



State of Minnesota

Department of Corrections

July 1, 2020 – June 30, 2022 Affirmative Action Plan

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Statement of Commitment

Minnesota Administrative Rules, part 3905.0400, subpart 1, item C

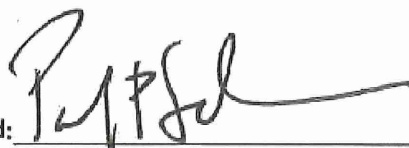
This statement reaffirms the Minnesota Department of Corrections (thereafter “the agency”) is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

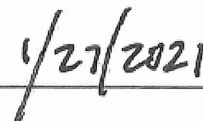
- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- 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 females, racial and ethnic minorities, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected class 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.

It is the agency’s policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

Commissioner or Agency Head:



Date Signed:



Executive Summary

Minnesota Administrative Rules, part 3905.0400, subpart 1, item A

This Affirmative Action Plan meets the requirements as set forth in statute, in Administrative Rule, and by Minnesota Management and Budget (MMB). The plan outlines:

- Affirmative action goals
- Timetables
- Reasonable and assertive hiring and retention methods for achieving these goals


This Affirmative Action review revealed underutilization of the following protected group(s) in the following job categories:

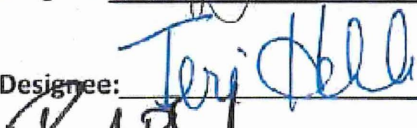
Table 1 Workforce Underutilization Analysis of Protected Groups

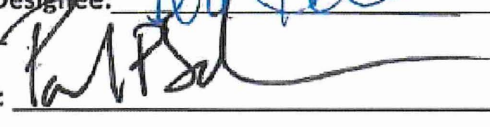
(X indicates the job categories and protected groups that have underutilization.)

Job Categories	Female	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators			
Professionals		X	
Technicians	X	X	
Protected Services	X	X	
Office/Clericals		X	
Skilled Craft	X	X	
Service Maintenance		X	X

Once complete, information about how to obtain or access a copy of this Plan is provided to every employee of the agency. Our intention is to make every employee aware of the Minnesota Department of Corrections' commitments to affirmative action and equal employment opportunity. The completed Plan is also posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

Affirmative Action Officer or Designee:  Date Signed: 01/25/2021

Human Resources Director or Designee:  Date Signed: 1.26.2021

Commissioner or Agency Head:  Date Signed: 1/27/2021

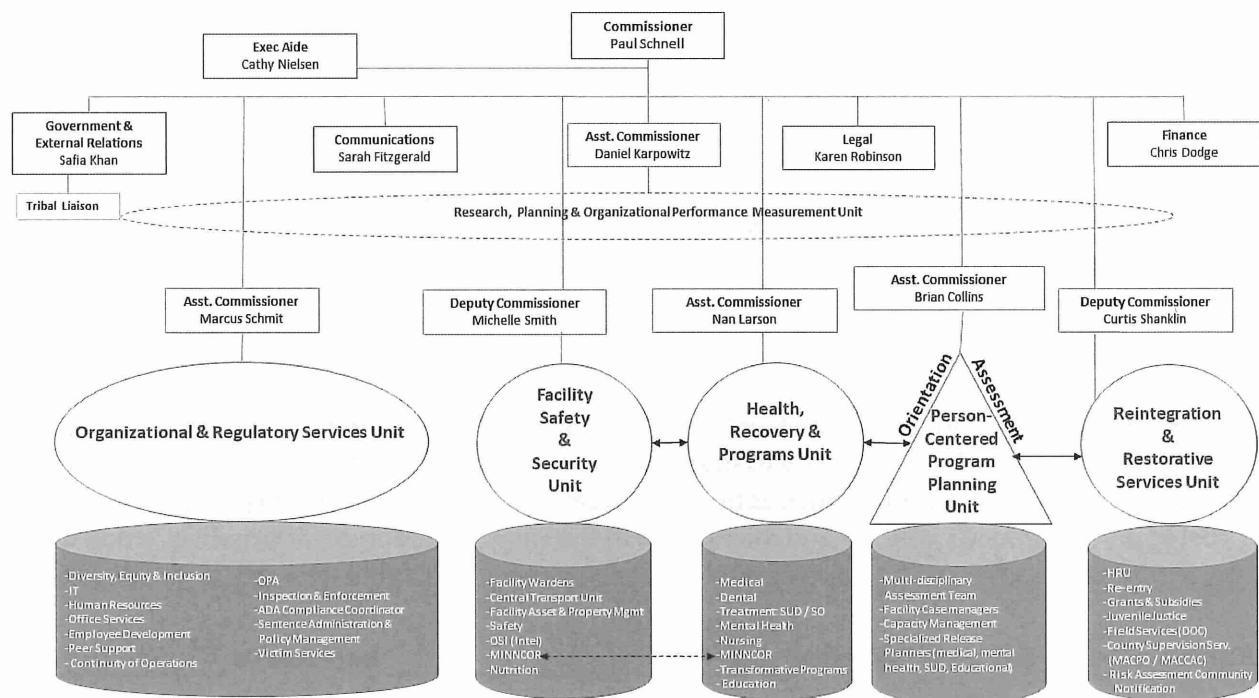
Organizational Profile

At the Minnesota Department of Corrections, we work to transform lives for a safer Minnesota. With a focus on public safety, the well-being of its employees, and the safety and security of the people committed to our custody or under our supervision, we prioritize strategies that hold people accountable while giving them the tools they need to succeed as they transition back into community.

Under Minnesota law, we are responsible for the “care, custody, and rehabilitation” of anyone committed to the Commissioner by the courts. The individuals committed to the department can be incarcerated in our correctional facilities or be under our supervision in the community. No matter a person’s custody status, our mindset is the same: a person’s path to rejoining his or her community starts on the day they begin serving their sentence.

We view every day as an opportunity to make Minnesota a safer place to live by identifying and implementing effective strategies to transform lives. Our officers, agents, case managers, and colleagues impact the lives of approximately 8,000 inmates in our 10 correctional facilities and the approximately 104,000 people under community supervision.

The following is an organization chart of the agency.



Individuals Responsible for Directing/Implementing the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item B

A. Commissioner

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the Commissioner reports the agency's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB. The MMB Commissioner is responsible for reporting all agencies progress to the Governor and the Legislature.

Duties

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

- 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 discriminatory harassment.
- Issue a statement affirming the department's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with all employees.
- Make decisions and changes in policies, procedures or physical accommodations as needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and agency's mission.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all agency directors, managers, and supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: Paul Schnell

Email: Paul.Schnell@state.mn.us

Title: Commissioner of Corrections

Phone: 651-361-7226

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring the agency's affirmative action program.

Duties

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

- Develop and administer the agency's Affirmative Action Plan.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Commissioner on progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the agency, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the agency, and develop training goals and content with internal and external resources.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the agency.
- Support and participate in the recruitment individuals of protected groups for employment, promotion, and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.

- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected group.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer is accountable to the Assistant Commissioner of Operations and Commissioner of Corrections for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administrator of ADA Title II, administrator of Diversity and Inclusion, and other equal opportunity related administrators. In addition, AAO ensures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with the Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Mai Youa Lee

Email: mai.youa.lee@state.mn.us

Title: Affirmative Action Officer 3

Phone: 651-361-7257

Name: Teri Hable

Email: teri.hable@state.mn.us

Title: Assistant Director of Human Resources

Phone: 651-361-7664

C. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director or Designee is responsible for ensuring equitable and uniform administration of all personnel policies, in conjunction with the agency ADA Coordinator, to ensure timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations

to remove barriers to equal employment opportunity with the agency. HR Director or Designee is responsible for assisting managers and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the HR Director or Designee.

Duties

The duties of HR Directors include, but are not limited to:

- Maintain effective working relationships with agency affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the creation of supported worker positions. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

HR staff are accountable to the HR Directors or Designees.

Name of individual(s) responsible

Name: Teri Hable

Title: Assistant Director of Human Resources

Email: teri.hable@state.mn.us

Phone: 651-361-7664

Name: Kari Bautch

Title: Human Resources Staffing Manager

Email: kari.bautch@state.mn.us

Phone: 651-361-7309

D. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for ensuring the agency's compliance with the ADA Title I – Employment, in accordance with the ADA - as amended, and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title I Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices for hiring and retaining individuals with disabilities, as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update HR Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.

- Submit reasonable accommodation reimbursement under the guidelines of the state-wide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator and the Regional Human Resources Director (RHRD) who also serves as the Regional ADA Coordinator, in consultation with the employee and supervisor, and other individuals involved must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I Coordinator is accountable to the Assistant Commissioner of Operations.

Name of individual(s) responsible

Name: Mai Youa Lee

Email: mai.youa.lee@state.mn.us

Title: Affirmative Action Officer 3

Phone: 651-361-7257

E. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible ensuring the agency’s compliance with the ADA Title II – Public Services, in accordance with the ADA as amended, and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title II Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to the agency's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing agency services. Report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates and share practices on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering training for Agency employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II Coordinator will consult with the member of the public in need of a modification and:
 - Discuss the purpose and essential functions of the reasonable modification.
 - Identify the potential modifications and assess the effectiveness each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the agency.
 - Document this review and reported in the State ADA Annual Report.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title II Coordinator is accountable to the Assistant Commissioner of Operations.

Name of individual(s) responsible

Name: Mai Youa Lee

Email: mai.youa.lee@state.mn.us

Title: Affirmative Action Officer 3

Phone: 651-361-7257

F. Recruitment Coordinator

Responsibilities

The Recruitment Coordinator is responsible for the creation and coordination of the Recruitment Plan outlined in this document.

Duties

The duties of the Recruitment Coordinator include, but are not limited to:

- Identify high-need recruitment job areas within the agency.
- Communicate the strategic recruitment plan to HR, the executive team, management, and staff.
- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities toward attaining strategic diversity goals and objectives.
- Maintain relationships with agency executive teams, HR, and management to make decisions about the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the state-wide recruiters' group.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Recruitment Coordinator is accountable to the Director of Communications.

Name of individual(s) responsible

Name: Thuy Tran

Email: thuy.tran@state.mn.us

Title: Affirmative Action Officer

Phone: 651-361-7392

G. Senior Managers and Facility Executive Team Leaders

Responsibilities

Agency senior managers and executive team leaders are responsible for implementing all aspects of the agency Affirmative Action Plan and the agency's commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and facility executive team leaders include, but are limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the agency.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ensure the agency's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results, in addition to other job performance criteria.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner.

Name of individual(s) responsible

Name: Paul Schnell

Title: Commissioner of Corrections

Email: Paul.Schnell@state.mn.us

Phone: 651-361-7226

H. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the agency's complaint procedure.

Duties:

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

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.
- Refrain from any actions that would adversely affect a colleague on the basis of their race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item D and Minnesota Administrative Rules, part 3905.0400, subpart 1, item E

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

Internal Methods of Communication

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action.
- **Intranet.** The agency's Affirmative Action Plan is available to all employees on the agency's internal website—[iShare](#) and in print to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the Agency's Affirmative Action Plan is available to employees at the following address:

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** The agency's Affirmative Action Plan is available on the agency's public website at mn.gov/doc. Printed copies are available to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Equal opportunity employer language.** The agency's website homepage, letterhead, publications, and all job postings, includes the statement "The Minnesota Department of Corrections is an equal opportunity employer." The agency will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. 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.
- A physical copy of the Agency's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108

Job Category Analysis

Minnesota Administrative Rules 3905.0600 Subp 3.A and Minnesota Administrative Rules 3905.0600 Subp 3.B

The agency conducted a Job Category Analysis to determine the percent of protected group employees in each job category. The job category analysis lists job class titles in each Equal Employment Opportunity (EEO) job category at the agency. A job classification is a group of one or more positions with similar duties and responsibilities. These classifications help clarify positions within the class so the same schedules of pay can be applied with equity to all positions in the class that fall under the same, or substantially the same, employment conditions.

Determining Availability

MS 43A.19(b), MS 43A.19(c), Minnesota Administrative Rules 3905.0600 Subp 1, Minnesota Administrative Rules 3905.0600 Subp 2, Minnesota Administrative Rules 3905.0600 Subp 3C, and Minnesota Administrative Rules 3905.0600 Subp 3D

For purposes of this Affirmative Action Plan, “availability” means an estimated percentage of qualified females, racial/ethnic minorities, or individuals with disabilities in the relevant labor market who are available for positions in each job category at a state agency.

The agency used the United States Census Bureau’s 2014-2018 American Community Survey, which is the most current statistical information available at the time of developing this Affirmative Action Plan.

The agency used the American Community Survey statistical data for external availability and feeder job statistics of employees for internal availability. For affirmative action purposes, “feeder job” means staffed positions within the agency that can be promoted and/or transferred into/within EEO job categories (refer to Appendix D. Feeder Jobs for details).

These external and internal factors are weighted according to the agency’s past hiring patterns and/or future recruitment focus to obtain the final availability (Refer to Appendix D. Feeder Jobs and Appendix E. Determining Availability for details).

Utilization/Availability Analysis, Establishment of Goals, and Timetables

Minnesota Administrative Rules 3905.0400 Subp 1 Item G, Minnesota Administrative Rules 3905.0600 Subp 3, Minnesota Administrative Rules 3905.0600 Subp 4, Minnesota Administrative Rules 3905.0600 Subp 5, and Minnesota Administrative Rules 3905.0600 Subp 6.

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state. As explained in the previous section, “availability” means an estimated percentage of qualified females, racial/ethnic minorities, or individuals with disabilities in the relevant labor market who are available for positions in each job category at a state agency.

Through the utilization and availability analysis, the agency has determined which job categories are underutilized for females, racial/ethnic minorities, and individuals with disabilities in the agency and has set hiring goals for the next two years. Hiring goals are objective and used for making good faith efforts for all aspects of the affirmative action program. Effective hiring goals are strategic, actionable, and measurable efforts the agency is committed to pursuing and implementing in 2020-2022.

The goals are not quotas, nor do they require protected group status-based hiring preferences. They are aspirational goals so that the agency makes good faith efforts to remove barriers to equal employment opportunity.

The agency used the whole person rule to establish a hiring goal. This means when the actual representation percentage of females, racial/ethnic minorities, or individuals with disabilities is less than reasonably would be expected given the workforce participation in the labor market area, and that difference is at least one whole person (more than 1), then a goal is established for that job category.

When a hiring goal for a job category is established, a percentage goal equal to the final availability percentage is calculated for females, racial/ethnic minorities, and individuals with disabilities in that job category.

In **Table 2. Hiring Goals by Job Category and Protected Group**, if a protected group in a job category shows “Monitor,” the agency will proactively make good faith efforts to recruit external qualified protected groups. The agency will also train and retain employees in the job category to help prevent underutilization due to an employee move or attrition.

Refer to Appendix F. Utilization-Goals for details for underutilization and hiring goals.

Table 2. Hiring Goals by Job Category and Protected Group is a summary of hiring goals by job category and protected group. The actions the agency will take to address these hiring goals will be described in [Corrective Actions and Action-Oriented Programs](#) section.

Table 2. Hiring Goals by Job Category and Protected Group

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2020-2022	Racial/Ethnic Minorities Establish Goals?	Racial/Ethnic Minorities If Yes, Goals for FY 2020-2022	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2020-2022
Officials/Administrators						
Professionals			Yes	9.95%		
Technicians	Yes	79.04%	Yes	18.97%		
Protective Services	Yes	25.51%	Yes	16.83%		
Office/Clerical	<i>Monitor</i>		Yes	7.96%		
Skilled Craft	Yes	4.13%	Yes	4.26%	<i>Monitor</i>	
Service Maintenance			Yes	16.32%	Yes	5.70%

Progress and Personnel Activity Reports

MS 43A.19 Subd. 1(a)(3) for separations, and Minnesota Administrative Rules 3905.0400 Subp. 1 Item I

The progress report examines hiring goals established in the prior Affirmative Action Plan. As a part of the agency’s monitoring practices, the agency evaluated if it met the hiring goal(s) established in the prior Affirmative Action Plan (refer to **Appendix A. Progress Report**).

The agency did not have the following job categories: Para-Professionals and Protective Services-Sworn in the prior Affirmative Action Plan. Positions in these two job categories were placed in the following job categories: Technicians, Protective Services, Official and Administrators, and Professionals.

Separation results were evaluated to identify potential action area(s) to establish retention strategies for the 2020-2022 plan year (refer to **Appendix B. Separation Analysis**).

