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Minnesota Office of Higher Education  
1450 Energy Park Dr. Ste 350  
St. Paul, MN 55108

To whom it may concern,

Enclosed are three historic Affirmative Action plans for the Office of Higher Education.

These are from before we became a cabinet agency.

- Minnesota Higher Education Coordinating Board- Affirmative Action 1989-90
- Minnesota Higher Education Coordinating Board- Affirmative Action 1994-95
- Minnesota Higher Education Services Office- Affirmative Action Plan 1997 ✓

Please let me know once you have received these items.

Thank you,

**Mikayla Durkee**  
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**Minnesota Higher Education  
Services Office**

**Affirmative Action Plan**

July, 1997

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**MINNESOTA HIGHER EDUCATION  
SERVICES OFFICE**

**I. Statement of Commitment**

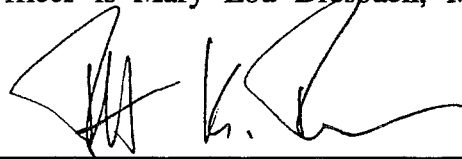
The Minnesota Higher Education Services Office (MHESO) fully recognizes the affirmative action policies of the State of Minnesota as contained in Minnesota Statutes 43A.19, Subd. 1. MHESO is committed to the policy of implementing and maintaining an affirmative action program designed to identify and correct imbalances of protected groups in the work force and to foster correction of any imbalances which may exist.

The MHESO assures that qualified applicants are employed, employees are treated equally during their employment, and policies will be implemented without regard to race, creed, color, sex, religion, national origin, age, marital status, disability, reliance on public assistance, political opinions or affiliations. The agency's commitment to affirmative action is to ensure equal opportunity in all personnel activities including but not limited to recruitment, selection, appointment, promotion, demotion or disciplinary procedures, transfer, layoff or termination, compensation, classification, employee development and training, of all protected groups and reasonable accommodations for the hiring and promotion of qualified disabled persons.

This agency fully supports the non-discriminatory provision of all state and federal laws, rules, regulations, policies, and guidelines regarding non-discrimination and equal opportunity.

As Chief Executive Officer of this agency, I am strongly committed to the principles and policies of effective affirmative action. All management and supervisory staff have responsibility for progressive affirmative action in the performance of their responsibilities and I enlist the assistance of all employees to assist in the effort to achieve equal opportunity, for all groups, within this agency.

The designated MHESO Affirmative Action Officer is Mary Lou Dresbach, Manager of Contracts, Budget, and Human Resources.



8/19/94

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Robert K. Poch  
Director of MHESO

## II. Responsibility for Implementation

### A. Executive Director

The Executive Director is responsible for the overall administration of the agency's Affirmative Action Plan. He will take the appropriate actions to remove all artificial barriers to equal opportunity.

#### Accountability

The Executive Director is accountable to the Board, the Governor, the Legislature and the Commissioner of Employee Relations for the implementation and maintenance of the agency's Affirmative Action Plan.

#### Duties

1. To designate a top executive as the agency's Affirmative Action Officer, or to act as the Affirmative Action Officer himself/herself, if sō desired.
2. To take action on complaints of discrimination, as needed.
3. To issue a statement affirming his/her support of the State's equal opportunity policy for his/her own agency and to ensure that such statement is disseminated to all employees.
4. To make such decisions and changes in policy or procedure as may be needed to facilitate effective affirmative action in the agency.

### B. Affirmative Action Officer

The Affirmative Action Officer is responsible for the implementation and maintenance of the Affirmative Action Plan.

#### Accountability

The Affirmative Action Officer is accountable directly to the Executive Director for all affirmative action matters.

#### Duties

1. To coordinate and to monitor the day to day affirmative action activities.
2. To investigate complaints of discrimination and report findings with recommendations to the Executive Director.
3. To fulfill affirmative action reporting requirements as prescribed and required by the Equal Opportunity Division, Department of Employee Relations. An annual report will be presented to the Board and periodic reports, as requested.

4. To ensure the dissemination of the agency's Affirmative Action Plan.
5. To conduct exit interviews with all employees to determine reasons for turnover or for other matters of concern to the agency.
6. To act as the liaison between the agency and the Equal Opportunity Division (EOD), Department of Employee Relations, for purposes of affirmative action.
7. To review, respond, and fulfill approved requests for reasonable accommodations from applicants and/or employees in a fair and equitable manner. See Appendix E.
8. To determine the need for affirmative action training within the agency and to initiate the development of such training programs with the assistance of the Equal Opportunity and Training Divisions of the Department of Employee Relations and outside resources as may be necessary.
9. To review and recommend changes in policies, procedures, and programs to facilitate affirmative action.
10. To support and participate in the recruitment and selection of protected group persons in employment, promotion, and training opportunities.
11. To maintain contacts with protected group resources for recruitment purposes.
12. To notify all contractors and subcontractors, with whom the agency does business, of their affirmative action responsibilities.

C. Directors, Managers, and Supervisors

Responsibilities

To ensure compliance with statewide and agency Affirmative Action Plan/Programs and to ensure equal treatment of all employees.

Duties

1. To assist the agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
2. To assist the agency's Affirmative Action Officer in recruiting and hiring protected group persons for employment, promotion, and recommending for participation in training opportunities.
3. To select candidates for positions or promotional opportunities on the basis of training, experience, the agency's affirmative action goals, and in consultation with the Affirmative Action Officer as per the pre-employment review process (Section IV).
4. To advise the Affirmative Action Officer of all requests for reasonable accommodations by applicants and/or employees under their supervision.
5. To communicate the agency's affirmative action policy to assigned staff.
6. To assist the agency's Affirmative Action Officer by advising employees under their supervision of training and improvement programs which are available, when appropriate.
7. To respond to inquiries related to discrimination complaints within five (5)

working days and to assure that no reprisals are made against an employee for filing a discrimination complaint.

### Accountability

The Division Directors are directly accountable to the Executive Director. Managers and supervisors are accountable to the Division Directors.

### III. **Communication and Dissemination of Plan**

#### A. Internal

1. Copies of this plan will be available to current and future employees with a copy being distributed to each permanent employee.
2. A copy of the plan will be posted on the Agency's bulletin board and copies will be available from the Personnel Office.
3. All managers and supervisors will be responsible for assisting in communicating the policy and spirit of the Plan to the employees under their supervision.
4. All position announcements will contain material identifying the agency as an equal opportunity employer committed to affirmative action.
5. The agency's commitment will be communicated in reports, employee orientation materials, and policy and program manuals. The agency's commitment will be communicated in newsletters, publications, and appropriate correspondence.
6. Orientation/information sessions will communicate the availability and/or distribute copies of the agency's Affirmative Action Plan and any updates or changes.

