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## State of Minnesota

## Minnesota State Lottery

## Affirmative Action Plan for July 1, 2022 – June 30, 2024

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Minnesota State Lottery

2645 Long Lake Road

Roseville, MN 55113

651-635-8114

MN Relay Number 7-1-1

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As requested by Minnesota Statute section 3.197, this report cost approximately \$1,000 to prepare including staff time, printing and mailing expenses.

To request an alternative format or a printed copy of this document, please contact Mary Babaya at [mary.babaya@mnlottery.com](mailto:mary.babaya@mnlottery.com) or 651-635-8114

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## Statement of Commitment

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*Minnesota Administrative Rules, part 3905.0400, subpart 1.C*

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

I affirm my personal and official support of these laws and 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/ethnic minorities, and individuals with disabilities are underrepresented in the workforce, and will work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its 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.

Executive Director:  Date Signed: 03/01/2023

## Executive Summary

*Minnesota Administrative Rules, part 3905.0400, subpart 1.A*

This Affirmative Action Plan meets the requirements as set forth in Minnesota Statutes, in Minnesota Administrative Rules, 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

The review of our affirmative action information revealed underutilization of the following protected groups 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	Females	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators	-	-	-
Professionals	x	x	-
Technicians	-	-	-
Paraprofessionals	-	-	-
Administrative Support	-	x	-
Service Maintenance	-	-	-

Information about how to obtain or access a copy of this Plan will be provided to every employee of the agency. Our intention is to make every employee aware of our agency's commitments to affirmative action and equal employment opportunity. This Plan will also be posted on the agency's website and maintained in the Human Resources office.

Human Resources Director: Mary Babaya Date Signed: 03/01/2023

Executive Director: Adam T. K. Date Signed: 03/01/2023

## Organizational Profile

The agency benefits all Minnesotans by offering fun, innovative entertainment while raising money to support vital state services and environmental projects in each of Minnesota's 87 counties.

The Minnesota Lottery offers scratch tickets, lotto games, print-n-play, and raffle tickets at approximately 3,000 retailers located throughout Minnesota.

A portion of every dollar played has added up to more than \$3.6 billion since 1990 to preserve and protect our natural environment, fund education, public safety and health and human services, and support work to help prevent and treat problem gambling.

# Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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*Minnesota Administrative Rules, part 3905.0400, subpart 1.B*

## A. Executive Director

### Responsibilities

The Executive Director is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all relevant federal, state, and local laws and regulations. On a quarterly basis, the Executive Director must report 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 State agencies progress to the Governor and the Legislature.

### Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in their position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the agency'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 plans, and the agency's mission.
- Notify all contractors and sub-contractors with the agency of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that position descriptions and annual performance objectives for all managers and supervisors include responsibility statements to support affirmative action, equal opportunity, diversity, and cultural responsiveness and that annual performance evaluations reflect an evaluation of such.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with statewide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.

## Accountability

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

## Name of Individual Responsible

**Name: Adam Prock**

**Email: Adam.Prock@mnlottery.com**

**Title: Executive Director**

**Phone: 651-635-8210**

## B. Affirmative Action Officer

### Responsibilities

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

### Duties

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

- Develop, maintain, and administer the agency's Affirmative Action Plan.
- Promote equal employment opportunity.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the Affirmative Action Plan to employees in the agency.
- Inform the Executive Director of 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. 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 recruit racial/ethnic minorities, individuals with disabilities, and females for employment, promotion, and training opportunities.



- Manage the agency's review process.
- Review requests for non-affirmative hires in the pre-hire review process and refer unresolved issues to the Executive Director for final decision.
- Ensure supervisors and managers are making good faith efforts to recruit and retain qualified candidates and employees from protected groups.
- Oversee the administration of the ADA Title I and Title II.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the agency Diversity Recruitment Plan.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with statewide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.
- Conduct or oversee investigations regarding complaints pertaining to affirmative action, equal opportunity and/or discrimination.

### Accountability

The Affirmative Action Officer is accountable to the Executive Director for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administration of the ADA Title I and II, manages diversity and inclusion initiatives, and other equal opportunity related matters.