Identification of Areas for Further Monitoring

Minnesota Administrative Rules 3905.0400 Subp. 1 Item H and I

Monitoring personnel activity helps agencies monitor progress in meeting hiring goals. Data from the previous plan period can help indicate when changes to program efforts are appropriate.

Workforce Snapshot

In **Appendix F. the Utilization Goals worksheet** indicates if a job category by protected group is underutilized.

Area(s) in the agency's workforce that require further monitoring appear in the "Establish Goals?" column as:

- "Yes": there is underutilization.
- "Monitor": the agency needs to monitor the job it may be underutilized where employee movement occurs.

[Corrective Actions and Action-Oriented Programs](#) will be followed to address the identified placement goal(s).

Personnel Activities

Progress Reports

Appendix A. Progress Report includes only job categories that have hiring goal(s) established in the prior Affirmative Action Plan and it evaluates if the agency attained the hiring goal(s).

Where the indication of the "Goal Met?" column is:

- "Yes": the agency met the goal established in the prior Affirmative Action Plan.
- "No": the agency did not attain the goal established in the prior Affirmative Action Plan.
- "No Hire/Prom": there were no opportunities in the prior Affirmative Action Plan period.

[Corrective Actions and Action-Oriented Programs](#) will be followed to address the identified area(s) to monitor/focus.

Separations

Appendix B. Separation Analysis shows the results by separation type and the protected group during the prior Affirmative Action Plan period. The separation percentages were derived within the separation type by protected group to identify impact on protected group members. There are two examinations in this worksheet:

1. The total percentage indicates the percentage by separation type. For example, there were 15 separations in total. Of those separations, 10 employees separated due to dismissal or non-certification. The dismissal or non-certification percentage is 66.67% (10 divided by 15).
2. The “percentage type¹” in **Appendix B. Separation Analysis** indicates percentages by protected group within a separation type. For example, there were 10 separations by dismissal or non-certification in total. Of those separations, eight were female employees. The female dismissal or non-certification separation is 80.00% (8 divided by 10).

[Corrective Actions and Action-Oriented Programs](#) will be followed to address the identified area(s) to monitor/focus.

Corrective Actions and Action-Oriented Programs

Minnesota Administrative Rules 3905.0400 Subp 1 Item H

The agency’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, section 43A.191 Subdivision 2. These Action-Oriented Programs are carried out throughout this Affirmative Action Plan period.

Corrective Actions

This section identifies ways the agency will eliminate barriers, provide corrective actions, and make good faith efforts toward the affirmative action goals for underutilized protected groups (broken down by specific job categories).

The agency developed the below action-oriented programs specific to the job category/protected group(s) identified in the “Identification of Areas for Further Monitoring” section supported by the “Utilization /Availability Analysis, Establishment of Statement of Goals, and Timetable” and “Progress Reports and Personnel Analyses sections.”

Table 3. Areas of Further Monitoring and Corrective Actions

Areas for Underutilization/Further Monitoring	Corrective Actions
<p>Professionals</p> <ul style="list-style-type: none"> • Racial/ethnic minorities are underutilized. • Monitor separation and hire rates of females and racial/ethnic minorities. For the last two years, the highest separation rate of females were resignations (76.64%), followed by terminations without rights (75%). For minorities it was dismissal or non-certification (10.71%) followed by resignation (10.28%). For the last two years, females were hired at a 65.25%; minorities were hired at 11.74%. Females and minorities are separating at a higher rate than our hiring rates for each respected group. 	<ul style="list-style-type: none"> • By December 31, 2020, send out a letter to encourage staff to self-identify in protected groups. As of 07/01/2020, the agency had the following non-specified: 186 racial/ethnic minorities, 296 individuals with disabilities. • By December 31, 2021, conduct a climate assessment for racial/ethnic minorities and address any significant issues. • Continued outreach to minority communities, including outreach to immigrant and refugee communities. • Review of work out of class (WOOC) and promotional opportunities within the agency. • Review agency’s exit survey data and address any significant issues
<p>Technicians</p> <ul style="list-style-type: none"> • Underutilized in the following: females and racial/ethnic minorities. • Monitor separation and hire rates for females and racial/ethnic minorities. Females total separation rate for the last two years: 70.31%. Hire rate for the last two years: 75.61%. Racial/ethnic minorities total separation rate for the last two years: 23.44%. Hire rate for the last two years: 17.07%. 	<ul style="list-style-type: none"> • By December 31, 2020, send out a letter to encourage staff to self-identify in protected groups. As of 07/01/2020, the agency had the following non-specified: 186 racial/ethnic minorities, 296 individuals with disabilities. • By December 31, 2021, conduct a climate assessment for racial/ethnic minorities and address any significant issues. • Continued outreach to minority communities, including outreach to immigrant and refugee communities.

Areas for Underutilization/Further Monitoring	Corrective Actions
<p>Protective Services</p> <ul style="list-style-type: none"> • Females and racial/ethnic minorities are underutilized. • Monitor separation and hire rates of females and racial/ethnic minorities groups. For the last two years, the separation rates for females: 30.13%, hire rate: 33.12%. For minorities, separation rate: 14.59% and hire rate: 17.83%. 	<ul style="list-style-type: none"> • By December 31, 2020, send out a letter to encourage staff to self-identify in protected groups. As of 07/01/2020, the agency had the following non-specified: 186 racial/ethnic minorities, 296 individuals with disabilities. • By December 31, 2021, conduct a climate assessment for people of color and address any significant issues. • Continued outreach to minority communities, including outreach to immigrant and refugee communities. • Review of WOOC and promotional opportunities within the agency.
<p>Office/Clerical</p> <ul style="list-style-type: none"> • Racial/ethnic minorities are underutilized. • Females needs to be monitored because of potential underutilization. 	<ul style="list-style-type: none"> • By December 31, 2020, send out a letter to encourage staff to self-identify in protected groups. As of 07/01/2020, the agency had the following non-specified: 186 racial/ethnic minorities, 296 individuals with disabilities. • By December 31, 2021, conduct a climate assessment for people of color and address any significant issues. • Continued outreach to minority communities, including outreach to immigrant and refugee communities.
<p>Skilled Craft</p> <ul style="list-style-type: none"> • Individuals with disabilities needs to be monitored because potential underutilization • Racial/ethnic minorities and females are underutilized. • Low number of female qualified applicants resulted in low rate of female hires. • For the last two years, hire rates for females and minorities: 5.26% 	<ul style="list-style-type: none"> • By December 31, 2020, send out a letter to encourage staff to self-identify in protected groups. As of 07/01/2020, the agency had the following non-specified: 186 racial/ethnic minorities, 296 individuals with disabilities. • Continue to utilize the State of Minnesota Connect 700 program to increase exposure to state jobs in the disability community.

Areas for Underutilization/Further Monitoring	Corrective Actions
<p>Service Maintenance</p> <ul style="list-style-type: none"> • Racial/ethnic minorities and individuals with Disabilities are underutilized. • For the last two years the separation rates for minorities: 16.36% and individuals with disabilities: 7.27%. Hire rates for minorities: 9.09%, individuals with disabilities: 7.07%. 	<ul style="list-style-type: none"> • By December 31, 2020, send out a letter to encourage staff to self-identify in protected groups. As of 07/01/2020, the agency had the following non-specified: 186 racial/ethnic minorities, 296 individuals with disabilities. • Continue to utilize the State of Minnesota Connect 700 program to increase exposure to state jobs in the disability community. • By December 31, 2021, conduct a climate assessment for people of color and address any significant issues. • Continued outreach to minority communities, including outreach to immigrant and refugee communities.

Other Action-Oriented Programs

This section provides an overview of the agency’s general efforts and actions to ensure equal opportunity. Agencies have reviewed barriers to hiring during the previous plan period and identified recruitment strategies, processes, and training to address underutilization for this plan year.

Barriers

The agency has constraints to address underutilization and areas for monitoring identified in the previous section.

- Limited anticipated number of open positions in this plan year.
- Limited outreach due to unanticipated budget deficiencies. This will limit our outreach and effectiveness of recruitment efforts.
- Unwillingness of employees to self-identify, including individuals with disabilities. This will affect the representation of employees in protected groups.
- COVID-19 pandemic has caused the agency to have unanticipated budget deficiencies and attendance of recruitment fairs.

Recruitment and Processes

The agency takes the following actions to improve recruitment and increase the number of qualified females, racial/ethnic minorities, and individuals with disabilities in the applicant pool:

- The agency will continue to place advertisements of job opportunities through [the State of MN Career site](https://mn.gov/mmb/careers/search-for-jobs/) (https://mn.gov/mmb/careers/search-for-jobs/).

- Continue to consider female, racial/ethnic minorities, and individuals with disability applicants for all positions for which they qualify.
- Participate in job fairs to recruit females, racial/ethnic minorities, and individuals with disabilities but this is contingent upon the COVID-19 pandemic and if fairs will be held.
- Continue to participate in virtual job fairs that are successful to obtain qualified protected group applicants.
- Establish transformative partnerships with community organizations and higher education institutions to build effective talent recruitment pipelines.
- Use social media: Facebook, Twitter, LinkedIn, and Instagram to promote job vacancies.
- Use MN DOC public website to feature employment testimonials on high filling vacant positions.
- Promote the Connect 700 program to attract qualified individuals with disabilities and ensure hiring practices are aligned with the program's intent.
- Explore the establishment of a financial hiring incentive program to achieve more equitable and inclusionary outcomes.
- Continue to use the EEO tag line on all job postings and advertisements.
- Continue to publish recruitment media depicting individuals that represent protected groups.
- Broadly announce all promotion and transfer opportunities.
- Review/evaluate job postings to eliminate non-inclusive language.
- Assess current hiring practices and implement new measures to achieve more equitable and inclusionary outcomes. (e.g. interview panels, interview questions, applicant pools, etc...)
- Review job descriptions and minimum qualifications to identify any words/descriptions that screen out protected groups.

Persons Responsible:

- Mai Youa Lee, Affirmative Action Officer
- Thuy Tran, Recruitment Coordinator
- Kari Bautch, Human Resources Manager
- Sarah Fitzgerald, Communications

Retention

The agency will take the following actions to improve retention of females, racial/ethnic minorities, and individuals with disabilities:

- Encourage all new hires to receive applicable trainings for their career development.
- Ensure an inclusive work environment and equal opportunities for all employees.

- Conduct exit/climate assessment and address concerns.
- Implementing new on-boarding program/training.
- Development of leadership/career planning.
- Development of mentorship program.
- Enhance employee trainings specific to sexual harassment and misconduct and implement more effective assessment and accountability measures.

Persons Responsible:

- Mai Youa Lee, Affirmative Action Officer
- Teri Hable, Human Resources Manager
- Kelly Zappia, Human Resources
- Amy Chamberlain, Office Services

Training

The agency will take the following actions to improve retention of females, racial/ethnic minorities, and individuals with disabilities:

- Announce training opportunities to all employees.
- Provide diversity and inclusion training to all employees.
- Ensure all new hires receive inclusive workplace e-learning training.
- Provide quality on-boarding orientation/training.
- Integrate more robust racial equity education and training into the agency's onboarding process (e.g. Academy).
- Explore more frequent racial equity education and training opportunities for all agency employees.

Persons Responsible:

- Mai Youa Lee, Affirmative Action Officer
- Teri Hable, Human Resources
- Amy Chamberlain, Office Services

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

The Minnesota Department of Corrections will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. The agency will use the monitoring the hiring process form for every hire to track the number of women, minorities, and individuals with disabilities in each stage of the selection process. Directors, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and equal opportunity professionals will review for bias.

When the agency does not meet its hiring goals for competitive appointments, and noncompetitive appointments under MS 43A.08, subd. 1(9), (11) and (16), and 43A.15, subd. 3, 10, 12, and 13, must justify its non-affirmative action hires. The affirmative action statute was amended in 2019 so agencies can no longer take missed opportunities. The agency will report the number of affirmative and non-affirmative hires to MMB on a quarterly basis.

When candidates are invited to participate in the selection process, employees scheduling the selection process will describe the process format to the candidate (*e.g.*, interview process, testing process). All candidates will be provided information regarding the procedure to request reasonable accommodations if necessary to allow candidates with disabilities equal opportunity to participate in the selection process. For example, describe if interview questions are offered ahead of time or what technology may be used during a test. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the selection process.

All 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.

Pre-Review Procedure for Layoff Decisions

The Minnesota Department of Corrections is required by federal and state law to maintain various personnel records for the purpose of preparing reports. To meet this requirement, a centralized reporting system has been established and will be maintained by the Human Resources Division.

The department will evaluate its progress in the following ways:

1. Through automated systems (Access, SEMA4, Crystal Reports) progress is measured and communicated to agency management members who shall disseminate that information to their respective areas of responsibility.
2. A pre-review of layoff decisions will be conducted to determine any adverse impact on protected group employees.
3. Quarterly reports on hiring and separation rates will be generated, compiled and distributed to agency management.

The agency will explore alternatives in the layoff process that mitigate the impact on protected groups, in collaboration with MMB, labor and community partners. The appointing authority determines the layoff decisions. The affirmative action officer is not involved in the layoff decision process.

Other Methods of Program Evaluation

The agency submits the following compliance reports to MMB 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
- Disposition of Internal Complaint (submitted to MMB 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 disparate impact
- Analyzes compensation program to determine if there are patterns of discrimination
- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement

Policies, Procedures, and Notice

A. Minnesota Department of Corrections, Policy 103.009 (Affirmative Action/Monitor the Hiring Process)

Minnesota Department of Corrections

Policy:	103.009	Title: Affirmative Action/Monitoring the Hiring Process
Issue Date:	8/16/16	
Effective Date:	9/6/16	

AUTHORITY: [Minnesota Management and Budget Administrative Procedure 19.1](#)

PURPOSE: To establish and maintain the department's affirmative action program and provide clear direction to hiring supervisors on affirmative action responsibilities for certain competitive and non-competitive appointments to department positions that relate to meeting the department's affirmative action goals.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: The DOC is committed to the establishment and maintenance of an affirmative action program. In accordance with Minnesota statutes and rules, an affirmative action plan is developed every two years and attached to this policy. The plan contains specific components, including program objectives and hiring goals for the department. The hiring goals and selection process procedures have been set to eliminate the underutilization of qualified protected group members, except where a bona fide occupational qualification exists. The groups, which the State of Minnesota has determined to be under-utilized in the workforce, include: (1) women, (2) ethnic/racial minorities, and (3) individuals with disabilities.

The Commissioner's executive team and managers are advised of the department goals and underutilizations for each job category for recruitment purposes. Department managers and supervisors must follow the procedures outlined below in order to eliminate the underutilization of qualified protected group members through a series of specific, result-oriented procedures combined with good faith efforts to consider affirmative action goals in selection decisions. The goals must be determined in the DOC affirmative action plan which utilizes the United States census recommendations and realistic workforce planning goals.

DEFINITIONS:

Affirmative applicant - an applicant who has identified that they are in a protected group (female, minority, individual with disability) and whose appointment would help meet DOC affirmative action plan goals.

Affirmative hire - an applicant in a protected group, which is determined to be underutilized by the DOC affirmative action plan, who is selected for the position.

Applicant pool – applicants who the department determines to meet the minimum qualifications for a position.

Commissioner’s executive team - includes the Commissioner, deputy commissioners, and the assistant commissioners of the DOC.

EEO4 job categories - occupational categories applicable to state employment and assigned by the Equal Employment Opportunity Commission (EEOC) including: officials and administrators; professionals; technicians; protective services; office/clerical; skilled craft; and service maintenance.

Ethnic/racial minorities – refers to persons from the categories below. Person of mixed ethnic/racial background select the group with which they identify.

1. Black/African American (not Hispanic origin) – persons having origins in any of the black racial groups of Africa.
2. Hispanic – persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish ethnicity or origin, regardless of race.
3. American Indian or Alaskan Native – persons having origins from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.
4. Asian or Pacific Islander – persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This category includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

Finalist pool – refers to all applicants who are invited to interview. If the hiring supervisor intends to conduct second interviews, he/she must notify all finalist pool applicants prior to the first interviews that (1) second interviews will be conducted and (2) the requirement(s) to advance to the second interview. The second interview pool is the finalist pool.

Hiring goals – the Commissioner of Minnesota Management and Budget (MMB) establishes statewide goals for each EEO4 job category by underutilized protected group based on the most current census available at the time the goals were established. The department goals must be based on comparison of the composition of the work force with the composition of the relevant civilian labor force in the reasonable recruitment area. If the comparison shows that a job category underutilizes a protected group, the commissioner establishes a goal for that disparity in the job category. EEO4 job categories are used as the basis for goal unit designators.