The above listed procedures are being implemented and will become a part of the policy and procedures of the agency.

#### B. External

1. All contracts and agreements will contain equal opportunity provisions where appropriate. A system has been developed and is being used to inform agencies and entities doing business with the agency of this plan and how it affects them in their dealings with the agency. Those entities demonstrating other than a good faith effort toward the agency's statement of commitment will not be allowed to do business with the agency until they have demonstrated compliance.
2. A mailing list consisting of community groups and groups representing protected group persons will be maintained to inform the groups of agency activities and employment/position openings.
3. Agency stationery will contain an equal employment opportunity statement. All public relations and promotional materials will be reviewed for equal opportunity content and impact.

4. The Affirmative Action Officer/Designee will be available to explain our plan to all interested groups and organizations.
5. All external position announcements will contain statements identifying the agency as an equal opportunity employer committed to affirmative action and employment/position openings will be advertised in appropriate protected group publications.

#### IV. **Statement on Harassment**

Harassment on the basis of race, color, religion, sex, or national origin is a form of discrimination and is in violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972. Harassment is punishable under both federal and state laws and is a clear violation of equal employment opportunity. The agency is responsible for maintaining a working atmosphere free of discrimination and expressions of bias including, but not limited to discriminatory insult, intimidation and other forms of harassment. The agency is obligated to take prompt and appropriate measures and/or action against individuals who harass or discriminate against candidates and/or employees. Disciplinary action may include suspension, demotion, transfer, or termination. The agency is committed to complying with the Statewide Policy on Sexual Harassment issued by the Commissioner, Department of Employee Relations. The Statewide Policy on Sexual Harassment is outlined in Appendix A.

The following procedures are recommended to an employee who is being harassed:

1. Clearly explain to the person (s) harassing you what behavior you find objectionable and ask that it cease.
2. Keep a written record of the instances of harassment and the names of any witnesses.
3. If the harassment continues, follow the complaint procedure in Appendix B.

#### V. **Complaint Procedure**

The agency has established an internal complaint procedure to investigate all complaints (discrimination, harassment and others) received from employees in a prompt and efficient manner. The procedure is designed to provide a complainant with a fair, impartial investigation of a complaint utilizing first an informal conciliation effort and, if that is unsuccessful, then a more formal investigation by the Affirmative Action Officer, Personnel Officer or Designee.

Discrimination complaints will be investigated by the Affirmative Action Officer or Designee according to the Complaint Procedure in this Plan. Complaints or grievances determined as not related to an equal opportunity/discrimination matter will be investigated by the Personnel Officer or Designee according to the grievance procedure provisions of the applicable collective bargaining agreement. The findings of the



investigation and recommendation of resolution will be submitted to the Executive Director or Designee for final determination. The agency Complaint Procedure is Appendix B. The Complaint Form is Appendix C.

VI. Protected Groups

Protected group members as defined by the Equal Opportunity Division, Department of Employee Relations, are women, minorities, and disabled/handicapped persons.

Minorities are the following racial/ethnic groups:

American Indian	Asian/Pacific Islander
Black	Hispanic

Disabled/handicapped persons are identified as persons who have a limitation of a major life function. This limitation may be either perceived or medically diagnosed. The definitions relating to Disability and Handicap are contained in Appendix D.

VII. Bargaining Units and Percentage Goals

This Plan is written to address bargaining units which have a disparity/underutilization among protected groups. A disparity/underutilization exists when the agency's percentage of protected group persons within a bargaining unit is less than the percentage goals determined by the Equal Opportunity Division, Department of Employee Relations.

The following are bargaining units which represent the employees at our agency:

- MHECB Managerial and Professional (Unclassified)
- MAPE/General Professional (Classified)
- MMA/Supervisors
- Commissioner's Plan
- AFSCME/Clerical and Office
- AFSCME/Technical

The following are the affirmative action percentage goals for each protected group as established by the Equal Opportunity Division, Department of Employee Relations:

<u>Protected Group</u>	<u>Percentage Goal</u>	<u>Area</u>
Women	44.57%	metropolitan
Minorities	4.69%	metropolitan
Disabled	8.20%	statewide

VIII.

Percentage Goals for 1994-95

The following are the percentage goals for our agency established by the Office of Diversity and Equal Opportunity, Department of Employee Relations. Our agency's disparities in bargaining units are based on percentages computed by the Office of Diversity and Equal Opportunity. An agency need not set a goal for bargaining units which consist of five (5) or less employees.

<u>Bargaining Units</u>	<u>Women</u>		<u>Minorities</u>		<u>Disabled</u>	
	<u>Goal %</u>	<u>6/94 %</u>	<u>Goal %</u>	<u>6/94 %</u>	<u>Goal %</u>	<u>6/94 %</u>
MHECB Plan	39.80	55.17	9.10	10.34	8.20	10.34
Non-Managerial Plan (formerly Commissioner's Plan)	No goal set - 5 or less employees					
MMA/Supervisory	No goal set - 5 or less employees					
MAPE/Professional	42.60	16.67	7.60	0.00	8.20	0.00
AFSCME/Clerical	---	94.45	7.50	4.55	8.20	13.64

IX. Hiring Goals for 1994-95

Hiring goals represent our agency's commitment to make annual affirmative action progress. The following are the hiring goals for 1994-95:

<u>Bargaining Unit</u>	<u>Anticipated Hiring Opport.</u>	<u>To Hire</u>
MHECB Comp. Plan	1 opportunity	Not applicable
Non-Managerial Plan (formerly Commissioner's Plan)	No goal - 5 or less employees	
MMA/Supervisory	No goal - 5 or less employees	
MAPE/Professional	0 opportunity	1 Minority or Disabled person
AFSCME/Clerical	2 opportunities	1 Minority person

X. Program Objectives for 1994-95

This Plan includes action-oriented objectives indicating the progress this agency anticipates to achieve during the forthcoming year.

Objective 1: To encourage division directors, managers, supervisors, and employees to attend training courses offered by the Department of Employee Relations and/or other organizations that address prevention of sexual, racial, disability harassment or discrimination, work place cultural diversity, and information regarding reasonable accommodations.