### Name of Individual Responsible

**Name: Mary Babaya**

**Email: Mary.Babaya@mnlottery.com**

**Title: Human Resources Director**

**Phone: 651-635-8114**

## C. Affirmative Action Officer Designee

### Responsibilities

The Affirmative Action Officer Designee is responsible for the implementation of the agency's Affirmative Action Plan and are accountable to the agency's Affirmative Action Officer for matters relating to affirmative action and equal opportunity.

### Duties

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

- Fulfill all affirmative action reporting requirements by submitting standard reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.

- Serve as ex-officio member of the statewide Employee Resource Group (ERG) diversity committee and participate in the agency’s diversity or equity committees.
- Determine the need for diversity training and recommend training for the agency.
- Review policies, procedures, and practices to recommend changes to the Affirmative Action Officer.
- Partner with the agency’s recruitment team.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with statewide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.

### Accountability

The Affirmative Action Officer Designee is accountable indirectly to the Human Resources Director/Affirmative Action Officer on matters pertaining to affirmative action and equal opportunity.

### Name of Individual Responsible

**Name: Mary Babaya**

**Email: Mary.Babaya@mnlottery.com**

**Title: Human Resources Director**

**Phone: 651-635-8114**

## D. Human Resources Director or Designee(s)

### Responsibilities

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies and assisting managers and supervisors in human resources management activities.

The Human Resources Director is responsible for ensuring timely responses to all ADA requests for reasonable accommodations to remove barriers to equal employment opportunity with the agency.

Human Resource Designees who work on affirmative action and diversity issues are accountable to the Human Resources Director.

### Duties

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

- Maintain effective working relationships with the agency Affirmative Action Officer Designee.
- Provide leadership to Human Resource 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.
- Initiate and report on progress made with program objectives and goals contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of a reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer Designee in the recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Request assistance from MMB to support diversity recruitment and retention of protected group members in hard-to-fill or executive level positions.
- Ensure that position descriptions and annual performance objectives for all managers and supervisors include responsibility statements regarding affirmative action, equal opportunity, diversity, and cultural responsiveness and that annual performance evaluations reflect an evaluation of such.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with state-wide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.

### Accountability

The Human Resources Director is accountable to the Executive Director. Human Resource Designees are accountable to the Human Resources Director.

### Name of Individual Responsible

**Name:** Mary Babaya

**Email:** [Mary.Babaya@mnlottery.com](mailto:Mary.Babaya@mnlottery.com)

**Title:** Human Resources Director

**Phone:** 651-635-8114

## E. Americans with Disabilities Act Title I Coordinator

### Responsibilities

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

### Duties

The duties of the Americans with Disabilities Act Title I Coordinator include, but are not limited to the following:

- Provide guidance, coordination, and direction to agency management and staff on Title I of the ADA in the development and implementation of policies, procedures, and practices to ensure agency employment practices are accessible and non-discriminatory.
- 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 regulations on evolving ADA issues. Meet bi-annually with statewide ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Design and deliver specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement requests under the guidelines of the statewide accommodation fund.
- Consult with employee or applicant and appropriate manager, supervisor, union representative, etc. regarding providing reasonable accommodations to qualified individuals (as defined by ADA) to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. Consultation will include, but is not limited to the following:
  - 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 or applicant to perform essential functions of the job.
  - After discussion and review, select and implement the accommodation(s) that are appropriate for the employee or applicant and the employer and communicate the

details of the reasonable accommodation, in accordance with the statewide Americans with Disabilities Act Reasonable Accommodation policy.

- Notify the employee or applicant if any reasonable accommodations that were requested are not approved, in accordance with the statewide Americans with Disabilities Act Reasonable Accommodation policy.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with statewide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.

### Accountability

The Americans with Disabilities Act Title I Coordinator is accountable to the Executive Director.