Individual with a disability - An individual with a disability

1. Has a physical, sensory, or mental impairment that substantially limits one or more major life activities;
2. Has a record or history of such impairment; or
3. Is regarded as having such impairment.

Justified non-affirmative hire - a non-affirmative finalist is selected for the position and is found to be substantially more qualified for the position than the highest scoring affirmative finalist.

Non-justified/missed opportunity hire – a non-affirmative finalist is selected for the position and is similarly or less qualified to the highest scoring affirmative finalist.

Recently separated veteran (RSV) – a veteran, as defined in Minn. Stat. §197.447, who has served in active military service, at any time on or after September 11, 2001, and who has been honorably discharged from active service, as shown by the person's form DD-214. The top five RSVs who meet the minimum qualifications for a vacant position and have claimed a veteran's or disabled veteran's preference must be invited to interview for the position.

PROCEDURES:

- A. The DOC office of diversity is responsible for developing the department's affirmative action plan every two years and must file the plan with the MMB.
- B. The office of diversity is responsible for posting the DOC affirmative action plan on the DOC office of diversity iShare site and DOC public website in an accessible format. Employees may request a copy from the office of diversity, facility affirmative action officer designee, or their manager/supervisor.
- C. The human resources management (HRM) staffing unit, in collaboration with the hiring supervisor, documents the minimum and preferred qualifications, if applicable, for each vacancy.
- D. The HRM staffing unit applies the affirmative action goals for applicable vacancies by reviewing the affirmative action goal report for the EEO4 job category and location of the vacancy at the time the vacancy is announced on the state careers website.
- E. The HRM staffing unit refers to the hiring supervisor the applicants who appear to be minimally qualified, based upon a review of the applicants' resumes in comparison to the minimum qualifications on the vacancy announcement.
- F. The hiring supervisor reviews and confirms with the HRM staffing unit, the pool of minimally qualified applicants to be reported by the HRM staffing unit on the MMB Monitoring the Hiring Process form (attached).
- G. If a hiring supervisor needs to reduce the pool of applicants beyond the minimum qualifications to reach a reasonable number of applicants to interview, he/she must apply one or more of the preferred qualifications documented on the vacancy announcement.
 - 1. The hiring supervisor does not need to apply all the preferred qualifications listed on the vacancy announcement when reducing the pool of applicants.
 - 2. The preferred qualifications chosen to reduce the applicant pool must be applied consistently to all applicants (i.e. all applicants must meet the same preferred qualifications).

3. If a hiring supervisor needs to further reduce the pool of applicants after applying one or more posted preferred qualifications in order to reach a reasonable number to interview, the hiring supervisor may apply additional job-related selection criteria.
 - a) Prior to the hiring supervisor scheduling interviews, the HRM staffing unit must review and approve the additional selection criteria to confirm job-relatedness and demonstration of a good faith effort to hire and retain the best qualified and diverse work force.
 - b) The HRM staffing unit documents the use of additional selection criteria in DOC's transaction request form log.
 - c) The hiring supervisor must apply the additional selection criteria consistently to all applicants (i.e. all applicants must meet the same additional selection criteria).

- H. The hiring supervisor consistently evaluates all applicants in the finalist pool using a structured interview process and/or other selection tools in all rounds of interviews.
 1. The structured interview questions, scored anchors and other selection tools must relate to the job duties, and minimum and preferred qualifications listed on the vacancy announcement.
 2. All selection tools require approval by the HRM staffing unit prior to use.

- I. The hiring supervisor must contact the HRM staffing unit prior to extending a job offer to determine if affirmative applicant(s) is in the finalist pool.
 1. The HRM staffing unit must notify the supervisor if an affirmative action pre-hire review process (attached) is required.
 2. The affirmative action pre-hire review process is only required for positions that
 - a) Have an underutilization of affirmative employees; and
 - b) For which an affirmative action goal has been determined in the current DOC affirmative action plan.

- K. The affirmative action pre-hire review process is not required for RSV applicants who are included in the finalist pool due to being minimally qualified but who do not meet the preferred qualifications chosen to limit the finalist pool.

- L. If an affirmative finalist is not selected and an underutilization exists in the EEO4 job category, the hiring supervisor must complete the affirmative action pre-hire review process and forward to the affirmative action manager.
 1. Non-justified non-affirmative hire
 - a) If the affirmative action manager deems the hire request to be a non-justified/missed opportunity, the request must be approved by a deputy or assistant commissioner.
 - b) No offer of employment may be made by the hiring supervisor until a member of the Commissioner's executive team approves a missed opportunity and informs the staffing representative of the decision.
 2. Justified non-affirmative hire

- a) The affirmative action manager must review the documentation to determine if the non-affirmative finalist is substantially more qualified than the highest-scoring affirmative finalist in the finalist pool for which an underutilization exists.
 - b) If the affirmative action manager deems the hire request to be a justified non-affirmative hire, the manager must
 - 1) Sign the affirmative action pre-hire review process documentation;
 - 2) Sign the MMB monitoring the hiring process form; and
 - 3) Notify the staffing representative of the decision.
 - c) The documentation must be kept with the affirmative action manager and HRM staffing unit.
 - d) No offer of employment may be made by the hiring supervisor until the affirmative action manager informs the staffing representative that the pre-hire review request to hire a non-affirmative finalist has been approved.
- L. The staffing representative notifies the hiring supervisor of the affirmative action pre-hire review process decision.
- 1. The staffing representative then helps the supervisor through the remainder of the hiring process.
 - 2. If the supervisor has a question regarding the decision, he/she may contact the DOC affirmative action manager.
- N. Protected group status of an applicant is not identified as public information pursuant to the Minnesota Government Data Practices Act, which governs collection and disclosure of all data; including defining the public personnel and applicant data that may be released (Minn. Stat. § 13.43, subd. 3).
- 1. HRM must not disclose the protected group status of applicants.
 - 2. However, hiring supervisors is notified by the HRM staffing unit if an affirmative action pre-hire review is required.
- O. The HRM staffing unit must record applicant screening and selection actions in the state's applicant database system.

INTERNAL CONTROLS:

- A. The DOC affirmative action plan is developed and filed with MMB every two years.
- B. Applicant screening and selection actions are recorded in the state's applicant database system.
- C. Vacancy-filling information, including the affirmative action pre-hire review materials are retained by the HRM staffing unit and the office of diversity for four years from the date of the personnel action to which the records relate, in accordance with the DOC human resources record retention schedule.

REVIEW: Annually

REFERENCES:

[Minnesota DOC Affirmative Action Plan](#)

Minn. Stat. § [43A.02](#), subd. 33

Minn. Stat. § [43A.04](#), subd 3

Minn. Stat. § [43A.11](#), subd. 7

Minn. Stat. § [43A.19](#)

Minn. Stat. § [43A.191](#), subd. 2

Minn. Stat. § [197.447](#)

Minn. Stat. § [13.43](#), subd. 3

Minn. Rules Ch. [3900](#), “Personnel”

Minn. Rules Ch. [3905](#), “State Agencies, Affirmative Action”

[Minnesota Department of Human Rights](#)

[Equal Employment Opportunity Commission](#)

ACA Standards: 2-CO-1C-01, 4-4048, 4-APPFS-3E-02, 4-APPFS-3E-04, 2-CO-1C-09, 4-4053

SUPERSESSSION:

Policy 103.009, “Affirmative Action/Monitoring the Hiring Process,” 9/17/13.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

B. Minnesota Department of Corrections, Policy 103.009: Affirmative Action Pre-Hire Review Justification Worksheet

Minnesota Department of Corrections

Affirmative Action Pre-Hire Review

Hiring managers and supervisors shall follow this process when selecting a non-affirmative finalist over an affirmative finalist for a vacancy where an underutilization exists.

No offer of employment shall be made by the hiring supervisor until the affirmative action manager informs the staffing representative the pre-hire review request to hire a non-affirmative finalist has been approved.

Process: The department's underutilization of protected employees is determined through the department's affirmative action plan. When an established affirmative action goal has not been met, the hiring supervisor must request approval before appointing a non-affirmative finalist when a qualified affirmative applicant is in the finalist pool. The office of diversity is available to discuss the request or provide assistance at any step of the procedure.

A. The hiring supervisor completes the *Affirmative Action Pre-Hire Review Process (Pre-Hire Review)* form and gathers the required attachments. The information must state how the selected finalist's knowledge, skills, and abilities (in comparison to the vacancy announcement and results of the structured interview process) show that they are substantially more qualified to perform the functions of the job than the highest scoring affirmative finalist.

1. The hiring supervisor submits the *Pre-Hire Review* information and attachments to their manager. If the manager supports the supervisor's request, the manager will route the *Pre-Hire Review* to the Appointing Authority for approval. If approved, the Appointing Authority will route the request to the Affirmative Action Manager.
2. The Affirmative Action Manager will review the request to determine if it is a justified non-affirmative hire or a non-justified non-affirmative hire.
 - a) **Justified non-affirmative hire** – an affirmative finalist is not selected because the selected finalist was found to be substantially more qualified for the position. The affirmative action manager will review the documentation to determine if the non-affirmative finalist is substantially more qualified than the highest-scoring affirmative finalist in the finalist pool for which an underutilization exists. If the affirmative action manager deems the hire request to be a justified, non-affirmative hire, they will sign this form and notify the staffing representative of the decision.
 - b) **Non-justified non-affirmative hire** – An affirmative finalist is not selected, even though the selected finalist was not found to be substantially more qualified for the position. If the affirmative action manager deems the hire request to be a non-justified non-affirmative hire (a.k.a. missed opportunity), the request must be approved by a deputy or assistant commissioner.

B. The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (MN Stat. 13.43, Subd. 21). Human Resources will not disclose the protected group status of applicants to the hiring supervisor.

**Minnesota Department of
Corrections Affirmative Action Pre-
Hire Review Process**

This form is to be completed by the hiring supervisor for the Affirmative Action Pre-Hire Review Process.

Checklist: Attach documentation listed below (A) and review and complete the Pre-Hire Review Worksheet (B) for the highest scoring affirmative finalist and the selected non-affirmative finalist. Signatures (C) must be completed prior to moving forward with the hiring process.

A. CHECKLIST

<input type="checkbox"/>	Copy of the vacancy announcement
<input type="checkbox"/>	Names and combined interview scores of all finalists interviewed
<input type="checkbox"/>	Structured interview questions and anchors, including the ratings/responses for the selected finalist and the highest scoring affirmative finalist
<input type="checkbox"/>	Resumes of the selected finalist and the highest scoring affirmative finalist
<input type="checkbox"/>	Section B (Affirmative Action Pre-Hire Review Justification Worksheet)

A. AFFIRMATIVE ACTION PRE-HIRE REVIEW JUSTIFICATION WORKSHEET

Prepared by:	Date:
Vacancy announcement number:	
Location:	Job Class:
Total number of applicants interviewed:	
Total possible interview score:	

Pre-Hire Review Worksheet comparing selected finalist and the highest scoring affirmative finalist. The comparison of finalist qualifications should include at least two of the four applicable areas as listed below:	
<input type="checkbox"/>	1. Any knowledge, skills, and abilities the selected finalist has that make him or her substantially more qualified than the highest scoring affirmative finalist. (These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)
<input type="checkbox"/>	2. Completion of additional job-related education, training, licensure and/or certification(s) by the selected finalist that demonstrate s/he is substantially more qualified than the highest scoring affirmative finalist. (These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)
<input type="checkbox"/>	3. The work experience of the selected finalist that makes him or her substantially more qualified than the highest scoring affirmative finalist. (The experience must relate to the minimum and/or preferred qualification listed on the vacancy announcement.)
<input type="checkbox"/>	4. Other factors (interview responses, selection assessments, employment reference checks, etc.) that make the selected finalist substantially more qualified than the highest scoring affirmative finalist.

Are you proposing to select the highest scoring applicant?		YES	NO
<i>(If No, please provide a brief explanation of why you are choosing not to select a finalist(s) with a higher score.)</i>			
Name of selected non-affirmative finalist:		Name of highest scoring affirmative finalist:	
Selected finalist: Combined total score (___ out of ___)		Highest scoring affirmative finalist: Combined total score (___ out of ___)	
Comments on any assessments/tests administered:		Comments on any assessments/tests administered:	

SECTION B. CONTINUED

<p>The selected finalist's knowledge, skills, & abilities that make him/her substantially more qualified than the highest scoring affirmative finalist. <i>(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)</i></p>	<p>The affirmative finalist's knowledge, skills, and abilities in comparison to the selected finalist. <i>(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)</i></p>

<p>The selected finalist's job-related training, education, licensure and/or certification that make him/her substantially more qualified than the highest scoring affirmative finalist. <i>(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)</i></p>	<p>The affirmative finalist's job-related training, education, licensure and/or certification in comparison to the selected finalist. <i>(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)</i></p>

The selected finalist's work experience that makes him/her substantially more qualified than the highest scoring affirmative finalist. <i>(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)</i>	The affirmative finalist's work experience in comparison to the selected finalist. <i>(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)</i>

The selected finalist's other factors (interview responses, selection assessments, employment reference checks, etc.) that make him/her substantially more qualified than the highest scoring affirmative finalist.	The affirmative finalist's other factors (interview responses, selection assessments, employment reference checks, etc.) in comparison to the selected finalist.

Interview panelists' names	Interview panelists' job classifications

Hiring Supervisor Written Signature:	Date:

B. SIGNATURES

The hiring supervisor submits the Pre-Hire Review information and attachments to their manager. If the manager supports the supervisor's request, the manager will route the Pre-Hire Review to the Appointing Authority for approval.

1) _____ Appointing Authority Date:	Approved: <input type="checkbox"/> Disapproved: <input type="checkbox"/>
2) _____ Office of Diversity Date:	Approved: <input type="checkbox"/> Disapproved: <input type="checkbox"/>
3) _____ Executive Staff member/designee: (Required for Non-Justified Non-Affirmative hire only) Date:	Approved: <input type="checkbox"/> Disapproved: <input type="checkbox"/>

C. Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436 (issued 6/12/2019)

Overview

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Sexual harassment is specifically addressed by HR/LR Policy #1329 Sexual Harassment Prohibited.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including Minnesota Department of Corrections 2020-2022 Affirmative Action Plan

stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment and discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, 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 their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, Minnesota Department of Corrections 2020-2022 Affirmative Action Plan

creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

Exclusions

N/A

Statutory References

M.S. Ch. 43A

M.S. Ch. 363A

General Standards and Expectations

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

I. Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is

otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

II. Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate harassment, discrimination, or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

III. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified

3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

IV. Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment, discrimination and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment or discrimination, who reports protected class harassment or discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment or discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agency Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the agency HR policy.
2. Disseminating this policy to agency employees through a method whereby receipt can be verified.
3. Posting this policy in a manner that can be accessed by all employees and third parties.
4. Including this policy in their Affirmative Action Plan.
5. Implementing this policy, which includes:
 - a. Implementing an educational program
 - b. Developing and implementing a procedure for reporting complaints
 - c. Communicating the complaint procedure to employees
 - d. Developing and implementing a procedure under which reports will be addressed promptly.
6. Enforcing this policy.
7. Reporting annually dispositions of reports of protected class harassment or discrimination using the Affirmative Action Report.

MMB Responsibility

Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1436, Harassment and Discrimination Prohibited, including the policy's complaint procedure. I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any "third party" as defined by the policy, I will be subject to disciplinary action, up to and including discharge. I understand that if I believe that I have been subjected to harassing, discriminatory or retaliatory conduct as defined by the policy by any State employee, or by any "third party" as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency's managers or supervisors, the agency's affirmative action officer, the agency's human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

D. Minnesota Department of Corrections Harassment and Discrimination Prohibited Policy 103.302



Policy Number: 103.302
Title: Harassment and Discrimination Prohibited
Effective Date: 2/18/20

PURPOSE: The Minnesota Department of Corrections (DOC) does not tolerate any form of discrimination or harassment based on protected class in its workplaces and programs. The DOC also prohibits retaliation against any person who opposes, reports, or participates in an investigation of protected class discrimination and harassment.

To foster and maintain workplaces that are free from discrimination and harassment, the DOC has adopted the State of Minnesota’s Harassment and Discrimination Prohibited Policy ([HR/LR Policy #1436](#)), which should be read in conjunction with this policy. This policy outlines responsibilities of DOC staff and establishes the procedures for reporting, investigating, and responding to violations of it and the state policy.