Action step: To emphasize and encourage appropriate staff members to attend.

Responsible: Affirmative Action Officer

Target date: Quarterly or on going as new professional employees are hired.

Objective 2: To provide Division Directors with information regarding the ability of disabled persons to perform the duties of a position prior to recruiting or requesting an eligible list.

Action step: Instruct Division Directors, review position description of position, and determine if the duties could be performed by a disabled person with reasonable accommodations. If appropriate, contact the Office of Diversity and Equal Opportunity, Department of Employee Relations for consultation regarding recruitment and/or reasonable accommodations.

Responsible: Affirmative Action Officer or designee

Target date: Quarterly or on going as positions become vacant.

Objective 3: To conduct orientation/information session for new agency employees regarding benefits and the Affirmative Action Plan.

Action step: To advise new employees of the HECB Affirmative Action Plan and provide a copy for their review.

Responsible: Personnel Officer

Target date: Quarterly or on going as new employees are hired.

## XI. Pre-Employment Review

In order to meet the agency's affirmative action goals, the following personnel actions will be taken:

### A. Consultation with Managers

Managers will be advised of the goals and disparities for the various bargaining units by the Affirmative Action Officer/Designee whenever a vacancy occurs.

### B. Selection Process:

1. A vacant position is created due to a resignation, promotion, transfer, leave of absence, termination, or establishment of a new position. The director or manager of the affected division/program may or may not request to fill the position.

2. If a decision is made to fill the vacancy, the Affirmative Action Officer/Designee (AAO/D) will be notified. Based on the agency's affirmative action goals, the AAO/D will determine if a disparity exists in the bargaining unit that the vacant position is in and will work closely with the director, manager and/or supervisor, monitoring and collecting data, each step of the hiring and/or promotional process which includes:

- a. A position analysis will be completed for the vacant position.
- b. The position description will be reviewed and revised, if needed.
- c. The Personnel Officer establishes the method of filling the vacant position as follows:

#### d. Classified Position:

A classified position will be filled according to the appropriate bargaining unit contract.

1. The Personnel Officer will determine whether any bargaining unit employees are eligible to bid on the position and the position will be posted for the required length of time in accordance with the contract.
2. If the posting and bidding process is unsuccessful, a certification list of eligible candidates will be obtained from the Department of Employee Relations.
3. Job-related questions will be devised by the Interviewer and reviewed by the AAO/D and Personnel Officer to ensure they are uniform, appropriate, and job-related. Interviews will be conducted uniformly using the job-related questions.
4. If a disparity exists in the bargaining unit, the candidates on the certification list in that disparity group will be brought to the attention of the division director and/or interviewer.
5. Candidates' applications/resumes will be compared and/or evaluated on the qualifications stated in the position description.

6. Candidates will be contacted per a telephone call and/or letter to verify a candidate's availability and interest in the position. All candidates in the disparity group must be contacted and offered an opportunity for an interview. Interviews will be scheduled for the candidates responding to telephone calls and/or letters. The interviewer should document in writing the conversation with each candidate contacted; i.e. interviewed, stated a lack of interest in the position or candidate's current employment status.
7. The interviewer will contact the Personnel Officer or Director of Administrative Services to coordinate interview times and dates with finalists.

e. Unclassified Position:

1. An announcement and/or advertisement of the position is created by the division director/supervisor and submitted for review to the Personnel Officer/Director of Administrative Services.
2. The Personnel Officer with the assistance of the AAO/D will advertise and recruit affirmatively for the position.
3. Job-related questions will be devised by the interviewer and reviewed by the AAO/D and Personnel Officer to ensure they are uniform, appropriate, and job-related. Interviews will be conducted uniformly using the job-related questions.
4. The interviewer will review each candidate's application/resume and compare the qualifications to those stated in the position description and/or announcement.
5. The candidates selected as finalists will be contacted per a telephone call and/or letter to confirm the candidate's availability and interest in the position and to schedule an interview. The interviewer should document in writing the conversation with each candidate contacted; i.e. interviewed, stated a lack of interest in the position, withdrew.
6. The interviewer will contact the Personnel Officer or Director of Administrative Services to coordinate interview times and dates with finalists.
7. The finalists (approximately 10-15) will be requested per letter or at the time of an interview, to complete an affirmative action data form to determine if any disparity/protected group persons are candidates.
8. The AAO/D will review the data forms received from the candidates and advise the interviewer which finalists are in a disparity group. If a disparity exists, candidates in that disparity group must be contacted and offered an opportunity for an interview.

- f. Prior to a final decision regarding a candidate; the interviewer will discuss his/her anticipated selection of a candidate with the AAO/D to ascertain that the decision is consistent with the agency's affirmative action goals and/or bargaining unit contract.
  - g. When the interviewer rejects a protected group candidate and there is a disparity, the interviewer will explain in writing with sufficient detail, why the protected group person was rejected. The written comments will be submitted to the AAO/D and an offer of employment cannot be made until such written documentation has been reviewed and approved. If the AAO/D determines that the reasons for rejection are insufficient, the decision will be discussed with the division director and interviewer.
  - h. If the decision to reject a protected group candidate is not satisfactorily resolved, the matter will be referred to the Executive Director for review and resolution prior to an offer of employment.
  - i. All candidates will be notified of the hiring decision.
  - j. Documentation (i.e. copies of letters, telephone responses, comments by interviewees, etc.) will be retained on the selection process for all appointments for a period of one year from the date of appointment. Data on appointments, where there is a disparity, will include the agency's documented efforts to act affirmatively.
3. If the interviewer fails to follow this pre-employment review process, the division director and/or Executive Director will be notified and appropriate disciplinary action will be taken to ensure compliance.

## XII. Reasonable Accommodations

Reasonable accommodations are architectural, equipment and other appropriate changes an employer must make to ensure the hiring and/or promotion of qualified disabled/handicapped persons without discrimination and to make accommodations for current employees to perform the duties of their position for which they are otherwise qualified. Reasonable accommodation provisions are explained in Appendix E.

## XIII. Weather Emergency

Weather emergencies are authorized per the Department of Employee Relations Administrative Procedure 5.4 entitled Time Off in Emergencies. The agency has an internal Time Off in Emergency Plan. The Administrative Procedure and the agency plan are included as Appendix F.