### Name of Individual Responsible

**Name: Mary Babaya**

**Email: Mary.Babaya@mnlottery.com**

**Title: Human Resources Director**

**Phone: 651-635-8114**

## F. Americans with Disabilities Act Title II Coordinator

### Responsibilities

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

### Duties

The duties of the Americans with Disabilities Act Title II Coordinator include, but are not limited to the following:

- Provide guidance, coordination, and direction to agency management on Title II of the ADA in the development and implementation of policies, procedures, and practices to ensure agency services, programs, and activities are accessible and non-discriminatory.
- Provide training, technical guidance, and consultation to the agency's management and staff on compliance and best practices with regards to obligations and reasonable modifications to members of the public with disabilities.
- Track and facilitate requests for reasonable modifications for members of the public accessing agency services, programs, or activities. Report reasonable modifications annually to MMB.

- Research case law rules and regulations and update the agency's Executive team on evolving ADA issues. Meet bi-annually with statewide ADA Coordinators and learn updates and share practices on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Design and deliver training for agency employees assisting with providing reasonable modifications for the public.
- Provide reasonable modifications (as defined by ADA) to members of the public with known physical or mental disabilities to ensure equal access and privileges to programs, services, and activities. The Americans with Disability Act Title II Coordinator will consult with the member of the public in need of a modification to:
  - Discuss the purpose and essential functions of the reasonable modification.
  - Identify the potential modifications and assess the effectiveness of 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 report reasonable modifications annually to MMB.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with state-wide and agency anti-discrimination and anti-harassment policies and Affirmative Action Plan.

### Accountability

The Americans with Disabilities Act Title II Coordinator is accountable to the Executive Director.

Name of Individual Responsible

**Name: Mary Babaya**

**Email: Mary.Babaya@mnlottery.com**

**Title: Human Resources Director**

**Phone: 651-635-8114**

## G. Diversity Recruitment Coordinator

### Responsibilities

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

### Duties

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

- Identify high-need recruitment job areas within the agency.
- Communicate the strategic Diversity Recruitment Plan to all agency employees.
- Conduct periodic audits of recruitment activity to measure the effectiveness of efforts and activities toward attaining strategic diversity goals and objectives.
- Maintain relationships with the agency's Executive team, managers and supervisors to make decisions about the diversity recruitment needs of the agency.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the statewide recruiters' group.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with statewide and agency anti-discrimination and anti-harassment policies and Affirmative Action Plan.

### Accountability

The Diversity Recruitment Coordinator is accountable to the Human Resources Director.

### Name of Individual Responsible

**Name: Mary Babaya**

**Email: Mary.Babaya@mnlottery.com**

**Title: Human Resources Director**

**Phone: 651-635-8114**

## H. Managers and Supervisors

### Responsibilities

Managers and supervisors 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 managers and supervisors include, but are not limited to the following:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the agency.
- Communicate the federal and state equal opportunity employment laws and requirements and the Affirmative Action 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 requirements are being followed.
- Include responsibility statements regarding affirmative action, equal opportunity, diversity, and cultural responsiveness in all managers and supervisors position descriptions and annual performance objectives who report directly or indirectly to them and include evaluations of their efforts and results of such in annual performance evaluations.
- Demonstrate and practice a discrimination and harassment-free work environment for all employees.
- Comply with statewide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.

## Accountability

Managers and supervisors are accountable directly to their designated manager or supervisor and indirectly to the Executive Director.

## I. All Employees

### Responsibilities

All employees are responsible for conducting themselves in accordance with federal and state equal employment opportunity laws and requirements. 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 described in this Plan.

### Duties

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

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and members of the public.
- Refrain from any actions that would adversely affect a colleague or member of the public 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 statewide and agency anti-discrimination and anti-harassment policies and the Affirmative Action Plan.



## Accountability

Employees are accountable directly to their designated manager or supervisor and indirectly to the Executive Director.

## Communication of Affirmative Action Plan

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*Minnesota Administrative Rules, part 3905.0400, subpart 1.D and Minnesota Administrative Rules, part 3905.0400, subpart 1.E*

The following information describes the methods that the agency takes to communicate the Affirmative Action Plan to employees and contractors and sub-contractors.