APPLICABILITY: Department-wide, including all applicants, employees, contractors, student workers, vendors, volunteers, and third parties who have interactions with the department.

DEFINITIONS: [NOTE: See definitions in the state Harassment and Discrimination Prohibited policy for the same terms used in this policy.]

Appointing authority – a warden or manager who has been designated by the commissioner of corrections as an authority for personnel transactions.

Designated contacts – those persons identified in this policy or the state policy as persons to whom allegations of protected class discrimination, harassment, and retaliation should be reported.

Retaliation – conduct or communication that intimidates, threatens, stigmatizes, harasses, or negatively affects the employment of someone because they have opposed, made a good-faith report of, or participated in an investigation into protected class discrimination or harassment. Retaliation also includes conduct or communication that could prevent or deter someone from opposing, reporting, or participating in an investigation of alleged discrimination or harassment.

State policy – the State of Minnesota’s [HR/LR Policy #1436, “Harassment and Discrimination Prohibited.”](#)

PROCEDURES:

- A. Training
As assigned, DOC employees, contractors, volunteers, and student workers must complete all training on this policy and the state policy and acknowledge or document their progress.

B. Reporting Procedures

1. Any DOC employee, contractor, volunteer, or student worker who witnesses, experiences, or has knowledge of an incident of protected class discrimination, harassment, or retaliation must report it. The report must be made to one of the following designated contacts:
 - a) Any DOC manager or supervisor;
 - b) The DOC's affirmative action manager/designee;
 - c) Any staff person in the DOC's office of professional accountability (OPA);
 - d) Any DOC human resources (HR) director (the agency HR director, regional HR directors (RHRDs), and assistant HR directors (AHRDs)) or
 - e) Any other person or office identified in the state policy.
2. To facilitate a prompt and thorough investigation, the DOC encourages but does not require persons reporting protected class discrimination, harassment, or retaliation to complete the form attached to this policy or the online reporting form located on [OPA's iShare page](#).

C. Responsibilities of Designated Contacts

Upon receiving reports or complaints of protected class discrimination, harassment, or retaliation, designated contacts must take prompt and appropriate action, to include the following:

1. Thank the complainant for bringing the issue forward, assure them the report or complaint will be taken seriously, and advise them that the OPA will follow up with them.
2. If the complainant has not done so, encourage them to complete the report form attached to this policy or the online reporting form on OPA's iShare page. If the complainant declines to fill out the report form, complete it to reflect all information disclosed by the complainant. At minimum, attempt to ascertain and record on the form the following information:
 - a) Reporting person's name, job title, work location, supervisor's name, and preferred telephone number for follow-up;
 - b) The name, job title, and supervisor of the person (or persons) who allegedly engaged in the discrimination or harassment;
 - c) A brief description of the alleged conduct including, if possible, where and when it occurred; and
 - d) The names of any individuals who might have witnessed the conduct.
3. Immediately report the allegations by forwarding the completed form to the OPA director.

4. Comply fully with the agency's complaint and investigation procedures and, unless otherwise directed, maintain confidentiality by not discussing the matter with anyone other than the appointing authority, the agency's affirmative action manager, the OPA director, the investigator assigned to look into the allegations, or an HR director.

D. Complaint Review and Investigation

With regard to complaints of protected class discrimination, harassment, or retaliation arising under this policy, the OPA's responsibilities for complaint review and investigation are the same as outlined in section D of Policy 103.218, "Office of Professional Accountability," subject to the following additions:

1. As soon after receiving a report of alleged discrimination, harassment, or retaliation as is practicable, the OPA Director/designee must:
 - a) Review the report;
 - b) Acknowledge receipt of the complaint or report, and follow up as needed to clarify or expand upon the information provided by the complainant;
 - c) Determine whether the allegations, if assumed to be true, describe conduct that potentially violates this policy or the State policy or constitutes another form of misconduct;
 - d) Decide whether the allegations should be investigated, and if so, by whom;
 - e) If investigation is warranted, consult with the appointing authority, the RHRD/AHRD, and/or the director of HR to determine whether contact between the alleged victim and alleged perpetrator should be limited through reassignment, investigatory leave, or other means;
 - f) If investigation is warranted, assign the matter to an OPA investigator; and
 - g) Advise the complainant whether the DOC will investigate the allegations.
2. If an investigation is opened, the OPA investigator must:
 - a) Complete the investigation within 60 days of the decision to investigate, or within the period of time specified by the OPA director;
 - b) Forward the completed investigation report to the appointing authority for review and decision making in accordance with sections E and F of Policy 103.225, "Fact-Finding Process and Discipline Administration;"
 - c) Notify the complainant that the investigation has been completed; and
 - d) Report disposition of the complaint to Minnesota Management and Budget within 30 days of a decision on the merits.
3. Copies of all reported violations, investigation reports, and communication with the involved parties are retained by the appropriate RHRD.

E. Post-Investigation Measures

Whenever allegations of protected class discrimination, harassment, or retaliation are sustained, the appointing authority must:

1. In consultation with the agency affirmative action manager, develop and implement a remedial action plan aimed at preventing future instances of similar misconduct;
2. Remind affected employees of the availability of conflict resolution options and the employee assistance program; and
3. Meet with the employee responsible for the misconduct and their supervisor to reinforce the department's expectations of maintaining a work environment free from discrimination, harassment, and retaliation.

INTERNAL CONTROLS:

- A. All training is documented and retained in the agency-approved electronic training management system.
- B. Copies of all reported violations, investigation reports, and communication with the involved parties are retained by the appropriate RHRD.

ACA STANDARDS: 4-JCF-6D-06, 4-4056, 4-APPFS-3E-06, 4-APPFS-3E-16

REFERENCES: Minn. Stat. § [43A.01](#), subd. 2
Minn. Rule [3905.0500](#)
[MMB HR/LR Policy #1436. Harassment and Discrimination Prohibited](#)
[Policy 103.220, "Personal Code of Conduct of Employees"](#)
[Policy 103.218, "Office of Professional Accountability"](#)
[Policy 103.225, "Fact-Finding Process and Discipline Administration"](#)
[Policy 103.300, "Sexual Harassment Prohibited"](#)

REPLACES: All facility policies, memos, or other communications regarding this topic, whether verbal, written, or transmitted by electronic means

ATTACHMENTS: Potential Misconduct Report Form (103.302A, [external iShare link to OPA](#))

APPROVALS:

Deputy Commissioner, Community Services
Deputy Commissioner, Organizational Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Office of Strategic Planning, Implementation, and Employee Development

E. Statewide Sexual Harassment Prohibited Policy Statewide HR/LR Policy #1329: Sexual Harassment Prohibited (revised 6/12/2019)

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment as described in this policy are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports sexual harassment, or who participates in any investigation concerning sexual harassment, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business Partners

- Unpaid Interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.

M.S. Ch. 363A

M.S. Ch. 43A

General Standards and Expectations

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment to any of the following:

1. Any agency's managers or supervisors;
2. The agency's affirmative action officer;
3. An agency's human resource office;
4. Agency management, up to and including the agency head.

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget's Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment
2. A description of the incident(s), including the date(s), location(s), and identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment
4. What, if any, steps have been taken to stop the harassment
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint or charge externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR), or other legal channels.

III. Manager/Supervisor Responsibility

Managers and Supervisors must:

1. Model appropriate behavior
2. Treat all reports of sexual harassment seriously
3. Appropriately respond to a report or problem when they receive a report of sexual harassment, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation of this policy are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior

2. Distribute the sexual harassment policy to all employees, through a method whereby receipt can be verified
3. Treat all complaints of sexual harassment seriously
4. Comply with the agency's complaint and investigation procedures and/or their Affirmative Action Plan

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee must:

- Model appropriate behavior
- Treat all complaints of sexual harassment seriously
- Comply with the agency's complaint and investigation procedures
- Keep the agency apprised of changes and developments in the law and policy

VI. Investigation and Discipline

State agencies will take seriously all reports of sexual harassment and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of sexual harassment or retaliation will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who opposes sexual harassment, who reports sexual harassment, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting sexual harassment or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, which includes:
 - Implementing an educational program
 - Developing and implementing a procedure for reporting complaints
 - Communicating the complaint procedure to employees
 - Developing and implementing a procedure under which reports will be addressed promptly
- Enforcing this policy.
- Reporting annually dispositions of reports of sexual harassment using the Affirmative Action Report.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1329, Sexual Harassment Prohibited, including the policy's complaint procedure.

I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any "third party" as defined by the policy, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by the policy by any State employee, or by any "third party" as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency's managers or supervisors, the agency's affirmative action officer, the agency's human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

F. Minnesota Department of Corrections Sexual Harassment Prohibited Policy 103.300



Policy Number:	103.300
Title:	Sexual Harassment Prohibited
Effective Date:	2/18/20

PURPOSE: The Minnesota Department of Corrections (DOC) does not tolerate sexual harassment in its workplaces and programs. The DOC also prohibits retaliation against any person who opposes, reports, or participates in an investigation of sexual harassment.

To foster and maintain workplaces that are free from sexual harassment, with the DOC has adopted the State of Minnesota’s Sexual Harassment Prohibited policy ([HR/LR Policy #1329](#)), which should be read in conjunction with this policy. This policy outlines responsibilities of DOC staff and provides the procedures for reporting, investigating, and responding to violations of the state policy.

APPLICABILITY: Department-wide, including all applicants, employees, contractors, student workers, vendors, volunteers, and third parties who have interactions with the department.

DEFINITIONS: [NOTE: See definitions in the state Sexual Harassment Prohibited policy for the same terms used in this policy.]

Appointing authority – the warden or manager who has been designated by the commissioner of corrections as an authority for personnel transactions.

Designated contacts – those persons identified in this policy or the state policy as persons to whom allegations of sexual harassment and retaliation should be reported.

Retaliation – conduct or communication that intimidates, threatens, stigmatizes, harasses, or negatively affects the employment of someone because they have opposed, made a good-faith report of, or participated in an investigation into sexual harassment. Retaliation also includes conduct or communication that could prevent or deter someone from opposing, reporting, or participating in an investigation of sexual harassment.

State policy – the State of Minnesota’s [HR/LR Policy #1329, “Sexual Harassment Prohibited.”](#)

PROCEDURES:

A. Training

As assigned, DOC employees, contractors, volunteers, and student workers must complete all training on this policy and the state policy and acknowledge or document their progress in the agency-approved electronic training management system.

B. Reporting Procedures

1. Any DOC employee, contractor, volunteer, or student worker who witnesses, experiences, or has knowledge of an incident of sexual harassment or retaliation must report it. The report must be made to one of the following designated contacts:
 - a) Any DOC manager or supervisor;
 - b) The DOC's affirmative action manager/designee;
 - c) Any staff person in the DOC's office of professional accountability (OPA);
 - d) Any DOC human resources (HR) director (the agency HR director, regional HR director (RHRD), and assistant HR directors (AHRD)); or
 - e) Any other person or office identified in the state policy.

C. Responsibilities of Designated Contacts

Upon receiving reports or complaints of sexual harassment, designated contacts must take prompt and appropriate action, including the following:

1. Thank the complainant for bringing the issue forward, assure them the report or complaint will be taken seriously, and advise them that the OPA will follow up with them.
2. If the complainant has not done so, encourage them to complete the report form attached to this policy or the online reporting form on [OPA's iShare page](#). If the complainant declines to fill out the report form, complete it to reflect all information disclosed by the complainant. At minimum, attempt to ascertain and record on the form the following information:
 - a) Reporting person's name, job title, work location, supervisor's name, and preferred telephone number for follow-up;
 - b) The name, job title, and supervisor of the person (or persons) who allegedly engaged in the discrimination or harassment;
 - c) A brief description of the alleged conduct including, if possible, where and when it occurred; and
 - d) The names of any individuals who might have witnessed the conduct.
3. Immediately report the allegations by forwarding the complaint form to the OPA director.
4. Comply fully with the agency's complaint and investigation procedures and, unless otherwise directed, maintain confidentiality by not discussing the matter with anyone other than the appointing authority, the agency's affirmative action manager, the OPA director, the investigator assigned to look into the allegations, or an HR director.

D. Complaint Review and Investigation

With regard to complaints of sexual harassment or retaliation arising under this policy, the OPA's responsibilities for complaint review and investigation are the same as outlined in section D of Policy 103.218, "Office of Professional Accountability," subject to the following additions:

1. As soon after receiving a report of alleged sexual harassment as is practicable, the OPA director/designee must:
 - a) Review the report;
 - b) Acknowledge receipt of the complaint or report, and follow up as needed to clarify or expand upon the information provided by the complainant;
 - c) Determine whether the allegations, if assumed to be true, describe conduct that potentially violates this policy or the state policy or constitutes another form of misconduct;
 - d) Decide whether the allegations should be investigated, and if so, by whom;
 - e) If investigation is warranted, consult with the appointing authority, the RHRD/AHRD, and/or the director of HR to determine whether contact between the alleged victim and alleged perpetrator should be limited through reassignment, investigatory leave, or other means;
 - f) If investigation is warranted, assign the matter to an OPA investigator; and
 - g) Advise the complainant whether the DOC will investigate the allegations.
2. If an investigation is opened, the OPA investigator must:
 - a) Complete the investigation within 30 days of the decision to investigate, or within the period of time specified by the OPA director;
 - b) Forward the completed investigation report to the appointing authority for review and decision making in accordance with sections E and F of Policy 103.225, Fact-Finding Process and Discipline Administration;
 - c) Notify the complainant that the investigation has been completed; and
 - d) Report the disposition of the complaint to Minnesota Management and Budget within 30 days of a decision on the merits.
3. Copies of all reported violations, investigation reports, and communication with the involved parties are retained by the appropriate RHRD.

E. Post-Investigation Measures

Whenever allegations of sexual harassment or retaliation are sustained, the appointing authority must:

1. In consultation with the agency's affirmative action manager, develop and implement a remedial action plan aimed at preventing future instances of similar misconduct;

2. Remind affected employees of the availability of conflict resolution options and the employee assistance program; and
3. Meet with the employee responsible for the misconduct and their supervisor to reinforce the department's expectations of maintaining a work environment free from sexual harassment and retaliation.

INTERNAL CONTROLS:

- A. All training is documented and retained in the agency-approved electronic training management system.
- B. Copies of all reported violations, investigation reports, and communication with the involved parties are retained by the appropriate RHRD.

ACA STANDARDS: 2-CO-1C-11, 1-ABC-1C-05, 1-ABC-1C-02 BP7, 4-JCF-6D-01 BP7, 4-JCF-6D-06, 4-4056, 4-APPFS-3E-05, 4-APPFS-3E-16, 2-CI-6D-4 BP4

REFERENCES: Minn. Stat. § [43A.01](#), subd. 2
Minn. Rule [3905.0500](#)
[Minnesota Management and Budget \(MMB\), HR/LR Policy #1329 Sexual Harassment Prohibited](#)
[Policy 103.218, "Office of Professional Responsibility"](#)
[Policy 103.220, "Personal Code of Conduct of Employees"](#)
[Policy 103.225, "Fact-Finding Process and Discipline Administration"](#)
[Policy 103.302, "Harassment and Discrimination Prohibited"](#)

REPLACES: Policy 103.300, "Discrimination-free Workplace," 3/5/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means, regarding this topic.

ATTACHMENTS: [MMB HR/LR Policy #1329 Sexual Harassment Prohibited Acknowledgement \(103.300B\)](#)
Potential Misconduct Report Form (103.302A, external [iShare link to OPA](#))

APPROVED BY:

Deputy Commissioner, Community Services
Deputy Commissioner, Organizational Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Office of Strategic Planning, Implementation, and Employee Development

G. Minnesota Department of Corrections Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template

Complaint can be filed on the Office of Professional Accountability iShare site.

To report potential employee misconduct, click the button below to use the Employee Misconduct Online Report Form. If the online form does not open, email the Office of Professional Accountability directly at opa.doc@state.mn.us. If emailing, please be as specific as possible about the potential misconduct, and include (if known):

- Info about the Respondent (the person who allegedly violated policy), such as their name, title, work location, supervisor
- Info about any secondary Respondents (additional person(s) who allegedly violated policy)
- Info about the situation that makes you feel there has been misconduct
- Any supporting documentation

The Department of Corrections takes all allegations of misconduct seriously. In addition, department policy prohibits retaliation against anyone who has reported a potential policy violation or cooperated with an investigation.