## XIV. Building Evacuation

Evacuation of the agency's employees from the building is coordinated by the Accounting Manager, a member of the Capitol Square Building Evacuation Committee. The Committee meets 2-3 times per year to review policies and procedures, changes, and problems or concerns involving the safety of employees of the building. Evacuation drills are conducted by the Department of Public Safety on an annual basis to update or remind employees of the evacuation procedures of the building. An example of notification of evacuation drills is shown as Appendix G.



# APPENDICES

EMPLOYEE RELATIONS - 3RD FLOOR  
DEPARTMENT 520 LAFAYETTE ROAD

STATE OF MINNESOTA

*Office Memorandum*

TO: Agency Heads

DATE: 01/14/87

*Nina Rothchild*  
FROM: Nina Rothchild  
Commissioner

PHONE: 296-8366

SUBJECT: Statewide Policy on Sexual Harassment

STATEMENT OF POLICY

It is the policy of the State of Minnesota to prohibit verbal and physical harassment of its employees based on race, national origin, religion, or sex. This prohibition with respect to sexual harassment includes both serious acts as defined by EEOC and petty and annoying acts which create a negative work environment. Any employee subjected to such harassment should file a complaint with his/her agency's affirmative action officer/designee. Any unintentional or deliberate violation of this policy by a state employee will be cause for appropriate disciplinary action.

Each agency head and manager is responsible for the implementation of this policy within their department. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for orienting his/her staff to the state's policy. Each agency's affirmative action officer will be expected to keep the organization apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, each agency head will be responsible for:

1. Making certain that each employee in her/his department who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
2. Notifying all employees within the department and orienting each new employee who is hired of this policy;
3. Establishing a complaint procedure to investigate all complaints promptly and carefully, the provisions of which shall be disseminated to all employees. (An already existing affirmative action complaint procedure may well serve this purpose.)

WHAT IS SEXUAL HARASSMENT?

Any behavior of co-workers or supervisors which is unwelcome, personally offensive, insulting and demeaning when:

- Submission to such conduct is explicitly or implicitly made a term or condition of individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

#### EFFECTS OF SEXUAL HARASSMENT

- Creates stress.
- Cuts productivity.
- Violates employee rights.

#### LEVELS OF SERIOUSNESS

There are clearly two levels of seriousness in harassment violations:

- Those which are annoying and should be corrected early and firmly and;
- Those where people offer or threaten to use the power of their position to control, influence, or affect the career, salary, or job of another person if the harassment is challenged.

#### TYPES OF SEXUAL HARASSMENT

- Unwanted sexual compliments, looks, innuendos or suggestions about one's clothing, body or sexual activity.
- Unwanted, unnecessary touching, brushing against one's body, patting or pinching.
- Demanding sexual favors accompanied by implied or overt threats concerning conditions or employment.
- Displaying pictures or objects depicting nude or scantily-clad women or men in work areas.
- Use of language implying inferiority of an employee based on sex as "girl" or "boy", rather than "woman" or "man".

#### RETALIATION OR REPRISAL

Actions or threats of action, implied or overt, to inaccurately appraise performance, or deny transfers, if the employee complains about harassment.

#### WHAT TO DO:

Step 1 -

If you are able, clearly explain to the person causing the harassment that the behavior is objectionable and ask that it cease. Do so as soon as it happens.

Step 2 -

If behavior does not stop, advise immediate supervisor unless supervisor is causing the harassment.

Step 3 -

Use the internal complaint procedure in the Affirmative Action Plan.

Step 4 -

This procedure does not replace the right of any employee to file a formal complaint with the Minnesota Department of Human Rights (you have 300 days from the occurrence of the harassment to file a charge).

Our Equal Opportunity Division accepts the responsibility for keeping the agencies informed of new developments through your affirmative action officers/designees and are ready to assist with any questions of implementation or on the policy itself. The staff can be reached at 296-4600.

## APPENDIX B

### COMPLAINT PROCEDURE

This complaint procedure is established as a means to investigate and resolve disputes or disagreements raised by an employee against a supervisor, management, or co-worker. The complaint procedure consists of two parts: Informal and Formal. The informal procedure is designed to attempt to resolve problems internally before seeking resolution by the formal procedure. The formal procedure allows the employee to appeal to a higher authority. Any employee filing a complaint under this procedure shall do so without fear of coercion, reprisal, or intimidation.

#### INFORMAL

When an employee has a complaint or grievance, it shall be presented orally to the immediate supervisor within five (5) working days after the occurrence of the event giving rise to the complaint or grievance. The supervisor has the responsibility to investigate and attempt to resolve the complaint and shall give an oral or written answer to the employee within five (5) working days after receiving the complaint. If the complaint or grievance is against the immediate supervisor, the employee may present it directly to the Division Director or Affirmative Action Officer/Designee. If the complaint or grievance is against the Affirmative Action Officer, the complaint may be filed with the Executive Director or his/her designee.

#### FORMAL

Step 1: If the employee presenting the complaint does not feel the complaint has been satisfactorily resolved through the informal procedure, the complaint can be pursued and formally presented in writing as follows:

- a. The complaint is prepared in writing within two (2) working days using the Complaint Form stating the nature of the complaint, the facts upon which it is based, and the desired resolution. The complaint is submitted to the Affirmative Action Officer/Designee.
- b. Within three (3) working days, the Affirmative Action Officer/Designee shall investigate and determine if the complaint is properly an equal employment opportunity/discrimination complaint.
  1. If it is determined that the complaint is not related to equal employment opportunity/discrimination, the Affirmative Action Officer/Designee shall immediately notify the employee of the decision so the employee may pursue the grievance procedure provisions of the applicable collective bargaining agreement.
  2. If it is determined that the complaint is related to equal employment opportunity/discrimination, within two (2) working days after receiving the written complaint, the Affirmative Action Officer/Designee shall arrange a meeting with the supervisor(s), with or without the employee, in an attempt to resolve the complaint by administrative remedy. Within two (2) working days following the meeting, the supervisor shall give his/her verbal or written answer to the Affirmative Action Officer/Designee. The Affirmative Action Officer/Designee will review the response with the employee within one (1) working day.

c. If the employee is dissatisfied with the supervisor's written response and with the assistance of the Affirmative Action Officer/Designee the complaint may continue to step 2.

Step 2: Within two (2) working days, the Affirmative Action Officer/Designee shall arrange a meeting with the next-level supervisor or division director, with or without the employee, to resolve the complaint. Within three (3) working days following the meeting, the supervisor or division director shall give a written response to the Affirmative Action Officer/Designee. The Affirmative Action Officer/Designee will review the written response with the employee within one (1) working day.