### Internal Methods of Communication

- **Internal memorandum.** The Executive Director or Affirmative Action Officer will send an internal memorandum to agency employees each year. This message will identify the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It will also indicate the employee's 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 at <http://intranet.mnlottery.com/index.php/forms-procedures/human-resources/policies>. The agency will make the Plan available in alternative formats to anyone who requests such.
- **Printed copy.** The agency will provide a printed copy of the Affirmative Action Plan to anyone who requests such.
- **Signage.** Non-discrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees. Examples of posters include "Equal Employment Opportunity is the Law" and "Employee Rights under the Fair Labor Standards Act".

### External Methods of Communication

- **Public website.** The agency's Affirmative Action Plan is available on the agency's public website at [www.mnlottery.com](http://www.mnlottery.com). A printed copy or a copy in an alternative format is available to anyone who requests such.
- **Equal opportunity employer language and materials.** The agency's public website homepage, letterhead, publications, and all job postings include the statement "Minnesota State Lottery is an equal opportunity employer." The agency will also ensure a representative ratio of diversity is on all marketing materials.

- **Signage.** Non-discrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters 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”.

## Job Category Analysis

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*Minnesota Administrative Rules part 3905.0600 subpart 3.A and Minnesota Administrative Rules part 3905.0600 subpart 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 classification 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 job classifications help clarify positions within the classification so the same schedules of pay can be applied with equity to all positions in the classification that fall under the same, or substantially the same, employment conditions.

## Determining Availability

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*Minnesota Statute section 43A.19 subdivision 1, Minnesota Administrative Rules part 3905.0600 subpart 1, Minnesota Administrative Rules part 3905.0600 subpart 2, Minnesota Administrative Rules part 3905.0600 subpart 3.C, and Minnesota Administrative Rules part 3905.0600 subpart 3.D*

The agency used the United States Census Bureau’s EEO Tabulation 2014-2018 American Community Survey (ACS) statistical data for external availability, which is the most current statistical information available at the time of developing this Affirmative Action Plan. The Feeder Job statistics of employees are used for internal availability. (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 E. Determining Availability for details)

## Utilization/Comparing Employees to Availability, Goal Establishment, and Timetables

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*Minnesota Administrative Rules part 3905.0400 subpart 1.G, Minnesota Administrative Rules part 3905.0600 subpart 3, Minnesota Administrative Rules part 3905.0600 subpart 4, and Minnesota Administrative Rules part 3905.0600 subpart 5*

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state.

Underutilization Analysis worksheets are attached in the appendices. Numbers less than 10 are indicated with “<10” in accordance with MMB’s guidance on data privacy.

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 used for making good faith efforts for all aspects of the Affirmative Action Plan. Effective hiring goals are strategic, actionable, and measurable efforts that the agency is committed to pursuing and implementing in 2022-2024.

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/reasonable recruitment 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.

**Table 2. Hiring Goals by Job Category and Protected Group** is a summary of 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 through attrition. (Refer to Appendix F. Utilization-Goal Analysis for details)

The actions the agency will take to address these hiring goals are described in the Corrective Actions, Action-Oriented Programs, and Timetable section of this Plan.

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2022-2024	Racial/ Ethnic Minorities Establish Goals?	Racial/ Ethnic Minorities If Yes, Goals for FY 2022-2024	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2022-2024
Officials/Administrators	Monitor	-	Monitor	-	Monitor	-
Professionals	Yes	56.30%	Yes	16.38%	-	-
Technicians	Monitor	-	Monitor	-	Monitor	-
Paraprofessionals	Monitor	-	Monitor	-	Monitor	-

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2022- 2024	Racial/ Ethnic Minorities Establish Goals?	Racial/ Ethnic Minorities If Yes, Goals for FY 2022- 2024	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2022- 2024
Administrative Support	-	-	Yes	17.29%	-	-
Service Maintenance	Monitor	-	Monitor	-	Monitor	-

## Identification of Areas for Further Monitoring

*Minnesota Administrative Rules part 3905.0400 subpart 1.H, Minnesota Administrative Rules part 3905.0600 subpart 6, and Minnesota Statute section 43A.19 subdivision 1(a)(3)*

Monitoring personnel activities can serve as a means of measuring the agency's progress toward achieving the established goals in the absence of discrimination and effectiveness of the agency's good faith efforts.