Please note that a report to the Office of Professional Accountability does not fulfill a specific or mandated reporting requirement. Per policy 103.218, "Office of Professional Accountability," in cases where safety and security is not at issue, if staff believe the report of misconduct too sensitive to follow specific reporting requirements, they may first discuss their obligations with the Office of Professional Accountability Director or a Human Resources Director, who may determine that staff do not need to follow the typical procedure for reporting.



Documents

✓ Name

Complaint form:

Employee Misconduct Unity Form

This information is being collected to help the Department understand and investigate your report. Although you are not legally required to provide the requested information, failure to do so may make it difficult to investigate your report. This information will be handled according to the Minnesota Government Data Practices Act. You are advised that the information you provide during the course of an investigation may be released to other persons and/or entities as required or allowed by law and/or upon direction by proper authority and/or pursuant to court order.

Today's Date

Complainant Information (Person alleging prohibited conduct)

Last Name * <input type="text"/>	First Name * <input type="text"/>	Employee Phone Number <input type="text"/>
Work Location * <input type="text"/>		
Employee Job Title <input type="text"/>	Supervisor <input type="text"/>	

Primary Respondent Information (Person who allegedly violated policy)

Respondent Name * <input type="text"/>	Respondent Phone Number <input type="text"/>
Respondent Work Location * <input type="text"/>	
Respondent Job Title <input type="text"/>	Respondent Supervisor <input type="text"/>

Secondary Respondents (additional person(s) who allegedly violated policy)

List names and work locations of secondary respondents

Policy Violation

I believe the alleged misconduct violates DOC Policy(ies) 103.300, Sexual Harassment Prohibited or 103.302, Harassment and Discrimination Prohibited.

Report Information

Describe the situation(s) that makes you feel there has been misconduct by an employee, contractor, or volunteer. Be specific, and include the date and time of the incident(s). *

List names of any others who may have witnessed the situation or incident, may know of it, or with whom you have discussed it.

Employee Misconduct Form Supporting Documentation

Form Completion

- I am completing this form on behalf of myself.
- I am completing this form on behalf of a person alleging the prohibited conduct.

H. Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

Objective

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation 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; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

Applicant - A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator - Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions - Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process - A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability - An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability - An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities - May 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.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune 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 the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation - 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 accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
 - Providing materials in alternative formats like large print or Braille;
 - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
 - Modifying work schedules or supervisory methods;
 - Granting breaks or providing leave;
 - Altering how or when job duties are performed;
 - Removing and/or substituting a marginal function;
 - Moving to a different office space;
 - Providing telework;
 - Making changes in workplace policies;
 - 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;
 - Removing an architectural barrier, including reconfiguring work spaces;
 - Providing accessible parking;
 - Providing a sign language interpreter; or
 - Providing a reassignment to a vacant position.

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.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

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.

How to request a reasonable accommodation

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

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection 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 documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes 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 the agency 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 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.

The interactive process entails

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 <http://askjan.org/topics/interactive.htm>). 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. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

Agency responsibilities 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 appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The

agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

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 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 agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency 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 agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested 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 agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

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 agency 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 agency ADA Coordinator.

The agency 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.

Accommodation Information

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 agency ADA Coordinator.

General Information

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 decision maker determines that a reasonable accommodation will be provided, the agency 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 decision maker 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

The agency must specify how the agency will pay for reasonable accommodations.

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 agency ADA Coordinator will work with 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 agency 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 explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

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 and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as 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.

Agencies may deny reasonable accommodations 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 requestor with 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. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st 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.

Responsibilities

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).

- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 19-15, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

Contacts

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us.

Request for Reasonable Accommodation Form

<p style="text-align: center;">[Agency Name]</p> <p style="text-align: center;">Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form</p> <p>[AGENCY NAME] 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 the position and 2) have a disability that substantially or materially limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.</p> <p>Employee/Applicant Name: _____</p> <p>Job Title: _____</p> <p>Work Location: _____</p> <p>Phone Number: _____</p> <p>Data Privacy Statement: This information may be used by the agency human resources representative, ADA Coordinator or designee, or any other individual 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 any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the agency may not have sufficient information to provide a reasonable accommodation.</p> <p style="text-align: center;">DO NOT PROVIDE ANY INFORMATION THAT IS NOT RELATED TO YOUR REQUEST FOR REASONABLE ACCOMMODATION. DO NOT PROVIDE COPIES OF MEDICAL RECORDS.</p> <p>A. Questions to clarify accommodation requested.</p> <p>1. What specific accommodation are you requesting? _____</p> <p>2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?</p> <p style="margin-left: 20px;">a. Answer yes or no: _____</p> <p style="margin-left: 20px;">b. If yes, please explain: _____</p> <p>B. Questions to document the reason for the accommodation request (please attach additional pages if necessary).</p> <p>1. If you are an employee, what, if any, job function are you having difficulty performing; or if you are an applicant, what portion of the application process are you having difficulty participating in? _____</p>	<p>2. What, if any, employment benefits are you having difficulty accessing? _____</p> <p>3. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform the functions of your job, access an employment benefit, or participate in the application process? _____</p> <p>4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job, access an employment benefit, or participate in the application process? _____</p> <p>Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee/applicant has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee/applicant will be provided with the appropriate forms to submit to their medical provider. The employee/applicant has the responsibility to ensure that the requested information is returned to the ADA Coordinator or designee in a timely manner.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>This form 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.</p> </div> <p>Employee/Applicant Signature: _____</p> <p>Date: _____</p>
Page 1 of 2 <small>Rev. 4/2019</small>	Page 2 of 2 <small>Rev. 4/2019</small>

I. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Minnesota Department of Corrections will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Minnesota Department of Corrections does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Minnesota Department of Corrections will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Minnesota Department of Corrections’ programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Minnesota Department of Corrections will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Minnesota Department of Corrections offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Minnesota Department of Corrections, should contact Mai Youa Lee as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Minnesota Department of Corrections to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Minnesota Department of Corrections is not accessible to persons with disabilities should be directed to Mai Youa Lee.

The Minnesota Department of Corrections will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

J. Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

A fillable form is available at <https://mn.gov/mmb-stat/equal-opportunity/ada/ada-accommodation-request-form-title-ii.pdf>.

<p>mn MINNESOTA</p> <p>_____ (Agency) Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form</p> <p>The _____ (Agency) is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.</p> <p>General Information</p> <p>Date of Request: _____</p> <p>Person needing accommodation/modification</p> <p>Name: _____</p> <p>Address: _____</p> <p>Email: _____ Phone: _____</p> <p>Person making request (if different from person needing accommodation/modification)</p> <p>Name: _____</p> <p>Email: _____ Phone: _____</p> <p>Relationship to person needing accommodation/modification: _____</p> <p>Accommodation Information</p> <p>Date accommodation/modification is needed: _____</p> <p>Address and/or room of accommodation/modification: _____</p> <p>Type of accommodation/modification requested (please be specific): _____</p> <p>How would you like to be notified of the status of your request? <input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): _____</p> <p>If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: _____</p> <p><small>Updated 08/21/2019</small></p>	<p>All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.</p> <p><input type="checkbox"/> Check this box to sign this request form electronically: By checking this box, I agree my electronic signature is the legal equivalent of my signature.</p> <p>Signature of Requestor _____ Date _____</p> <p style="text-align: center;">OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION</p> <p>Date request received: _____</p> <p>The request for accommodation/modification is GRANTED. Below is a description of the accommodation/modification: _____</p> <p>The request for accommodation/modification is DENIED because:</p> <p><input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.</p> <p><input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the agency and/or</p> <p><input type="checkbox"/> The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.</p> <p>Requester notified on: (date) _____ via: _____</p> <p>Additional notes: _____</p> <p>ADA Coordinator: Name _____ Signature _____ Date _____</p> <p><small>Updated 08/21/2019</small></p>
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K. Minnesota Department of Corrections Policy 103.310 (ADA Reasonable Accommodation, Title I)



Policy Number: 103.310
Title: Reasonable Accommodation
Effective Date: 6/4/19

PURPOSE: To reasonably accommodate qualified individuals (as defined by the Americans with Disabilities Act (ADA)) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and enjoy equal benefits and privileges within the Minnesota Department of Corrections in accord with applicable provisions of law, rules, and human resources (HR) practices per Minnesota Management and Budget Policy HR/LR Policy #1433 ADA Reasonable Accommodation.

APPLICABILITY: All qualified applicants, current employees, and employees seeking promotion who have a physical, sensory, or mental impairment that substantially or materially limits one or more of the major life activities.

DEFINITIONS:

Direct threat – a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.

Reasonable accommodation – any change or adjustment to a job, an employment practice, or a work environment that makes it possible for a qualified individual with a disability to enjoy equal employment opportunities. Examples of accommodations may include acquiring or modifying equipment or devices, modifying examinations and training materials, making facilities readily accessible, job restructuring, modifying work schedules, providing qualified readers or interpreters, and reassignment to vacant positions.

Undue hardship – an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature, position, or operation of the department.

PROCEDURES:

- A. Job applicant or employee
 - 1. Per Minnesota Management and Budget (MMB) HR/LR Policy #1433, an agency applicant or employee may make a reasonable accommodation request (preferably by completing the Employee Request for Reasonable Accommodation form (attached) to any or all of the following:
 - a) An immediate supervisor or manager in the employee’s chain of command;
 - b) The agency affirmative action officer or designee;

- c) The agency's regional or agency Americans with Disabilities Act (ADA) coordinator;
 - d) The regional or agency human resources (HR) office; or
 - e) Any agency official with whom the applicant has contact during the application, interview, or selection process.
2. The regional human resources director (RHRD) must serve as the regional ADA coordinator. The office of diversity provides consultation and assistance to the RHRD.
 3. The following processes must follow MMB Policy HR/LR #1433:
 - a) Timing of the request;
 - b) Form of the request;
 - c) Interactive process;
 - d) Agency responsibilities for processing the request;
 - e) Analysis for processing requests; and
 - f) Obtaining medical documentation in connection with a request for reasonable accommodation.
- B. Agency responsibility for processing the request
1. The commissioner has the ultimate responsibility for ensuring compliance with the ADA and this policy.
 2. If an accommodation agreement cannot be reached, the ADA coordinator must forward the request for accommodation, along with the ADA coordinator's recommendation, to the department assistant commissioner for operations support, who must review the request for accommodation, along with the recommendations, and advise regional management.
- C. Confidentiality requirements
1. Per MMB Policy HR/LR #1433, medical information obtained in connection with the reasonable accommodation process must be kept confidential.
 2. Medical information and inquiries must be kept apart from the general personnel files as a separate, confidential medical record, available only under the limited conditions specified in the ADA and other applicable laws, rules, and policies.
 3. The ADA coordinator may disclose medical information obtained in connection with the reasonable accommodation process as defined in MMB Policy HR/LR #1433.
 4. Accommodation information is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation.

5. General 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 to evaluate and report on the agency's performance in hiring, retention, and processing of reasonable accommodation requests.
- D. The following reasonable accommodation processes must follow MMB Policy HR/LR #1433:
1. Approval of requests for reasonable accommodation; with the additional requirements:
 - a) The Reasonable Accommodation Agreement (attached) must articulate the most appropriate accommodation for both the employee and the employer.
 - b) While agency officials must give consideration to an employee's preference, they are free to choose among equally-effective accommodations and may choose the one that is less expensive or easier to provide.
 2. Procedures for reassignment as a reasonable accommodation.
 3. Denial of requests for reasonable accommodation.
 4. Undue hardship; with the additional requirements:
 - a) The manager of the office of diversity must discuss the requested accommodation with an assistant commissioner or a deputy commissioner prior to a final determination of undue hardship.
 - b) The commissioner must provide a written decision to the assistant commissioner or deputy commissioner, as applicable. The employee requesting the accommodation must be immediately notified, in writing, of the final determination.
 5. Determining direct threat.
 6. Appeals process in the event of a denial.
- E. Funding for a reasonable accommodation may be charged to the work area of the affected employee.
- F. Information tracking and records retention
1. Facility or field service ADA coordinators must review and maintain all documentation (separate from the employee personnel file) on all requests for reasonable accommodations and accommodation agreements made at their site, according to the agency retention schedule, and provide the aggregate information to the DOC ADA coordinator.
 2. Statewide reporting

The DOC ADA coordinator reports all accommodation requests to MMB in the ADA annual report.

3. The DOC ADA coordinator retains aggregate reasonable accommodation data according to the agency retention schedule.

INTERNAL CONTROLS:

- A. Facility/field service ADA coordinators review and maintain all documentation on all requests for reasonable accommodation and accommodation agreements made at their site, according to the agency retention schedule.
- B. The DOC ADA coordinator reports all accommodation requests to MMB in the ADA annual report.
- C. The DOC ADA coordinator retains aggregate reasonable accommodation data according to the agency retention schedule.

ACA STANDARDS: 2-CO-1C-09-1; 4-4054; 1-ABC-1C-04-1; 4-APPFS-3B-05; 4-APPFS-3E-03; 4-JCF-6D-07

REFERENCES: [29 CFR 1630.2](#)
[The Americans with Disabilities Act \(ADA\) of 1990 as amended](#)
[Minn. Stat. Chapter 363A \(The Minnesota Human Rights Act\)](#)
[MMB HR/LR Policy #1433, "ADA Reasonable Accommodation"](#)
[Policy 103.240, "Return to Work Process"](#)
[Policy 103.300, "Discrimination-free Workplace"](#)

REPLACES: Policy 103.310, "Reasonable Accommodation," 5/19/15.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Employee Request for Reasonable Accommodation](#) (103.310A)
[Authorization for Release of Medical Information ADA Request for Accommodation](#) (103.310B)
[Provider Report/ADA Eligibility and Request for Accommodations](#) (103.310C)
[Reasonable Accommodation Agreement](#) (103.310D)

APPROVALS:

Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services

This document is available in alternative formats to individuals with disabilities by calling (651) 361-7256 (Voice) or (800) 627-3529 (TTY)

Minnesota Department of Corrections 2020-2022 Affirmative Action Plan

L. Minnesota Department of Corrections' Policy 103.310A (Request for Reasonable Accommodation Form)

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

Minnesota Department of Corrections 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 the position and 2) have a disability that substantially or materially limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name: _____

Employee ID (if applicable): _____

Job Title: _____

Work Location: _____

Phone Number: _____

Data Privacy Statement: This information may be used by the agency human resources representative, ADA Coordinator or designee, or any other individual 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 any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the agency may not have sufficient information to provide a reasonable accommodation.

Genetic Information Nondiscrimination Act of 2008 Disclosure: This form 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.

DO NOT PROVIDE ANY INFORMATION THAT IS NOT RELATED TO YOUR REQUEST FOR REASONABLE ACCOMMODATION. DO NOT PROVIDE COPIES OF MEDICAL RECORDS.

Please attach additional pages if necessary.

QUESTIONS TO CLARIFY ACCOMMODATION REQUESTED.

1. Please describe in detail what specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?
3. Has your medical provider recommended the accommodation? YES or NO

QUESTIONS TO DOCUMENT THE REASON FOR THE ACCOMMODATION REQUEST.

1. Please describe the nature of your medical condition for which you are requesting an accommodation.
2. If you are an employee, what, if any, job function are you having difficulty performing; or if you are an applicant, what portion of the application process are you having difficulty participating in?
3. What, if any, employment opportunities/amenities are you having difficulty accessing?
4. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform the functions of your job, access an employment opportunity/amenities, or participate in the application process?

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5. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job, access an employment opportunity/amenities, or participate in the application process?

6. Please circle the affected major life activity(s) and major bodily function(s) that you are experiencing:

Major Life Activities:

Bending	Lifting	Speaking
Breathing	Performing Manual	Standing
Caring for Self	Tasks	Thinking
Concentrating	Reaching	Walking
Eating	Reading	Working
Hearing	Seeing	Other
Interacting with Others	Sitting	
Learning	Sleeping	

If other, please describe: _____

Major Bodily Functions:

Bladder	Genitourinary	Operation of an Organ
Bowel	Hemic	Respiratory
Brain	Immune	Reproductive
Cardiovascular	Lymphatic	Special Sense Organs
Circulatory	Musculoskeletal	Other
Digestive	Neurological	
Endocrine	Normal Cell Growth	

If other, please describe: _____

7. Please describe the nature, severity and anticipated duration of the impairment:

Temporary (explain): _____

Temporary with residual side effects (explain): _____

Chronic (explain): _____

Permanent (explain): _____

Anticipated duration: _____

Additional Comments:

Minnesota Department of Corrections 2020-2022 Affirmative Action Plan

Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee/applicant has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee/applicant will be provided with the appropriate forms to submit to their medical provider. The employee/applicant has the responsibility to ensure that the requested information is returned to the ADA Coordinator or designee in a timely manner.