If the employee is dissatisfied with the written response, the complaint may continue to Step 3.

Step 3: Within three (3) working days, the Affirmative Action Officer/Designee shall arrange a meeting with the Executive Director or Designee. The Affirmative Action Officer/Designee shall prepare and present a summation of the issues and a recommendation of resolution.

Step 4: Within sixty (60) calendar days from the filing of the written complaint in Step 1, the Executive Director or Designee shall respond in writing to the employee and all other parties determined to be involved indicating the resolution of the complaint. Decision by the Executive Director or Designee will be the agency's final decision.

Step 5: If the employee remains dissatisfied as a result of a decision, the Affirmative Action Officer/Designee shall advise the employee of his/her right to file a charge/complaint with the Minnesota Department of Human Rights, within 300 days from the occurrence of the harassment.

Step 6: The disposition of complaints shall be in writing and filed with the Commissioner, Department of Employee Relations, within 30 days of final determination.

The Affirmative Action Officer/Designee shall maintain records of the complaint and pertinent information and/or data for a period of one year. The documentation associated with a complaint shall be considered private information during the course of an investigation. After an investigation is completed and in accordance with the Minnesota Data Practices Act, specific documentation will become public data.

APPENDIX C

COMPLAINT FORM

Information on the Complainant (You)

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

Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Agency: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Information on the Respondent (Person who complaint is against)

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

Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Agency: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Other person(s) who the complaint is against: \_\_\_\_\_

Information on the Complaint

Complaint: Discrimination \_\_\_\_\_ Harassment \_\_\_\_\_

Basis (check all that apply):

Race \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_ Creed \_\_\_\_\_ Religion \_\_\_\_\_ Handicap \_\_\_\_\_ Veterans Status \_\_\_\_\_

Marital Status \_\_\_\_\_ National Origin \_\_\_\_\_ Age \_\_\_\_\_

Reliance on Public Assistance \_\_\_\_\_ Political Affiliation \_\_\_\_\_

Date most recent act took place: \_\_\_\_\_

If you filed this complaint with another agency, please give name of that agency: \_\_\_\_\_

Describe your complaint (giving names, dates, places, etc.) and desired resolution:

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

(continue on reverse side or attach additional sheets)

This complaint is being filed based on my honest belief that I have been harassed/discriminated against. 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.

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_

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

Additional information on your complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Information on Witnesses Who Can Support Your Case

<u>Names</u>	<u>Addresses</u>	<u>Phone Numbers</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____



APPENDIX D

DEFINITIONS RELATING TO DISABILITY AND HANDICAP

- A. Functional Disability - same as "Disability".
- B. Disabled (Handicapped) Person - any person who:
1. has a physical or mental impairment which substantially limits one or more major life activities, or
  2. has a record of such an impairment, or
  3. is regarded as having such an impairment.
- C. Physical or mental impairment:
1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
  2. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- D. Major life activity: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- E. Has a record of such impairment: has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- F. Is regarded as having an impairment:
1. has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation; or
  2. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
  3. has none of the impairments defined in C, above, but is treated as having such an impairment.
- G. Qualified disabled person: with respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.

Minnesota  
Department of  
Employee  
Relations

*Leadership and partnership in  
human resource management*

March 3, 1993


Dear Affirmative Action Officers:

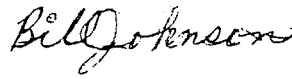
Enclosed is the revised Reasonable Accommodation Policy to be included in your affirmative action plan.

You will notice there were not many revisions made to the new policy. One area that needs to be addressed by your agency is found on page 2, number 4 "If the accommodation will cost a significant amount, (an amount already determined by each agency head), the affirmative action officer will forward it along with his or her recommendation to the agency head within three (3) working days." Each agency head will need to determine the amount at which the affirmative action officer must refer the request to the agency head for final approval. Please note, the amount determined by the agency head does not necessarily constitute an undue hardship; rather it is an amount that requires the further attention of the agency head. The agency will still be required to spend this amount unless it can be proven to cause an undue hardship to do so.

If you have questions, please call me at 612-296-8272.

Sincerely,

  
Steven W. Zachary, Manager  
Equal Opportunity Division



SZ:dtp/507

# REASONABLE ACCOMMODATION POLICY

## Policy:

This agency is committed to encouraging the employment of people with disabilities. We will make reasonable accommodations to the physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would impose an undue hardship on the agency.

Accommodations will be provided to qualified individuals, whether an employee or job applicant, when such accommodations are directly related to performing a job or competing for a job. Accommodations will not be provided for non-job related personal needs, such as transportation to and from work.

An individual with a disability is defined as:

a person who has a physical or mental impairment that substantially limits one or more major life activities;

a person who has a record of such an impairment; or

a person who is regarded as having such an impairment.

## Examples of Reasonable Accommodation May Include, But Are Not Limited To:

1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, reallocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring. They may include flexible work hours and/or restructuring job duties while retaining the essential job duties.
4. Support services. Services such as interpreters for individuals with hearing impairments, readers for individuals who are blind or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

## Requests for Reasonable Accommodations for Employees:

The steps to request a reasonable accommodation are:

1. The supervisor and individual with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.

2. The supervisor **must** inform the affirmative action officer of the request and submit a request for accommodation form (copy obtained from the affirmative action officer). The request will include justification for the request including a statement of the disability, the suggested accommodation, approximate cost, and any other pertinent information. The affirmative action officer will assist the supervisor by providing the necessary resources and information.
3. Upon approval, the supervisor will forward the request form and supporting information to the affirmative action officer within seven (7) working days upon receiving the request.
4. The affirmative action officer will review the request and assist the supervisor in making the accommodation. If the accommodation will cost a significant amount (an amount already determined by each agency head), the affirmative action officer will forward it along with his or her recommendation to the agency head within three (3) working days.
5. The decision is provided in writing to the supervisor, manager and employee within five (5) working days after the determination is made by the agency head.
6. The affirmative action officer will maintain all documents pertaining to the accommodation.

#### **Funding for Reasonable Accommodation:**

Funding will be provided for reasonable accommodations. The availability of funds varies with each agency. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the agency head. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors must be considered:

- the size of the agency's budget;
- the nature and cost of the accommodation;
- the ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- documented good faith effort to explore a less restrictive or less expensive alternative.