## Progress Report

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 goals established in the prior Affirmative Action Plan. (Refer to Appendix A. Progress Report for details)

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

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.

### Females

Established goals for 2020-2022 were not met for Officials/Administrators or for Administrative Support job categories. Established goals were met for the Professionals job category which included 16 promotions and 17 new hires.

### Racial/Ethnic Minorities

Established goals for 2020-2022 were met for Professional and for Administrative Support job categories.

### **Individuals with Disabilities**

There was not any underutilization for individuals with disabilities in any job categories.

## **Separations**

Appendix B: Separation shows the results by separation type and the protected group during the prior Affirmative Action Plan period to evaluate and identify potential action areas for retention strategies for the 2022-2024 plan year.

The separation percentages were derived within the separation type by protected group to identify impact on protected group members. The following examinations were done in this analysis:

1. The “total percentage” indicates the percentage by separation type. For example, there were 20 separations in total. Of those separations, one employee separated due to dismissal or non-certification. The dismissal or non-certification percentage is 5.00% (1 divided by 20).
2. The “percentage type<sup>1</sup>” indicates the percentage by protected group type within a separation type. For example, there was one separation by dismissal or non-certification who was a female employee. The female dismissal or non-certification separation is 100.00% (1 divided by 1). Therefore, the “percentage type” analyzes the percent of protected group compromised in each separation type.
3. The “percentage type” indicates percentages by separation type within the protected group. For example, there were 10 female separations in total. Of those separations, one female employee separated due to the dismissal or non-certification reason. The female dismissal or non-certification separation is 10.00% (1 divided by 10). Therefore, the “percentage type<sup>2</sup>” analyzes the percent of separation type within the protected group.

## **Corrective Actions, Action-Oriented Programs, and Timetable**

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*Minnesota Administrative Rules part 3905.0400 subpart 1.H*

The agency’s Affirmative Action Plan is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in [Minnesota Statute section 43A.191 subdivision 2](#). The Corrective Actions and Action-Oriented Programs will be 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 groups identified in the Identification of Areas for Further Monitoring section above supported by the Utilization/Comparison of Employees to Availability, Goal Establishment, and Timetable section.

**Table 2. Areas of Further Monitoring and Corrective Actions**

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Officials/Administrators</b></p> <ul style="list-style-type: none"> <li>The agency needs to monitor Females, Racial/Ethnic Minorities, and Individuals with Disabilities in this job category because underutilization may occur by some employee movement.</li> </ul>	<p>Even though there is no underutilization in this job category, it is an area that potentially will be underutilized if there is any employee movement.</p> <ul style="list-style-type: none"> <li>Continue to develop an awareness or training strategy for racial/ethnic minorities and individuals with disabilities in this job category to prepare for promotional opportunities.</li> <li>Continue to review our position posting procedures and minimum qualifications to meet diversity, equity, and inclusion (DEI) initiatives.</li> <li>By December 31, 2022, partner with racial/ethnic minorities and individuals with disabilities community organizations to establish relationships to develop talent pipelines to positions in this job category and work with the agency Equity Change Team (ECT) to identify various networks where talent can be tapped by the agency. Evaluate the success of these activities by June 30, 2023 and again at the end of this Plan period.</li> <li>By December 31, 2022, encourage employees to review and voluntarily update their protected group information in self-service.</li> </ul>