Employee/Applicant Signature: _____

Date: _____

M. Minnesota Department of Corrections Policy 203.250 (ADA Reasonable Modifications, Title II)



Policy Number:	203.250
Title:	Modifications for Offenders/Residents with Disabilities
Effective Date:	10/16/18

PURPOSE: To provide a process for offenders and residents with known physical or mental disabilities to request a modification to allow them to participate in Minnesota Department of Corrections (DOC) programs, services, and activities.

APPLICABILITY: Offenders/residents incarcerated at DOC correctional facilities

DEFINITIONS:

Modification – any reasonable change or adjustment that does not jeopardize safety or security and does not fundamentally alter the nature of a service, program, or activity of a living or assignment environment; or any modification of policies, practices, or procedures that permits participation by offenders/residents with physical or mental disabilities.

Resident – juvenile housed at Minnesota Correctional Facility – Red Wing (MCF-RW) and, for request purposes, includes requests made by the resident’s legal guardian.

PROCEDURES:

A. Intake

At intake, medical staff ask newly admitted offenders/residents if they require a modification. For offenders/residents who respond affirmatively, or alternatively, where medical staff have reason to believe a disability exists, the designated staff person must follow this policy and either Policy 202.040, “Offender Intake Screening and Processing,” or Policy 202.041, “Juvenile Facility Admissions,” in addressing the modification needs.

B. Effective Communication

1. The DOC provides appropriate auxiliary aids and services, including American Sign Language (ASL) interpreters, when necessary to ensure that offenders/residents with speech, hearing, or vision disabilities are able to understand what is said and written and can communicate effectively.
2. Facility staff follow the Sign Language Protocol (attached) to provide sign language assistance. If, at intake, staff determine there is a need for sign language interpreting services, they must contact the DOC’s sign language interpreter specialist for assistance.

3. Facility staff may solicit assistance from State Services for the Blind for individuals with vision impairments or blindness.

C. Offender Requests for Modifications

1. An offender/resident may request a modification at any time by completing and signing the Offender/Resident Request for Modification form (attached), which asks the offender/resident to:
 - a) Identify the disability;
 - b) Explain how the disability limits daily activities or limits the ability to perform self-care and hygiene;
 - c) Detail what specific modification(s) the offender/resident is requesting to allow the offender/resident to participate in DOC programs, services, or activities; and
 - d) Acknowledge willingness to participate in discussions, assessments, or examinations with correctional, medical, or mental health staff as necessary.
2. The offender/resident must send the Offender/Resident Request for Modification form to the facility Americans with Disabilities Act (ADA) coordinator. Offenders/residents may seek staff assistance in completing and submitting the form as necessary.
3. An offender's refusal to participate in the process or provide information/documentation about the disability may affect the outcome of the request if the DOC has insufficient information to assess it.

D. Initial Review by Facility ADA Coordinator

1. Upon receiving a request, the facility ADA coordinator must discuss with the offender/resident the requested modification and how the disability limits the offender's/resident's ability to perform self-care and hygiene or to participate in DOC programs, services, or activities to ensure the coordinator adequately understands the request. The facility ADA coordinator may grant a request temporarily, subject to final approval by the ADA committee.
2. Following the initial discussion with the offender/resident, the facility ADA coordinator schedules the request for consideration by the facility ADA committee.
3. The facility ADA coordinator, prior to the ADA committee review, must review whether the request:
 - a) Involves a medical or mental health condition;
 - b) Presents any safety or security concerns;
 - c) Requires facility physical plant adjustments;
 - d) Implicates other accessibility alternatives for a program, service, or activity; or
 - e) May be accommodated through alternative means if the initial request is not feasible.
4. Based upon the initial review, the facility ADA coordinator consults with appropriate medical, case management, safety, security, physical plant, or other facility staff as

necessary to gather information to review the request. The coordinator may use the Offender/Resident Modification Review template (attached) to gather information.

5. The facility ADA coordinator must refer requests based on medical or mental health concerns to a physician or behavioral health practitioner for a functional assessment of the condition, the extent to which the requested modification is warranted to address the condition, and the duration of any needed modification.
 6. The facility ADA coordinator must provide a copy of the offender's/resident's request and an Offender/Resident Modification Review form (attached) to be completed by the staff or medical practitioners being consulted.
 7. The facility ADA coordinator must present summary information from the coordinator's review to the facility ADA committee for consideration.
- E. Offender ADA Committee Review
1. The facility ADA committee is composed of the facility ADA coordinator, health services administrator, safety director, and security captain. The committee may request other facility representatives be present on an as-needed basis.
 2. The facility ADA committee meets monthly or as necessary to consider offender/resident modification requests and temporarily-granted modifications, and may grant, propose an alternate means of modification for, or deny the offender's/resident's request.
 3. If the committee proposes an alternate modification, the facility ADA coordinator must communicate the alternative to the offender/resident. If the offender/resident rejects the alternate modification and no other viable options exist, the facility ADA coordinator treats that as the final committee decision.
 4. Following a final committee decision on the modification request, the facility ADA coordinator must:
 - a) Document the decision in writing;
 - b) Provide the written documentation (including supplemental information) to the offender/resident;
 - c) Detail the decision in COMS under the ADA access plan tab;
 - d) Add documentation to the offender's/resident's electronic file; and
 - e) When applicable, send a copy to medical staff for documentation pursuant to DOC Policy 500.150, "Adaptive Equipment/Medical Authorizations."
- F. Termination, Transfer, and other Modification Actions
1. Modifications granted pursuant to this policy are valid for the length of time determined by the facility ADA committee, with appropriate consultation from medical, safety, security, physical plant, or other facility staff as necessary.
 2. If an offender/resident believes that an additional modification period is required, the offender/resident must submit a new Offender Request for Modification form within 10

days of the end of the modification period. If the current modification was based on a need determined by a physician or behavioral health practitioner, the current modification remains in place pending review of the offender's/resident's new request by the ADA committee.

3. Before an offender/resident with an approved modification is transferred to another DOC facility, the facility's ADA coordinator, the offender's/resident's case manager, and/or the facility's transitions coordinator must communicate with the receiving facility's ADA coordinator that the offender/resident has a disability and provide a summary of the resulting service provisions required to ensure appropriate continuation of the modification(s).
4. In the event of an emergency or extended disruption of normal facility operations, the facility ADA coordinator or designee may suspend any provision or section of this policy for a specific period of time in the interest of individual or collective safety.
5. For offenders/residents with disabilities, facility staff responsible for housing assignments, disciplinary measures, program assignments and transfers to other facilities must consult with the designated facility ADA coordinator before implementation. When immediate action is required, consultation with the facility ADA committee to review the appropriateness of the action must occur in a reasonable amount of time.
6. Facilities must ensure there are sufficient accessible beds available to accommodate offenders/residents with disabilities.

G. Grieving a Modification Decision

An offender/resident who is dissatisfied with a modification decision may submit a grievance pursuant to DOC Policy 303.100, "Grievance Procedure." If the current modification was based on a need determined by a physician or behavioral health practitioner, the current modification remains in place pending the resolution of the grievance process.

INTERNAL CONTROLS:

- A. Offender/resident modification decisions are documented in COMS and the offender/resident electronic file as appropriate.
- B. Offender/resident modification decisions related to medical conditions are forwarded to medical staff for documentation in the offender's/resident's medical file as appropriate.
- C. There are sufficient accessible beds available to accommodate offenders/residents with disabilities.

ACA STANDARDS: 4-4142; 4-4143; 4-4144; 4-4399; 4-4429; 4-4429-1; 1-ABC-5A-01; 1-ABC-5A-01-2; 1-ABC-5A-03

REFERENCES: [Code of Federal Regulations implementing Title II of the ADA](#)
[Minn. Stat. Chapter 363A](#)

[Policy 202.040, "Offender Intake Screening and Processing"](#)
[Policy 202.041, "Juvenile Facility Admissions"](#)
[Policy 303.100, "Grievance Procedure"](#)
[Policy 500.150, "Adaptive Equipment/Medical Authorizations"](#)

REPLACES: Policy 203.250, "Offenders with Disabilities" 8/7/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Offender/Resident Request for Modification](#) (203.250B)
[Sign Language Protocol](#) (203.250C)
[Offender/Resident Modification Review template](#) (203.250D)

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support

N. Minnesota Department of Corrections' Policy 203.250 (ADA Reasonable Modifications Form, Title II)

OFFENDER/RESIDENT REQUEST FOR MODIFICATION

Instructions: Please fully complete form, attaching additional pages if necessary, and send this form to the Facility ADA Coordinator.

Offender/Resident Name:	OID:
Facility:	

1. Describe your disability/condition:
2. How does your disability/condition limit your daily activities?
3. What modification are you requesting for your disability/condition to allow you to participate in DOC programs, services, or activities?

By submitting this form, I agree to participate in discussions, assessments, or examinations with correctional, medical, or behavioral health staff as necessary in an effort to resolve this request.

Offender Signature _____
Date

Received by:

Employee Signature/Printed Name _____
Date

O. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

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 contact(s) below to request the type of assistance they may need.

A copy of the agency's weather and emergency evacuation plan for Central Office is below. For weather and emergency evacuation plan for facilities, please contact Wayne Niles.

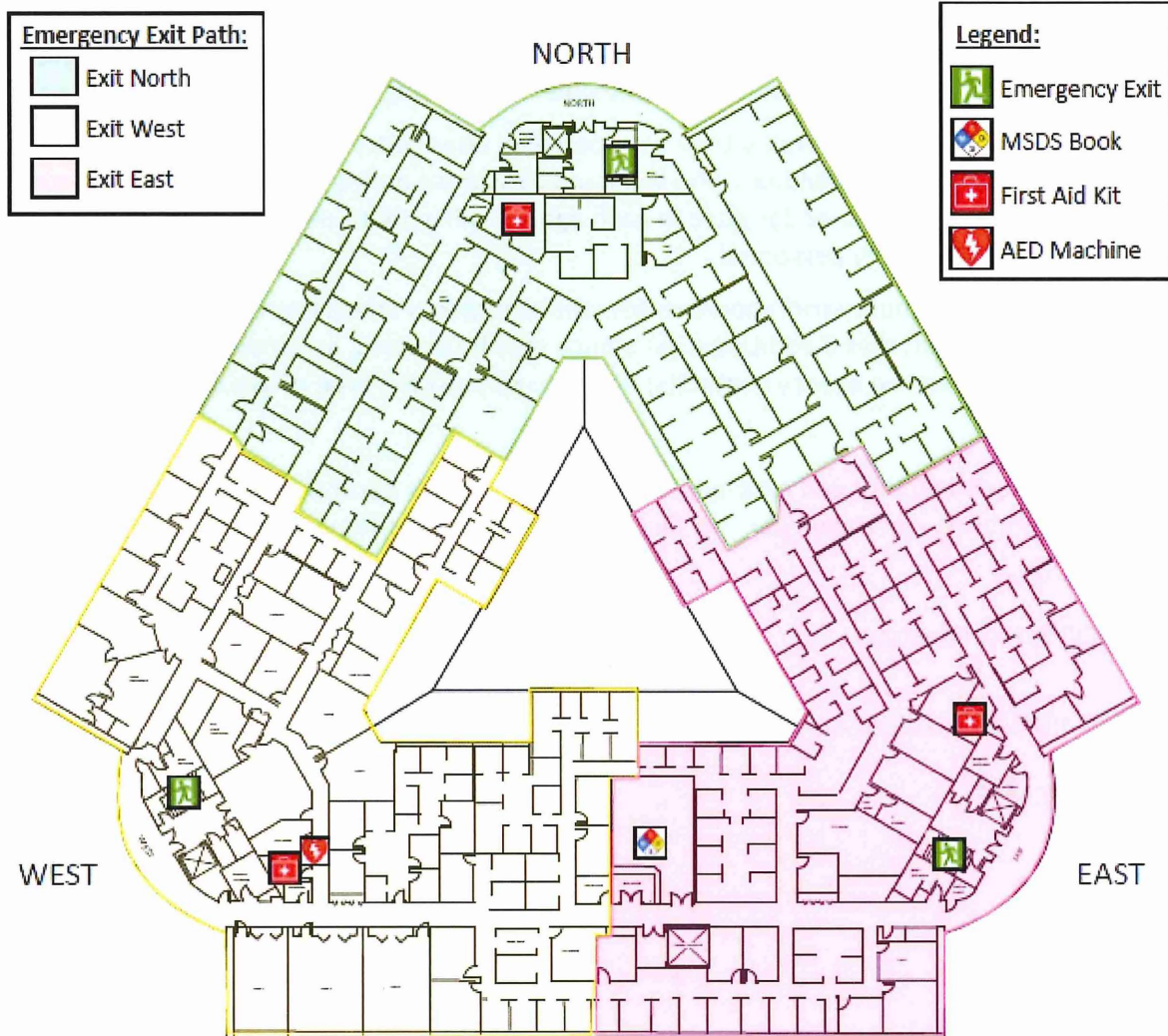
Name: Wayne Niles

Title: MN DOC Safety Director

Email: wayne.niles@state.mn.us

Phone: 651-361-7223

Central Office 2nd Floor Evacuation Plan



- Review the evacuation map for your area on a regular basis.
- Note the locations of the nearest emergency exit or stairwell.
- Use the stairwell closest to your location. This is not necessarily the way you came into the building.
- Note changes to your area or obstructions which might impede your ability to exit the area or building in the event of an emergency.

Evacuation Options:

Individuals with disabilities have four basics, 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.

Severe Weather Evacuation Options:

Individuals 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.

P. Minnesota Department of Corrections' Policy 301.160: Emergency Plans

Minnesota Department of Corrections

Policy Number: 301.160
Title: Emergency Plans
Effective Date: 7/17/18

PURPOSE: To ensure that plans are developed at all agency locations to handle emergency situations. To ensure that there is an evacuation procedure in place for persons with disabilities.

APPLICABILITY: Department-wide

DEFINITIONS: None

PROCEDURES:

- A. Emergency plans
1. Each location must prepare emergency plans, which could be checklists for handling emergency situations, and ensure that these emergency plans meet the distinctive requirements of the location. Emergency plans may include such examples as the following emergency situations, as appropriate:
 - a) Escape;
 - b) Riot;
 - c) Hostage situation;
 - d) Terroristic action (including bomb threat);
 - e) Adverse job action/employee strike;
 - f) Natural disaster (including severe weather);
 - g) Fire;
 - h) Response to the State Emergency Operations Center (SEOC) through the Minnesota Emergency Operations Plan (MEOP); and
 - i) Any other plan deemed necessary to maintain safe and secure operations.
 2. Emergency plans must be readily available to the staff required to use them, but every necessary security precaution (e.g., securing computer workstations when not in use, etc.) must be taken relative to the plans (to avoid offender access).
 3. The location must establish a liaison with outside agencies to develop and clarify the outside agencies' roles when interacting with the location during emergencies.
 4. The location must conduct emergency plan training at least annually. Training must be documented using appropriate incident reports and incident command system (ICS) forms. Incident reports and completed ICS forms are retained at the appropriate facility.
 5. Each location uses the ICS as a communications system within the location and between the location and the community in the event of an emergency situation. The emergency

messaging system must be used to notify staff of the event and the possible need to report.

6. Each site must have emergency plans including provisions for emergency repairs or replacement in life-threatening situations.
 7. Each site may have operating guidelines/post orders, as appropriate, regarding emergency power including:
 - a) Determination of essential lighting, security, and life support functions;
 - b) Security level of emergency power source;
 - c) Determination/mitigation of adverse effect of emergency power operations upon:
 - (1) Security functions; and
 - (2) Control center computer systems/controls; and
 - d) Maintenance, storage, and deployment of portable emergency power equipment, such as:
 - (1) Portable generators; and
 - (2) Lighting (flashlights, lanterns, light sticks, etc.).
 8. Each site must maintain continuity of operations plans (COOP) following the guidelines in Policy 105.012, "Continuity of Operations."
- B. Emergency plans – facility safety administrators and the central office safety director
1. All site safety administrators must ensure that the site complies with applicable fire codes and regulations as mandated by the State of Minnesota regulations.
 2. The office services supervisor must have copies of the DOC central office emergency and evacuation plan available upon request.