#### **Request for Reasonable Accommodations for Job Applicants:**

1. All initial communication between a job applicant and a supervisor or personnel office regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
2. The supervisor or personnel office shall contact the affirmative action officer immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.

3. The affirmative action officer shall contact the applicant to discuss the needed accommodation and discuss possible alternative is necessary.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
5. If approved, the affirmative action officer shall take the necessary steps to see that the accommodation is provided.

**Denial of Accommodations:**

All denials of requests for accommodation will be documented and kept on file by the affirmative action officer. The affirmative action officer shall notify the employee of their right to file a complaint of discrimination under the affirmative action plan complaint procedure and advise the employee of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

If the requested accommodation made by a job applicant is denied, the affirmative action officer shall notify the job applicant of the decision and advise them of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

4910/dmc

## APPENDIX E

### REASONABLE ACCOMMODATION PROVISION

#### I. POLICY

It is the policy of this agency to encourage the employment and promotion of any qualified person including the handicapped. If the reason for the denial of employment or advancement in employment is the need to make reasonable accommodations to the physical or mental needs of a handicapped employee or job applicant, it must be demonstrated that: a) the accommodation would impose an undue hardship on the agency; b) the accommodation does not overcome the effects of the person's handicap; or c) the handicapped person is not qualified to perform that particular job. This agency's reasonable accommodations policy applies to all departmental employees with any known physical or mental limitations, and any job applicant requesting accommodation prior to an employment interview.

This agency will provide accommodations to qualified handicapped employees/job applicants when such accommodations are directly related to performing a job or competing for a job on an equal basis. Accommodations will not be required for non-job related personal needs of individuals even though they may be a qualified handicapped individual. In such cases questions may arise as to whether the accommodation is personal or job related. The primary factors in evaluating an accommodation is whether the accommodation will enable the person to perform the job on an equal basis in the most cost effective manner and in the most integrated setting possible.

Transportation to and from work is the responsibility of the employee. This agency will not provide transportation to and from work as a part of reasonable accommodation.

#### II. SCOPE

This policy statement establishes the agency's workforce standard for accommodation to the needs of handicapped employees. Reasonable accommodation requirements apply to both job applicants as well as current employees.

#### III. DEFINITIONS

##### A. Handicapped Persons

A handicapped person for purposes of this policy is anyone who meets the definition as stated in the Section 504 regulations of the 1973 Rehabilitation Act as amended in 1978, Sub-part A, Section 84.3 j1-2 and k104 and Chapter 363 of the state's Human Rights Act. A handicapped person is anyone who:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities.

2. Has a record of such impairment which means that a person has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
3. Is regarded as having such an impairment which means:
  - a. Has a physical or mental impairment that may not substantially limit major life activities but that is treated by an employer as constituting such a limitation;
  - b. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
  - c. Has no impairment but is treated by an employer as having such an impairment.

An employee with an acute disabling condition which is expected to be temporary, such as appendicitis, broken arms, pulled muscles, etc. will meet on a temporary basis the definition of qualified handicapped person. In most cases, these individuals will require short term methods of reasonable accommodation such as schedule modification, limited work assignments, etc. until they can return to their usual work schedule. If a residual medical impairment is determined and a permanent condition is documented per a physician's report, the provision of permanent reasonable accommodation will be considered.

#### IV. REQUEST FOR REASONABLE ACCOMMODATIONS

In order to avoid processing delays, the procedures for processing requests for reasonable accommodations should reflect the least number of approval steps necessary. The steps in requesting reasonable accommodations for current employees are:

- A. The supervisor and the handicapped employee consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistant devices.
- B. The supervisor submits a written request form (PE-00091-01), copy attached, obtained from the Affirmative Action Officer/Designee for reasonable accommodation. The request includes a justification for the accommodation, and includes a statement of the disability. A medical statement of limitations may be included if the supervisor deems advisable.
- C. The supervisor through the Division Director submits the request to the Affirmative Action Officer/Designee within one (1) working day upon receipt of the request. The Affirmative Action Officer will gather information regarding availability and cost within two (2) working days.
- D. The Affirmative Action Officer will report to the Executive Director with a recommendation. The Affirmative Action Officer in consultation

with the Executive Director decides whether or not to grant the requested accommodation and determines what accommodation should be provided. The decision is then provided in writing to the Division Director within one (1) working day.

- E. The Affirmative Action Officer fills out the Reasonable Accommodations Agreement Form (PE-00092-01), copy attached, and obtains necessary signatures.
- F. The Affirmative Action Officer submits appropriate purchasing documents to the Accounting Manager; if equipment, furniture, or other assistive devices must be purchased.

#### V. METHODS OF PROVIDING REASONABLE ACCOMMODATION

The following are possible methods of providing reasonable accommodations to qualified handicapped individuals. Other forms of reasonable accommodation may also be provided.

- A. Modification of equipment or assistive devices.

The provision of equipment may include special telephone equipment, "talking" calculators, one-handed typewriters, specifically designed desk and files, TDD communications equipment and other types of equipment to facilitate the performance of job duties. These items may include: off the shelf devices as well as highly specialized, customized and/or prescription items.

- B. Job site modification

Modifications may include adjustments to equipment height including desks, chairs, etc., addition of electrical outlets, rearrangement of furniture and equipment, provision of special parking facilities, modifications of ventilation, heating, cooling, and lighting systems, and other types of modifications. This agency will negotiate any changes with the Real Estate Management Division, Department of Administration, to determine costs involved.

- C. Job restructuring

The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Arrangements must be considered for full-time permanent employees. Job sharing and flexible work hours may permit handicapped employees to meet such needs as medical appointments and medical dietary requirements.

- D. Support services

Support services such as interpreters for hearing impaired individuals, readers for blind, special attendants, etc. must be provided when it is clearly demonstrated that these services are required for a disabled employee's performance of the essential functions of the job. This agency may directly obtain or arrange on a



contractual basis of an agency outside the department, the training necessary to all permanent staff members to provide support services when such training and the provision of such support services are administratively feasible and/or necessary. Support services may also be needed for job applications during the interview process.

#### VI. UNDUE HARDSHIP

- A. In determining whether or not the making of a reasonable accommodation would impose an "undue hardship" on the operation of the agency, factors to be considered must include:
1. The overall size of the agency (i.e., number and type of facilities, size of budget).
  2. The agency's operation including the composition and structure of the workforce.
  3. The nature and cost of the accommodation needed.
  4. The reasonable ability to finance the accommodation; and
  5. Documented good faith efforts to explore less restrictive or less expensive alternatives including consultation with the disabled person, or with knowledgeable disabled persons or organizations.

