with any other agency? If so which agency and where is it in the process?**

.....  
This complaint is being filed based on my honest belief that the named person(s) discriminated or harassed me. I hereby certify that the information I have provided in this complaint is true, correct, and complete, to the best of my knowledge and belief. I hereby affirm that I am not using this complaint procedure for reasons of personal malice or abuse towards another employee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received

\_\_\_\_\_  
Date

## Employee/Applicant Request for ADA Reasonable Accommodation Form

### Employee/Applicant Request for Americans with Disabilities Act (ADA) Reasonable Accommodation



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

<b>Employee/Applicant Name:</b>	<b>Job Title:</b>
<b>Work Location:</b>	<b>Work Phone Number:</b>
<b>Supervisor:</b>	<b>Home or Cell Phone:</b>

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

#### Questions to clarify accommodation requested.

1. Please briefly describe the nature of your physical and/or mental impairment(s).
2. What specific accommodation are you requesting?
3. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? If yes, please explain.



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

1. What, if any, job function are you having difficulty performing?
  
2. What, if any, employment benefit (e.g., training, access to agency-sponsored employee events, health insurance, leaves, etc.) are you having difficulty accessing?
  
3. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?
  
4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

**Information Pertaining to Medical Documentation:** In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

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

Employee/Applicant Signature: \_\_\_\_\_

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

## Agency Profile and Organizational Chart

The MDH provides the following services:

- Birth and death certificates
- Around-the-clock monitoring for infection diseases.
- Assurance that the water and food are safe to drink and eat.
- A swift, effective response to disease outbreaks and public health emergencies.
- Investigation into novel illnesses.
- Planning with hospitals and health care systems to rapidly care for large numbers of injured or ill victims.
- An immunization program for preventable diseases.
- Data to identify economic trends such as health and the medical system.
- Quality measurement and public reporting of clinical care.
- Statewide health improvements that focus on policy, environmental and system changes in communities.
- Assurance that inappropriate care in nursing homes, hospitals and other care facilities is corrected.
- Planning to help ensure rural Minnesotans have access to care.
- Statewide food programs for women, infants and children.
- Information about health behaviors and chronic disease prevention, such as which diseases are among the most prevalent, costly and preventable.
- Information about effective approaches to improving health and reducing the state's incidence of chronic diseases.
- Efforts to eliminate health disparities between Minnesota's different ethnic populations.
- Programs that encourage people to make healthy choices.
- Advice about reducing environmental and pollution risks to health.
- Assurance the dead are disposed of properly.

**MDDH**  
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