INTERNAL CONTROLS:

- A. Incident reports and completed ICS forms are retained at each facility.

ACA STANDARDS: 2-CO-3B-01; 2CO-3B-02; 2-CO-2A-02; 2-CO-1C-01;4-4217; 4-4048; 4-APPFS-3F-02

REFERENCES: [Policy 203.230, "Death of an Offender"](#)
[Division Directive 301.020, "Escape"](#)
[Policy 301.140, "Incident Command System"](#)
Minn. Stat. §§ [12.02](#), [12.09](#), [241.01](#); [253B.18](#); and [253D](#)
Governor's [Executive Order 15-13](#), "Assigning Emergency Responsibilities to State Agencies"
[MMB Administrative Procedure 5.4, "Time Off in Emergencies"](#)

REPLACES: Policy 301.160, "Emergency Plans," 4/19/16.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Bomb Threat Call Procedures](#) (301.160A)

APPROVALS:

Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support

Instructions

[301.160FS, "Field Office Emergency Plan"](#)

Appendix

Refer to the AAP Appendix 2020-2022.

Definitions of Terms Used in This Affirmative Action Plan

Applicant: "Applicant" means a person who has satisfied the minimum requirements for application established by the commissioner of management and budget (M.S. 43A.02, subd. 4).

Availability: an estimated percentage of qualified females, racial/minorities, or individuals with disabilities in the relevant labor market who are available for positions in a given job category at a state agency. The final availability is determined by considering two factors: the statistics from the outside labor market and the internal state agency workforce for the Affirmative Action Plan year.

Feeder job: staffed positions within the agency that can be promoted and/or transferred into other EEO job categories.

Hiring goal: a numerical objective designed to correct an identified deficiency in the utilization of protected group members. For example, the professional job category has identified underutilization and the availability is 30%, the goal (or hiring goal) for females in the job category is for 30% of the new hires/rehires and promotions for that Affirmative Action Plan year would be females. Goals/hiring goals should never be implemented as quotas, nor should they be used as criteria in decision-making regarding qualifications.

Job category: a group of jobs that are linked by a common purpose and skill set (or sometimes certificates/educational degrees) and are grounded on the job categories identified by the U.S. Equal Employment Opportunity Commission (EEOC).

Labor market area: a geographic area in which an agency is seeking a worker in a particular goal unit and where there is an available supply of workers employed or seeking jobs in that goal unit.

Protected groups: females, persons with disabilities, and members of the following minorities: Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native ([M.S. 43A.02, subd. 33](#)).

Snapshot: one particular point in time. A snapshot of a workforce is taken at one particular point in time as the basis for Affirmative Action Plan analyses because the workforce numbers are always fluctuating.

Supported Work Program: The state legislature established the program in 1987 to expand employment opportunities for people with significant disabilities. but has been expanded to include individuals who experience other significant disabilities, including, but not limited to, head injury, mental illness, and deaf blindness. Under the program, a supported worker must require ongoing support and may share a single position with up to two other supported work employees.

Underutilization: the representation of females, racial/ethnic minorities, or individuals with disabilities in a specific job category is less than reasonably would be expected given from workforce participation in the labor market area.

Appendix A

Agency Name: MN DEPAR

Progress Toward Goals Report

Data Range: 07/1/2018-6/30/2020

FEMALES (Promotion includes both promoted into and within the job category.)						
Job Category	Prior AAP Total Females %	Prior AAP Year Goals Females %	Females Hired %	Female Promoted %	Actual Females Placement (%)	Females Goal Met?
Officials/Administrators	53.85%	56.83%	51.22%	53.33%	52.11%	No
Professionals	62.32%	59.57%	65.28%	67.63%	65.88%	Yes
Technicians	65.93%	61.08%	75.61%	72.73%	75.27%	Yes
Protective Services	23.04%	47.41%	33.12%	24.47%	31.45%	No
Office/Clerical	89.44%	78.62%	91.94%	96.67%	92.86%	Yes
Skilled Craft	61.38%	4.57%	5.26%	0.00%	4.00%	No
Service Maintenance	24.21%	36.23%	31.31%	31.25%	31.30%	No

Appendix B

Agency Name: MN DEPARTMENT OF CORRECTIONS

Separation Analysis

Data Range Dates: 07/1/2018-6/30/2020

Note: ¹The percentages by protected group within a separation type

Total Separations				
*(Minority = Racial/Ethnic Minorities)				
Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type ¹	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	17.09%	39.64%	15.98%	11.83%
Resignations Resignations	44.59%	50.11%	16.55%	6.80%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	32.46%	38.01%	5.61%	11.53%
Death	1.01%	10.00%	30.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	4.85%	54.17%	20.83%	4.17%
Total Separations	100.00%	44.19%	13.25%	9.00%

Officials/Administrators				
Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type ¹	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	7.69%	0.00%	0.00%	0.00%
Resignations	7.69%	100.00%	0.00%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	69.23%	38.89%	5.56%	5.56%
Death	3.85%	100.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	11.54%	66.67%	66.67%	0.00%
Total Separations	100.00%	46.15%	11.54%	3.85%

Professionals				
Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type ¹	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	11.76%	39.29%	10.71%	14.29%
Resignations	44.96%	76.64%	10.28%	5.61%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	39.50%	58.51%	5.32%	11.70%
Death	0.42%	0.00%	0.00%	0.00%

Appendix B

Agency Name: MN DEPARTMENT OF CORRECTIONS

Separation Analysis

Data Range Dates: 07/1/2018-6/30/2020

Note: ¹The percentages by protected group within a separation type

Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	3.36%	75.00%	0.00%	0.00%
Total Separations	100.00%	64.71%	7.98%	8.82%

Technicians

Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type1	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	17.19%	63.64%	27.27%	18.18%
Reginations	46.88%	70.00%	26.67%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	26.56%	70.59%	5.88%	11.76%
Death	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	9.38%	83.33%	50.00%	16.67%
Total Separations	100.00%	70.31%	23.44%	7.81%

Protective Services

Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type1	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	19.77%	36.89%	16.50%	11.65%
Reginations	47.02%	33.47%	18.37%	6.94%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	28.02%	21.23%	6.16%	11.64%
Death	1.34%	0.00%	28.57%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	3.84%	30.00%	15.00%	5.00%
Total Separations	100.00%	30.13%	14.59%	9.02%

Office/Clerical

Appendix B

Agency Name: MN DEPARTMENT OF CORRECTIONS

Separation Analysis

Data Range Dates: 07/1/2018-6/30/2020

Note: ¹ The percentages by protected group within a separation type

Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type1	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	10.17%	66.67%	33.33%	16.67%
Reginations	49.15%	100.00%	17.24%	17.24%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	25.42%	86.67%	0.00%	13.33%
Death	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	15.25%	66.67%	22.22%	0.00%
Total Separations	100.00%	88.14%	15.25%	13.56%

Skilled Craft

Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type1	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	7.69%	0.00%	0.00%	0.00%
Reginations	42.31%	0.00%	0.00%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	46.15%	0.00%	0.00%	25.00%
Death	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	3.85%	0.00%	0.00%	0.00%
Total Separations	100.00%	0.00%	0.00%	11.54%

Service Maintenance

Separation Type	Total %	Female % within Each Sep Type ¹	*Minority % within Each Sep Type1	Individuals with Disabilities % within Each Sep Type ¹
Dismissal or Non-Certification	30.91%	41.18%	11.76%	5.88%
Reginations	30.91%	29.41%	23.53%	11.76%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%
Retirement	34.55%	21.05%	10.53%	5.26%
Death	1.82%	0.00%	100.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%
Termination without Rights	1.82%	100.00%	0.00%	0.00%

Appendix B

Agency Name: MN DEPARTMENT OF CORRECTIONS

Separation Analysis

Data Range Dates: 07/1/2018-6/30/2020

Note: ¹The percentages by protected group within a separation type

Total Separations	100.00%	30.91%	16.36%	7.27%
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Appendix C

Agency Name: MN DEPARTMENT OF CORRECTIONS

Job Category Analysis: Listing of Job Titles

Data as of: 44013

Officials/Administrators	
Job Code	Job Title
237	Dir Nursing
000492	Corr Community Svcs Reg Di
001310	Corr Education Director
001424	Human Resources Director 4
001923	Accounting Manager
002147	Human Resources Director 2
002691	Financial Mgt Director
002695	Agency Chief Financial Officer
002873	Corr Field Serv Dir
002899	Residential Prog Svcs MgrSr
002916	Institutional Supp Svcs Dir
003145	Corr Facility Admin Dir
003146	Corr Facility Oper Dir
003147	Corr Alternative Prog Mgr
003148	Dir Corrections Industries
003451	Behavioral Med Practitioner Sr
003785	Minncor Vice-Pres Business Dev
003787	Minncor Vice-Pres Operations
003812	Corr Dir Admin Programs
003873	Corr Interstate Dep Cmpct Admn
008107	Commissioner-Corrections
008141	Ombudsperson For Corrections
008206	Deputy Commr Corrections
008316	Asst Commr Corrections
008731	Chief Exec Officer-Juv/Min Cor
008732	Chief Exec Officer-Corr Facilt
008759	Corr Minncor CEO
008879	Exec Aide
008880	Exec Assistant
008893	Dir Community & Media Rltns
003795	Corr Investigation Manager

Professionals	
Job Code	Job Title

Appendix C

Agency Name: MN DEPARTMENT OF CORRECTIONS

Job Category Analysis: Listing of Job Titles

Data as of: 44013

000003	Accounting Director
000004	Accounting Officer
000006	Management Analyst 1
000140	Buyer 1
000141	Buyer 2
000204	Corr Supervisor
003300	Corr Field Serv Dist Supv
003507	Finance Specialist 2
003533	Medical Specialist 4
003544	Clinical Program Therapist 2
003545	Clinical Program Therapist 3
003604	State Prog Admin
003606	State Prog Admin Sr
003607	State Prog Admin Prin
003608	State Prog Admin Coordinator
003609	State Prog Admin Director
003610	Registered Nurse Advanced Prac
003654	Corr Ind Marketing Rep
003683	Sign Language Interpreter Spec
003689	State Prog Admin Supervisor Sr
003701	Special Teacher:MA/MS+Lic+30gr
003712	State Prog Admin Supv Prin
003796	Investigator-Corrections Intel
003837	Corr Transitions Program Coord
003864	Chaplain
003867	Clinical Program Therapist 4
003882	Human Resources Consultant 2
003926	Sports Medicine Specialist
008747	Proj Team Leader
003875	Corr Investigation Ass't Dir 1
003894	Corr Investigation Ass't Dir 2
002572	Investigation Supv

Technicians

Job Code	Job Title
000227	Dental Hygienist
000411	Medical Laboratory Tech 1
000774	Accounting Technician
001623	Dental Assistant

Appendix C

Agency Name: MN DEPARTMENT OF CORRECTIONS

Job Category Analysis: Listing of Job Titles

Data as of: 44013

001659	Licensed Practical Nurse
002708	Special Teacher:5yrCarTecCr+30
003640	Corr Inmate Prog Coord
003709	State Prog Admin Tech Spec
003834	Electronic Systems Specialist
003840	Corr Electronics Systems Supv
000308	Library Technician
000881	Human Resources Technician 1
001486	Human Resources Technician 2
002629	Corr Teaching Asst
003611	Paralegal
003791	Medical Assistant, Certified
008598	Student Worker Para Prof
009010	Intern

Protective Services: Non-sworn

Job Code	Job Title
003788	Fugitive Specialist
000199	Corr Captain
001045	Security Guard
001085	Corr Officer 1
001086	Corr Officer 2
001088	Corr Lieutenant
001719	Corr Officer 3
003099	Corr Food Svcs Supv
003437	Corr Canine Officer
003646	Corr Program Director
008526	Trainee-Corrections Officer

Office/Clerical

Job Code	Job Title
000293	Exec 2
000632	Account Clerk Senior

Appendix C

Agency Name: MN DEPARTMENT OF CORRECTIONS

Job Category Analysis: Listing of Job Titles

Data as of: 44013

000928	Inventory Control Supv 1
002118	Office Services Supervisor 2
003627	Office & Admin Specialist
003628	Office & Admin Specialist Int
003629	Office & Admin Specialist Sr
003630	Office & Admin Specialist Prin
003631	Central Svcs Admin Spec
003632	Central Svcs Admin Spec Inter
003633	Central Svcs Admin Spec Senior
003634	Central Svcs Admin Spec Prin
003636	Customer Svcs Specialist Int
003637	Customer Svcs Specialist Sr
003638	Customer Svcs Specialist Princ
008596	Student Worker Clerical

Skilled Craft

Job Code	Job Title
000041	Pwr Plt Asst Chief Engineer
000131	Building Maintenance Foreman
000132	Building Maintenance Supv
000135	Building Utilities Mechanic
000146	Carpenter
000266	Electrician
000267	Electrician Supervisor
000440	Machinery Repair Worker
000444	Mason
000490	Painter
000525	Plant Mntc Engineer
000530	Plumber
000700	Stationary Engineer
000964	Plumber Supervisor
001019	Refrigeration Mechanic
001075	Pwr Plt Chief Engineer
002101	Carpenter Lead
002108	Electrician Lead
002216	Institution Mntc Lead Worker
002222	Painter Lead
002270	Building Maintenance Lead Wrkr
002852	Maintenance Machinist
003189	Electrical/Electronics Spec

Appendix C

Agency Name: MN DEPARTMENT OF CORRECTIONS

Job Category Analysis: Listing of Job Titles

Data as of: 44013

003328	Plumber Chief
003452	Electrician Master Record
003453	Plumber Master In Charge
003488	Locksmith
003672	Plant Mntc Engineer Lead

Service Maintenance

Job Code	Job Title
000198	Cook Coordinator
000224	Delivery Van Driver
000329	Groundskeeper Senior
000414	Laborer General
000415	Laborer Trades & Equipment
000779	Food Service Supervisor
001357	General Repair Worker
001725	General Maintenance Wrkr
001728	General Maintenance Wrkr Lead
002188	Corr Chief Cook
002985	Sentencing To Service Crew Ldr
003054	Corr Mnfctrng Spec-Engr & Draf
003055	Corr Mnfctrng Spec-Tool & Die
003056	Corr Mnfctrng Spec-Light Manuf
003057	Corr Mnfctrng Spec-Graphics
003058	Corr Mnfctrng Spec-Mechanical
003061	Corr Mnfctrng Spec-Trnsp&Ware
003062	Corr Mnfctrng Spec-Light Assem
003287	Corr Mnfctrng Spec-Sales & Ser
003397	Corr Mnfctrng Spec-Wood

Appendix D

Agency Name: MN DEPARTMENT OF CORRECTIONS

Feeder Jobs and Feeder Group Analysis

Data as of: 44013

Officials/Administrators					
Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
000003	Professionals	Accounting Director	0.42%	0.00%	0.00%
001923	Officials and Administrato	Accounting Manager	1.67%	0.42%	0.42%
001500	Professionals	Accounting Supervisor Princ	1.26%	0.00%	0.00%
002695	Officials and Administrato	Agency Chief Financial Officer	0.00%	0.00%	0.00%
008316	Officials and Administrato	Asst Commr Corrections	0.00%	0.00%	0.00%
003451	Officials and Administrato	Behavioral Med Practitioner Sr	0.00%	0.00%	0.00%
008732	Officials and Administrato	Chief Exec Officer-Corr Facilt	1.67%	0.42%	1.26%
008731	Officials and Administrato	Chief Exec Officer-Juv/Min Cor	0.00%	0.42%	0.00%
003147	Officials and Administrato	Corr Alternative Prog Mgr	1.67%	0.00%	0.42%
003707	Officials and Administrato	Minncor Indust Chief Fin Offic	0.00%	0.00%	0.00%
003785	Officials and Administrato	Minncor Vice-Pres Business Dev	0.42%	0.00%	0.00%
003787	Officials and Administrato	Minncor Vice-Pres Operations	0.00%	0.00%	0.00%
002899	Officials and Administrato	Residential Prog Svcs MgrSr	0.00%	0.00%	0.00%
003609	Professionals	State Prog Admin Director	0.84%	0.00%	0.42%
003639	Officials and Administrato	State Prog Admin Manager	0.00%	0.00%	0.00%
003719	Officials and Administrato	State Prog Admin Manager Prin	2.09%	0.42%	0.42%
003679	Officials and Administrato	State Prog Admin Manager Sr	4.18%	0.84%	0.84%
000932	Professionals	Institution Educational Supv	1.67%	0.00%	0.84%
003712	Professionals	State Prog Admin Supv Prin	0.42%	0.00%	0.00%
000776	Professionals	Physical Plant Director	0.42%	0.00%	0.84%
002138	Professionals	Psychological Services Dir	2.93%	0.84%	0.84%
002172	Professionals	Registered Nurse Admin-Supv	2.51%	0.84%	0.00%
002254	Professionals	Research Analyst Supervisor Sr	0.42%	0.00%	0.00%
Total			56.49%	10.04%	18.83%