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Professionals</b></p> <ul style="list-style-type: none"> <li>• The agency is underutilized for Female and Racial/Ethnic Minorities in this job category.</li> </ul>	<p>The agency's goal is to hire 56.30% of female and 16.38% of racial/ethnic minorities in this job category by June 2024.</p> <ul style="list-style-type: none"> <li>• By June 30, 2023, provide workshops on career ladders and develop a mentor program to support career development in the Feeder Jobs for this job category.</li> <li>• Immediately review job descriptions and job postings to identify minimum qualifications and words or descriptions that may screen out certain applicants or discourage applicants from applying.</li> <li>• Continue to partner with community and professional organizations and MMB's statewide recruitment team to source vacancies. Monitor number of applicants accessing partnerships that apply to positions to evaluate success through the Plan period.</li> <li>• By December 31, 2022, reach out to racial/ethnic minority communities, especially females, to establish relationships to develop talent pipelines to positions in this job category and work with the agency's Equity Change Team (ECT) to identify various networks where talent can be tapped to the agency.</li> <li>• Immediately review agency exit survey data for females and racial/ethnic minorities and conduct an analysis. Develop a plan to address any significant issues.</li> <li>• By December 31, 2022, encourage employees to review and voluntarily update their protected group information in self-service.</li> </ul>

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Technicians</b></p> <ul style="list-style-type: none"> <li>• The agency needs to monitor Females, Racial/Ethnic Minorities, and Individuals with Disabilities in this job category because underutilization may occur by some employee movement.</li> </ul>	<p>Even though there is no underutilization in this job category, it is an area that potentially will be underutilized if there is any employee movement.</p> <ul style="list-style-type: none"> <li>• Continue to promote participation in the agency's Equity Change Team (ECT) to enhance networking, allowing a place where employees feel a strong sense of belonging, and a platform in which to grow and succeed by addressing the workplace needs of the diverse members of the agency.</li> <li>• Immediately review job descriptions and job postings to identify minimum qualifications and words or descriptions that may screen out certain applicants or discourage applicants from applying.</li> <li>• By June 2023, network with colleges, technical schools, and relevant pipeline programs to develop pipelines for racial/ethnic minorities, females, and individuals with disabilities for positions in this job category. Evaluate the success of these at the end of the Plan period.</li> <li>• Continue to utilize the State of Minnesota Connect 700 program to increase exposure to state jobs in the disability community. Evaluate number of applicants and hires through the Plan period to determine success.</li> <li>• By December 31, 2022, encourage employees to review and voluntarily update their protected group information in self-service.</li> </ul>



Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Paraprofessionals</b></p> <ul style="list-style-type: none"> <li>• The agency needs to monitor Females, Racial/Ethnic Minorities, and Individuals with Disabilities in this job category because underutilization may occur by some employee movement.</li> </ul>	<p>Even though there is no underutilization in this job category, it is an area that potentially will be underutilized if there is any employment.</p> <ul style="list-style-type: none"> <li>• Continue to promote participation in the agency's Equity Change Team (ECT) to enhance networking, allowing a place where employees feel a strong sense of belonging, and a platform in which to grow and succeed by addressing the workplace needs of the diverse members of the agency.</li> <li>• Continue to utilize the State of Minnesota Connect 700 program to increase exposure to state jobs in the disability community. Evaluate number of applicants and hires through the Plan period to determine success.</li> <li>• By December 31, 2022, encourage employees to review and voluntarily update their protected group information in self-service.</li> </ul>

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Administrative Support</b></p> <ul style="list-style-type: none"> <li>• The agency is underutilized for Racial/Ethnic Minorities in this job category.</li> </ul>	<p>The agency's goal is to hire 17.29% of racial/ethnic minorities in this job category by June 2024.</p> <ul style="list-style-type: none"> <li>• Immediately review job descriptions and job postings to identify minimum qualifications and words or descriptions that may screen out certain applicants or discourage applicants from applying.</li> <li>• By December 31, 2022, partner with racial/ethnic minorities community organizations to establish relationships to develop talent pipelines to positions in this job category and work with the agency's Equity Change Team (ECT) to identify various networks where talent can be tapped to the agency.</li> <li>• Immediately review agency exit survey data for racial/ethnic minorities and conduct an analysis. Develop a plan to address any significant issues.</li> <li>• Work with the Diversity, Equity, and Inclusion Director to increase ECT focus on supporting the business goals through diversity and inclusion strategies that explore and include all differences across the organization. Evaluate the success of these activities at the end of this plan year.</li> <li>• By December 31, 2022, encourage employees to review and voluntarily update their protected group information in self-service.</li> </ul>