#### VII. FUNDING FOR REASONABLE ACCOMMODATION

This agency will make funds available in order to provide reasonable accommodations to handicapped employees/job applicants. The amount will be determined by the Executive Director in consultation with the Director of Administrative Services and funds will be used only when a reasonable accommodation request has been approved and signed by the Executive Director.

#### VIII. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

- A. This agency is free to choose the specific accommodation provided to qualified handicapped persons. The person requesting reasonable accommodations should be consulted and given an opportunity to suggest appropriate accommodations. This agency may provide another accommodation equal or superior to the one proposed on the basis of practicality, usefulness, or cost effectiveness.
- B. All tangible accommodations purchased by this agency will be the property of the State of Minnesota and shall be used only for job related functions. The maintenance of equipment will be the responsibility of the agency and projected maintenance costs will be a factor in the initial decision to provide accommodations. Example: repair special office equipment, etc.

IX. DENIAL OF ACCOMMODATION

All denials of requests for reasonable accommodation will be documented and kept on file by the Affirmative Action Officer. A copy of the document denying the request for reasonable accommodation will be given to the employee, supervisor, and division director. The Affirmative Action Officer will notify the employee of the denial and inform the employee of his/her right to appeal and to file with other government agencies such as Human Rights and Equal Employment Opportunity Commission.

X. APPEALS

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Executive Director or Deputy Executive Director within five (5) working days of the decision. The Executive Director or Deputy Executive Director will within two (2) working days of the individuals appeal, convene a reasonable accommodation review committee which shall consist of persons previously not involved. For example: an employee in the same job classification as the person requesting the accommodation (or other person knowledgeable of the requested accommodation). This committee will review all pertinent material and steps leading to the decision according to the following criteria:

- A. Job relatedness
- B. Effectiveness
- C. Necessity
- D. The relationship between the accommodation and essential job functions
- E. Cost
- F. Other claims of undue hardship

The committee will make a recommendation to the Executive Director or Affirmative Action Officer within two (2) working days from the date the committee was convened unless more time is needed to obtain additional information from outside sources. The Executive Director or Deputy Executive Director will make a final determination within two (2) working days from receiving the committee's recommendation. The Affirmative Action Officer will then convey written copies of the decision to the employee, supervisor, and division director. If the employee is still dissatisfied with the decision, she/he may file with federal, state, local and human rights agencies. The agency's Affirmative Action Officer will provide employees and compliance agencies with information or assistance needed in the appeals process. Information will be provided in compliance with the Minnesota Government Data Practices Act. Compliance agencies which are investigating complaints or requesting information from the agency head will be provided documentation relating to the denial of a request for reasonable accommodation.

XI. REASONABLE ACCOMMODATION COMPLIANCE ASSISTANCE

All requests for information or assistance in determining reasonable accommodation for qualified handicapped employees and employees/job applicants may be directed to the agency's Affirmative Action Officer, the Council for the Handicapped, or the Director of Equal Opportunity, Department of Employee Relations. These agencies will assist an individual with locating resources or in interpreting reasonable accommodation requirements.

XII. REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS

- A. An initial communication with job applicants regarding job vacancies shall indicate the willingness of the agency to make reasonable accommodation for a known physical or mental handicap and shall invite the applicant to contact the agency for the needed accommodation.
- B. An individual shall be requested to contact the Affirmative Action Officer immediately. The Affirmative Action Officer shall discuss the needed accommodation and possible alternatives, in order to ensure that the accommodation is provided at the interview. Requests shall be handled in a timely manner.
- C. If the agreed upon accommodation requested costs no more than \$50.00, the Affirmative Action Officer shall approve the accommodation.
- D. If the accommodation costs more than \$50.00, the Affirmative Action Officer shall consult with the Executive Director regarding the requested accommodation.
- E. If the accommodation is approved, the Affirmative Action Officer shall take the necessary steps to see that the accommodation is provided.

XIII. DENIAL OF ACCOMMODATION

If the requested accommodation is denied, the Affirmative Action Officer shall advise the applicant of his/her right to contact the Equal Opportunity Division, Department of Employee Relations, and to file a complaint with the Department of Human Rights alleging violation of the Minnesota Human Rights Act.

**EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION**

Please Print or Type

Employee Name	Classification	Date of Request
Division	*Statement of Disability (Attach medical statement if requested)	

• Attach Additional Sheets for Questions Below if Necessary.

1. Type of accommodation requested to perform essential function:

2. Which essential function(s) of your job will the requested accommodation allow you to perform?

3. Why is the requested accommodation necessary to perform the essential job function(s)?

4. How will the requested accommodation be effective in allowing performance of the essential job function(s)?

5. Have any non-essential job functions been eliminated? Please describe.

Signature of Employee	Date
Signature of Supervisor	Date
Signature of Division Director	Date
Signature of Affirmative Action Officer	Date
Signature of Executive Director	Date

\*Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14.

REASONABLE ACCOMMODATION AGREEMENT

- This form is to be completed by the Department's Affirmative Action Officer after the reasonable accommodation decision has been made. The signature's on the bottom of this form indicates an agreement between the employee and the Department to the specific accommodation.

Name of Employee	Name of Division
------------------	------------------

The request for reasonable accommodation to the needs of the above named handicapped employee was:

ACCEPTED       DENIED

Justification for the decision (indicate specific factors considered)

If reasonable accommodation was approved, was the employee's suggestion accepted?

Yes       No       Partially

REASON:

DESCRIBE specific accommodations to be made

COST ESTIMATE \_\_\_\_\_

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Department, will become the Property of the State of Minnesota.

Signature of Employee	Date
Signature of Executive Director	Date
Signature of Affirmative Action Officer	Date

DEPARTMENT OF EMPLOYEE RELATIONS  
ADMINISTRATIVE PROCEDURE 5.4

STATUTORY  
REFERENCE 43A.05  
Subd. 4

PAGE NO 1 OF 3  
EFF. DATE 12-23-82  
REV. DATE \_\_\_\_\_

COMMISSIONER'S SIGNATURE *Barbara L. Sundquist*

### TIME OFF IN EMERGENCIES

Description and Scope - M.S. § 43A.05, Subd. 4 permits the Commissioner of DOER to excuse employees from duty and to authorize appointing authorities in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the commissioner has the authority to declare an emergency situation, close agencies, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. Appointing Authorities retain the right to close or not close their facilities at any time. If an appointing authority closes a facility and an emergency is not declared by the commissioner, the pay provisions of this procedure will not take effect. In this case, employees will be required to use annual leave, an adjusted work schedule, compensatory time, or leave without pay to cover the absence from work.