Appendix D

Agency Name: MN DEPARTMENT OF CORRECTIONS

Feeder Jobs and Feeder Group Analysis

Data as of: 44013

Professionals					
Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
000632	Administrative Support	Account Clerk Senior	0.31%	0.00%	0.06%
000004	Professionals	Accounting Officer	0.16%	0.00%	0.00%
000979	Professionals	Accounting Officer Inter	0.06%	0.00%	0.03%
003638	Administrative Support	Customer Svcs Specialist Princ	0.03%	0.00%	0.00%
001075	Skilled Craft	Pwr Plt Chief Engineer	0.00%	0.00%	0.03%
000132	Skilled Craft	Building Maintenance Supv	0.00%	0.00%	0.03%
000964	Skilled Craft	Plumber Supervisor	0.00%	0.00%	0.00%
000267	Skilled Craft	Electrician Supervisor	0.00%	0.00%	0.00%
000779	Service Maintenance	Food Service Supervisor	0.06%	0.00%	0.00%
003054	Service Maintenance	Corr Mnfctrng Spec-Engr & Draf	0.00%	0.00%	0.00%
003057	Service Maintenance	Corr Mnfctrng Spec-Graphics	0.00%	0.00%	0.00%
003062	Service Maintenance	Corr Mnfctrng Spec-Light Assem	0.09%	0.00%	0.03%
003056	Service Maintenance	Corr Mnfctrng Spec-Light Manuf	0.31%	0.00%	0.09%
003058	Service Maintenance	Corr Mnfctrng Spec-Mechanical	0.00%	0.00%	0.00%
003287	Service Maintenance	Corr Mnfctrng Spec-Sales & Ser	0.06%	0.00%	0.00%
003055	Service Maintenance	Corr Mnfctrng Spec-Tool & Die	0.00%	0.00%	0.00%
003061	Service Maintenance	Corr Mnfctrng Spec-Trnsp&Ware	0.00%	0.03%	0.00%
003397	Service Maintenance	Corr Mnfctrng Spec-Wood	0.00%	0.00%	0.00%
002985	Service Maintenance	Sentencing To Service Crew Ldr	0.19%	0.00%	0.03%
003640	Technicians	Corr Inmate Prog Coord	0.12%	0.00%	0.00%
003788	Protective Service	Fugitive Specialist	0.06%	0.03%	0.00%

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Agency Name: MN DEPARTMENT OF CORRECTIONS

Feeder Jobs and Feeder Group Analysis

Data as of: 44013

Total	41.45%	9.30%	8.11%
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Technicians					
Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
001623	Technicians	Dental Assistant	32.00%	0.00%	0.00%
003834	Technicians	Electronic Systems Specialist	4.00%	0.00%	4.00%
000881	Paraprofessionals	Human Resources Technician 1	4.00%	4.00%	4.00%
Total			40.00%	4.00%	8.00%

Protective Services					
Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
003437	Protective Service	Corr Canine Officer	0.00%	0.09%	0.00%
001085	Protective Service	Corr Officer 1	3.50%	1.88%	0.36%
001086	Protective Service	Corr Officer 2	15.47%	7.09%	3.68%
001719	Protective Service	Corr Officer 3	2.42%	1.84%	1.88%
008526	Protective Service	Trainee-Corrections Officer	0.27%	0.18%	0.00%

Appendix D

Agency Name: MN DEPARTMENT OF CORRECTIONS

Feeder Jobs and Feeder Group Analysis

Data as of: 44013

003197	Professionals	Corr Hrngs & Rels Offcr Sr	0.04%	0.04%	0.04%
000204	Professionals	Corr Supervisor	0.04%	0.00%	0.00%
002318	Professionals	Corr Discipline Unit Supv	0.04%	0.00%	0.00%
002188	Service Maintenance	Corr Chief Cook	0.27%	0.00%	0.04%
000779	Service Maintenance	Food Service Supervisor	0.09%	0.00%	0.00%
002985	Service Maintenance	Sentencing To Service Crew Ldr	0.27%	0.00%	0.04%
001088	Protective Service	Corr Lieutenant	0.94%	0.58%	0.67%
Total			23.36%	11.70%	6.73%

Office/Clerical					
Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
003631	Administrative Support	Central Svcs Admin Spec	2.51%	0.00%	0.00%
003632	Administrative Support	Central Svcs Admin Spec Inter	3.35%	1.67%	0.84%
003627	Administrative Support	Office & Admin Specialist	4.18%	0.84%	0.84%
003628	Administrative Support	Office & Admin Specialist Int	39.75%	2.09%	4.18%
008596	Administrative Support	Student Worker Clerical	0.42%	0.42%	0.00%
003636	Administrative Support	Customer Svcs Specialist Int	0.42%	0.42%	0.00%
003637	Administrative Support	Customer Svcs Specialist Sr	0.42%	0.00%	0.00%
003629	Administrative Support	Office & Admin Specialist Sr	39.75%	1.26%	2.93%
002118	Administrative Support	Office Services Supervisor 2	0.84%	0.00%	0.42%
003633	Administrative Support	Central Svcs Admin Spec Senior	2.93%	0.00%	0.42%
000928	Administrative Support	Inventory Control Supv 1	0.00%	0.00%	0.00%
Total			94.56%	6.69%	9.62%

Appendix D

Agency Name: MN DEPARTMENT OF CORRECTIONS

Feeder Jobs and Feeder Group Analysis

Data as of: 44013

Skilled Craft					
Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
000131	Skilled Craft	Building Maintenance Foreman	0.00%	0.00%	0.00%
002222	Skilled Craft	Painter Lead	0.00%	0.00%	0.00%
000525	Skilled Craft	Plant Mntc Engineer	0.00%	0.99%	1.97%
003672	Skilled Craft	Plant Mntc Engineer Lead	0.49%	0.49%	0.00%
000530	Skilled Craft	Plumber	0.00%	0.49%	0.00%
003328	Skilled Craft	Plumber Chief	0.00%	0.00%	0.00%
003453	Skilled Craft	Plumber Master In Charge	0.00%	0.00%	0.00%
000964	Skilled Craft	Plumber Supervisor	0.00%	0.00%	0.00%
000041	Skilled Craft	Pwr Plt Asst Chief Engineer	0.00%	0.00%	0.00%
001075	Skilled Craft	Pwr Plt Chief Engineer	0.00%	0.00%	0.49%
001019	Skilled Craft	Refrigeration Mechanic	0.00%	0.00%	0.49%
000700	Skilled Craft	Stationary Engineer	0.00%	0.00%	0.49%
001357	Service Maintenance	General Repair Worker	0.49%	0.00%	0.49%
002985	Service Maintenance	Sentencing To Service Crew Ldr	2.96%	0.00%	0.49%
000132	Skilled Craft	Building Maintenance Supv	0.00%	0.00%	0.49%
Total			5.42%	2.46%	5.42%

Service Maintenance

Appendix D

Agency Name: MN DEPARTMENT OF CORRECTIONS

Feeder Jobs and Feeder Group Analysis

Data as of: 44013

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted Indv w/Disabl %
002188	Service Maintenance	Corr Chief Cook	2.52%	0.00%	0.42%
000198	Service Maintenance	Cook Coordinator	12.61%	3.78%	1.26%
003054	Service Maintenance	Corr Mnfctrng Spec-Engr & Draf	0.00%	0.00%	0.00%
003057	Service Maintenance	Corr Mnfctrng Spec-Graphics	0.00%	0.00%	0.00%
003062	Service Maintenance	Corr Mnfctrng Spec-Light Assem	1.26%	0.00%	0.42%
003056	Service Maintenance	Corr Mnfctrng Spec-Light Manuf	4.20%	0.00%	1.26%
003058	Service Maintenance	Corr Mnfctrng Spec-Mechanical	0.00%	0.00%	0.00%
003287	Service Maintenance	Corr Mnfctrng Spec-Sales & Ser	0.84%	0.00%	0.00%
003055	Service Maintenance	Corr Mnfctrng Spec-Tool & Die	0.00%	0.00%	0.00%
003061	Service Maintenance	Corr Mnfctrng Spec-Trnsp&Ware	0.00%	0.42%	0.00%
003397	Service Maintenance	Corr Mnfctrng Spec-Wood	0.00%	0.00%	0.00%
002985	Service Maintenance	Sentencing To Service Crew Ldr	2.52%	0.00%	0.42%
000224	Service Maintenance	Delivery Van Driver	0.00%	0.00%	0.00%
001725	Service Maintenance	General Maintenance Wrkr	0.84%	0.84%	0.42%
001728	Service Maintenance	General Maintenance Wrkr Lead	0.00%	0.00%	0.00%
000329	Service Maintenance	Groundskeeper Senior	0.00%	0.00%	0.00%
000414	Service Maintenance	Laborer General	0.00%	0.00%	0.00%
000415	Service Maintenance	Laborer Trades & Equipment	0.84%	0.00%	0.84%
Total			25.63%	5.04%	5.04%

Appendix E

Agency Name: MN DEPARTMENT OF CORRECTIONS

Determining Availability

(note: *Minority= racial/ethnic minority; **Indiv. W Disabl = Individuals with Disabilities)

Officials/Administrators									
Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	13.00%	33.59%	7.32%	3.02%	4.37%	0.95%	0.39%	The American Community Survey (2014-2018) complied by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 0120- Financial Managers 0102- Facilities Managers 2100- Lawyers, and judges, magistrates, and other judicial workers	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 87% and externally at about 13%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	87.00%	56.49%	10.04%	18.83%	49.14%	8.74%	16.38%		
The value of weight must equal to 100.00% →	100.00%	Final Avail %			53.51%	9.69%	16.77%		

Professionals									
Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	48.00%	60.80%	10.66%	3.76%	29.18%	5.12%	1.80%	The American Community Survey (2014-2018) complied by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 0520- Wholesale and retail buyers, except farm products 0800- Accountants and auditors 0136- Human resources managers 0630- Human resources workers 1821- Clinical and counseling psychologists	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 52% and externally at about 48%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	52.00%	41.45%	9.30%	8.11%	21.55%	4.83%	4.22%		
The value of weight must equal to 100.00% →	100.00%	Final Avail %			50.74%	9.95%	6.02%		

Technicians									
Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	73.00%	0.9348	0.245	0.0595	68.24%	17.89%	4.34%	The American Community Survey (2014-2018) complied by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 3500- Licensed practical and licensed vocational nurses 2360- Other teachers and instructors 5420- Other information and records clerks 7100- Other electrical and electronic equipment mechanics,	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 27% and externally at about 73%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	27.00%	40.00%	4.00%	8.00%	10.80%	1.08%	2.16%		
The value of weight must equal to 100.00% →	100.00%	Final Avail %			79.04%	18.97%	6.50%		

Protective Services

Appendix E

Agency Name: MN DEPARTMENT OF CORRECTIONS

Determining Availability

(note: *Minority= racial/ethnic minority; **Indiv. W Disabl = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	70.00%	0.2643	0.1902	0.0232	18.50%	13.31%	1.62%	The American Community Survey (2014-2018) compiled by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 3802- Correctional officers and jailers 3700- First-line supervisors of correctional officers 3820- Detectives and criminal investigators	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 30% and externally at about 70%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	30.00%	23.36%	11.70%	6.73%	7.01%	3.51%	2.02%		
The value of weight must equal to 100.00% →	100.00%	Final Avail %			25.51%	16.83%	3.64%		

Office/Clerical

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	42.00%	0.9184	0.097	0.0439	38.57%	4.07%	1.84%	The American Community Survey (2014-2018) compiled by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 5740- Secretaries and administrative assistants, except legal, medical, and executive 5940- Other office and administrative support workers	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 58% and externally at about 42%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	58.00%	94.56%	6.69%	9.62%	54.85%	3.88%	5.58%		
The value of weight must equal to 100.00% →	100.00%	Final Avail %			93.42%	7.96%	7.43%		

Skilled Craft

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	51.00%	0.029	0.0598	0.0931	1.48%	3.05%	4.75%	The American Community Survey (2014-2018) compiled by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 6355- Electricians 7340- Maintenance and repair workers, general 8600- Power plant operators, distributors, and dispatchers 6230- Carpenters	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 49% and externally at about 51%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	49.00%	5.42%	2.46%	5.42%	2.66%	1.21%	2.66%		
The value of weight must equal to 100.00% →	100.00%	Final Avail %			4.13%	4.26%	7.40%		

Service Maintenance

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics *Minority	Raw Statistics **Indiv. w Disabl	Weighted Statistics Female	Weighted Statistics *Minority	Weighted Statistics **Indiv. w Disabl	Source of Statistics	Reasons for External and Internal Weight Ratio
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Appendix E

Agency Name: MN DEPARTMENT OF CORRECTIONS

Determining Availability

(note: *Minority= racial/ethnic minority; **Indiv. W Disabl = Individuals with Disabilities)

1: External - Percentage of females or racial/ethnic minorities with requisite skills in the reasonable recruitment area.	57.00%	0.1854	0.2482	0.062	10.57%	14.15%	3.53%	The American Community Survey (2014-2018) compiled by the U.S. Department of Labor, Bureau of Labor Statistics. Region: State of Minnesota COC and COC Title: 4020- Cooks 4010- First-line supervisors of food preparation and serving workers 4251- Landscaping and groundskeeping workers	Based on hires made from 7/1/2018 to 6/30/2020 sorted by EEO4 category (according to job code) and then sorted by External or Employee applicant type, the agency historically hired and promoted internally at about 43% and externally at about 57%.
2: Internal - Percentage of females or racial/ethnic among those promotable, transferable, and trainable with your agency.	43.00%	25.63%	5.04%	5.04%	11.02%	2.17%	2.17%	Please refer to the Feeder Jobs document for a complete listing.	
The value of weight must equal to 100.00% →	100.00%	Final Avail %			21.59%	16.32%	5.70%		

Agency Name: MN DEPARTMENT OF CORRECTIONS

Utilization Analysis:

Comparing Incumbency to Availability, Establishing Placement Goals, and Timetable

FEMALES				
Job Categories	% of Female Employees in the Job Category	Female Availability %	Female Establish Goals?	If Yes, Goals for FY 2020-2022
Officials/Administrators	57.43%	53.51%		
Professionals	62.73%	50.74%		
Technicians	70.62%	79.04%	Yes	79.04%
Protective Services	24.54%	25.51%	Yes	25.51%
Office/Clerical	93.45%	93.42%	Monitor	
Skilled Craft	2.82%	4.13%	Yes	4.13%
Service Maintenance	24.90%	21.59%		
Totals	41.45%			

RACIAL/ETHNIC MINORITIES				
Job Categories	% of Racial/Ethnic Minority Employees in the Job Category	Racial/Ethnic Minority Availability %	Racial/Ethnic Minority Establish Goals?	If Yes, Goals for FY 2020-2022
Officials/Administrators	10.89%	9.69%		
Professionals	7.64%	9.95%	Yes	9.95%
Technicians	9.79%	18.97%	Yes	18.97%
Protective Services	12.14%	16.83%	Yes	16.83%
Office/Clerical	6.55%	7.96%	Yes	7.96%
Skilled Craft	3.52%	4.26%	Yes	4.26%
Service Maintenance	4.67%	16.32%	Yes	16.32%
Totals	9.71%			

INDIVIDUALS WITH DISABILITIES				
Job Categories	% of Individuals with Disabilities Employees in the Job Category	Individuals with Disabilities State Goals %	Individuals with Disabilities Establish Goals?	If Yes, Goals for FY 2020-2022
Officials/Administrators	18.81%	16.77%		
Professionals	8.05%	6.02%		
Technicians	9.28%	6.50%		
Protective Services	6.90%	3.64%		
Office/Clerical	10.18%	7.43%		
Skilled Craft	7.75%	7.40%	Monitor	
Service Maintenance	5.06%	5.70%	Yes	5.70%
Totals	7.71%			