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Service Maintenance</b></p> <ul style="list-style-type: none"> <li>• The agency needs to monitor Females, Racial/Ethnic Minorities, and Individuals with Disabilities because underutilization may occur by some employee movement.</li> </ul>	<p>Even though there is no underutilization in this job category, it is an area that potentially will be underutilized if there is any employee movement.</p> <ul style="list-style-type: none"> <li>• Continue to promote participation in the agency's Equity Change Team (ECT) to enhance networking, allowing a place where employees feel a strong sense of belonging, and a platform in which to grow and succeed by addressing the workplace needs of the diverse members of the agency.</li> <li>• Continue to utilize the State of Minnesota Connect 700 program to increase exposure to state jobs in the disability community. Evaluate number of applicants and hires through the Plan period to determine success.</li> <li>• By December 31, 2022, encourage employees to review and voluntarily update their protected group information in self-service.</li> <li>• Immediately review job descriptions and job posting minimum qualifications to identify any words or descriptions that may screen out certain applicants or discourage applicants from applying.</li> </ul>

## Action-Oriented Programs

This section provides an overview of the agency's general efforts and actions to ensure equal employment opportunity. The agency has reviewed barriers to hiring during the previous Plan period and identified recruitment strategies, processes, and training to address underutilization for this Plan period.

### Barriers

The agency has had several constraints and challenges that impacted the agency's ability to address underutilization and implement strategies/actions or good faith efforts to meet the hiring goals that were established in the previous Plan.

- Some examples include the following: Applicant pools decreased significantly on a statewide basis.
- There was a statewide hiring freeze for a large portion of the Plan period.
- There was limited outreach due to unanticipated turnover of the entire Human Resources office that impacted recruitment efforts.

- COVID-19 responsibilities impacted outreach and recruitment efforts as they consumed staff time and many events were cancelled.
- Due to COVID-19, there were significant delays in our background check processes (e.g., criminal background checks were delayed due to limited in-person availability from our contractor) that caused delays in hiring.
- Employees were not reminded to self-identify protected group information in self-service, which may affect the representation of employees in protected groups.

## **Recruitment and Processes**

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

- Continue to place advertisements of job opportunities through the State of Minnesota Career site (<https://mn.gov/mmb/careers/search-for-jobs/>).
- Continue to consider female, racial/ethnic minorities, and individuals with disabilities applicants for all positions for which they qualify.
- Participate in job fairs that specifically support recruitment for underutilized talent (females, racial/ethnic minorities, and individuals with disabilities) such as the semi-annual People of Color Career Fair.
- Advertise the State of Minnesota Connect 700 program to attract qualified individuals with disabilities by providing a link to MMB's web site.
- Continue to promote participation in the agency's Equity Change Team (ECT) to enhance networking, allowing a place where employees feel a strong sense of belonging, and a platform in which to grow and succeed by addressing the workplace needs of the diverse members of the agency.
- Continue to use the Equal Employment Opportunity tag line on all job postings and advertisements.
- Continue to publish recruitment media depicting individuals that represent protected groups.
- Review/evaluate job postings to eliminate non-inclusive language and ensure appropriate minimum qualifications.

## **Persons Responsible:**

- Mary Babaya, Human Resources Director
- April Strong, Human Resource Business Partner

## **Retention**

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

- Continue the new employee cohort to engage new staff and encourage connections in the agency.
- Encourage all employees to pursue applicable training for their career development.
- Ensure an inclusive work environment and equal opportunities for all employees.
- Develop and communicate career ladders/succession planning to all employees.

**Persons Responsible:**

- Mary Babaya, Human Resources Director
- April Strong, Human Resource Business Partner

**Training**

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

- Continue to provide opportunities to increase awareness, acceptance, and appreciation of diverse cultural backgrounds.
- Implement cross-learning programs such as the Lottery Sales Representative Alternative Qualification Program to develop employee's skill and competencies.
- Provide quality on-boarding orientations.
- Announce training opportunities to all employees.
- Broadly announce all promotion and transfer opportunities.
- Provide unconscious bias training to all employees.
- Ensure all new hires receive inclusive workplace e-learning training.