Objective - To provide appointing authorities and employees with a clearly defined procedure to follow during emergency situations thus increasing and improving the capabilities of state government to function during natural or man-made emergencies.

#### Definitions - Key Terms -

"Full pay" means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

"Time-off in Emergency Plan" is a comprehensive emergency procedure developed and implemented by each appointing authority.

#### Responsibilities -

##### A. Appointing Authorities:

- o Determine if facilities should remain open or be closed when an emergency leave has not been declared.
- o Develop and maintain a Time-off in Emergency Plan which specifies:
  1. Essential staffing requirements to be maintained during emergency situations.
  2. The name and phone number of the individual(s) who can make closure decisions.
  3. Steps/procedures to follow in making closure decisions.
  4. The name and phone number of the agency contact and back-up person responsible for implementing the plan.

5. Internal operating procedures to be followed during a natural or man-made emergency.

- o Submit a copy of the Time-off in Emergency Plan to DOER.
- o Request exemption from invocation of emergency leave for essential work units or employees.

B. Department of Employee Relations:

- o Declare the emergency and its geographic scope.
- o Approve the excuse of employees, with full pay, from work duties.
- o Immediately notify appointing authorities in the applicable geographic location of the declaration of the emergency.
- o Authorize appointing authorities in the emergency area to pay employees for time off work.
- o Approve recommendations of Appointing Authorities as to which state agencies and/or facilities are to be exempted from the invocation of emergency leave.
- o Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of appointing authority.
- o Declare an end to the emergency.

Provisions -

A. Procedures to follow for having situation declared an emergency:

1. Appointing Authority initiated:
  - a) Request declaration of emergency from Commissioner of DOER.
  - b) Commissioner of DOER consults with Commissioner of Public Safety.
  - c) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
  - d) Commissioner of DOER communicates decision to all affected Appointing Authorities.
  - e) Commissioner of DOER authorizes emergency pay.
2. Commissioner initiated:
  - a) Commissioner of DOER consults with Commissioner of Public Safety.
  - b) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
  - c) Commissioner of DOER communicates decision to all affected Appointing Authorities.
  - d) Commissioner of DOER authorizes emergency pay.

- B. Employees who report to work and are then sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
- C. Employees who are required by their appointing authorities to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.
- D. Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.
- E. Employees on any approved leave without pay shall not be paid for any emergency leave time.
- F. Employees who call in, on the day of an emergency, for vacation time, compensatory time or leave without pay will be credited with emergency leave from the point of the declaration of the emergency to the end of the scheduled shift, if the appointing authority ceases operations during their regular shift.
- G. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" with an X designating the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.
- H. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of DOER authorizes a longer period.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

Collective Bargaining Agreements



MINNESOTA HIGHER EDUCATION  
COORDINATING BOARDTIME OFF IN EMERGENCY PLAN

In the event of a natural disaster or man-made emergency situation, the following provisions will be followed:

1. The emergency will be declared and verified by the Commissioner, Department of Employee Relations (DOER), after consultation with the Commissioner of Public Safety, as stated in DOER Administrative Procedure 5.4.
2. If an emergency is declared and it is determined that State agencies should close, the decision to close MHECB will be determined by the Executive Director (296-5431). In his absence, a decision will be made by the Deputy Executive Director (296-9666) or the Director of Administrative Services (296-9685). The decision to close the agency will be relayed to each Division Director and the Director is responsible for notifying his/her division staff members.
3. When feasible, during an emergency situation a recorded message will be available to respond to agency telephone calls. Division secretaries should code telephone calls to the agency receptionist desk.
4. If the agency is closed due to an emergency during normal working hours (8:00 a.m - 4:30 p.m.) no staff members will be required to remain at their work station.
5. Emergency payment of wages will be determined and authorized by the Commissioner of DOER in accordance with DOER Administrative Procedure 5.4.
6. The internal operating procedures during a natural disaster or man-made emergency which requires employees to remain in the Capitol Square Building are coordinated with the Building Evacuation Coordinator, Department of Public Safety. The procedures to follow are covered in the attached memorandum, ~~entitled Tornado Drill~~. Further questions should be directed to the Accounting Manager (296-9697), the designated Building Evacuation Committee Member.
7. The primary agency contact person responsible for implementing this Plan is the Director of Administrative Services (296-9685) and the Accounting Manager (296-9697) is the backup person.

HECB  
HEC  
HEC  
HEC

**Minnesota  
Higher Education  
Coordinating Board**

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Suite 400  
Capitol Square  
550 Cedar Street  
Saint Paul, Minnesota 55101

612-296-3974

MEMORANDUM

TO : ALL HECB EMPLOYEES

FROM: ARLON J. HAUPERT, DIRECTOR  
ADMINISTRATIVE SERVICES



DATE: OCTOBER 26, 1990

RE : INSTRUCTIONS ON FIRE AND SEVERE WEATHER EMERGENCIES/LIST OF EMERGENCY  
MONITORS

Attached for your information is a copy of revised instructions in the event of fire and severe weather emergencies in the Capitol Square Building. Included is a list of HECB emergency monitors and alternates. The monitors are designated to assist in these emergencies.

Please familiarize yourself with these instructions, and if you have any questions, contact your area's monitor or myself.

AJH:cjn

Attachment

## EMERGENCY MONITORS CAPITOL SQUARE BUILDING

Floor	Agency	Floor Quarter (NE,SE, or SW NW)	Name of Monitor	Rm No.	Phone No.	Name of Alternate Monitor	Rm No.	Phone No.
4	HECB	NE	<del>Mitch Rubinstein</del> <i>Harry Pontiff</i>		<del>6-9686</del>	Denise Whitmer		6-9668
4	HECB	SW	Tim Geraghty		6-9697	<del>Tim Medd</del> <i>Donette Eveland</i>		7-3704
4	HECB	NW	<del>Richard Leighninger</del> <i>Dean Johnson</i>		<del>6-9658</del>	<del>Katherine Fisch</del> <i>Brenda Carter</i>		6-3974 <del>x3018</del>

~~8/94~~

4/30/96