**Persons Responsible:**

- Mary Babaya, Human Resources Director
- April Strong, Human Resource Business Partner

## **Methods of Auditing, Evaluating, and Reporting Program Success**

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*Minnesota Administrative Rules part 3905.0400, subpart 1.I*

### **Pre-Employment Review Procedure/Monitoring the Hiring Process**

The agency will evaluate its recruitment and selection process to determine if its requirements unnecessarily screen out a disproportionate number of females, racial/ethnic minorities, or individuals with disabilities. The agency will use the Monitoring the Hiring Process Form to track the number of females, racial/ethnic minorities, and individuals with disabilities in each stage of the selection process. Managers and supervisors will work closely with the Human Resource office in reviewing the requirements for positions, posting positions, and interviewing and selection to ensure that equal opportunity and affirmative action are carried out. Managers and supervisors must document their hiring recommendations for review and approval by the Human Resource Director or Designee.

The agency must justify any non-affirmative action hire that does not meet its hiring goals for competitive appointments and non-competitive appointments under Minnesota Statute section 43A.08 subdivision 1(9), (11) and (16), and Minnesota Statute section 43A.15 subdivision 3, 10, and 12. 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 to the candidate (e.g., interview process, testing process). All candidates are 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 need a reasonable accommodation in advance.

All employees involved in the selection process are trained and accountable for the agency's commitment to equal opportunity and the Affirmative Action Plan and its implementation.

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

The Affirmative Action Officer is responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

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

## 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 Plan:

- Monitoring the Hiring Progress Quarterly Report
- Bi-annual Affirmative Action Plan
- Americans with Disabilities Act Annual Report
- Annual Internal Complaint Form
- Internal Complaint Disposition Report (submitted within 30 days of final determination)

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

- Monitor progress toward stated goals by job category
- Analyze employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact
- Analyze compensation program to determine if there are patterns of discrimination
- Review the accessibility of online systems and websites, and ensure that reasonable accommodations can be easily requested
- Discuss progress with agency leadership on a periodic basis and makes recommendations for improvement

## Policies, Procedures, and Notice

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### A. 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 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, 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

Documents are available on [the MMB Equal Opportunity, Diversity, and Inclusion website](#), including [Affirmative Action resources](#) for state agencies.

### [Harassment Complaint Form](#)

**Acknowledgement** – The below form may be used to verify receipt by agency employees

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: \_\_\_\_\_

## REFERENCES

- For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment, or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.
- MMB Equal Opportunity, Diversity, and Inclusion Office.
- Consult your agency’s Affirmative Action Plan, or in the absence of an Agency Affirmative Action Plan, review [Affirmative Action resources](#) for state agencies.

## CONTACTS

MMB Enterprise Employee Relations

[Office of Equal Opportunity, Diversity, and Inclusion](#)

Any appropriate authority, as set forth in Section II of this policy.

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

### **OVERVIEW**

#### **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 are in violation of this policy and 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**

For a sample investigation procedure, please review the documents available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees
- For agencies with 25 or fewer employees

[Harassment Complaint Form](#)

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.

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: \_\_\_\_\_

## **C. Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy:**

The agency has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the statewide Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

### **Who May File:**

Any individual who believes that they have been subjected to harassment, discrimination, or retaliation in violation of the statewide Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is encouraged to use this internal complaint procedure.

If the individual chooses, a complaint can be filed externally with the Minnesota Department of Human Rights (MDHR), the United States Equal Employment Opportunity Commission (EEOC), or through other legal channels. The MDHR, EEOC and other legal channels have time limits for filing complaints; individuals may contact the MDHR, EEOC, or a private attorney for more information.

Individuals who knowingly file a false complaint will be subject to disciplinary or corrective action.

The following are the procedures for filing a complaint:

1. The individual may, but is not required to, complete the Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form provided in Section D below. Individuals are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. The Affirmative Action Officer or Designee will provide assistance in completing the form if requested.
2. The Affirmative Action Officer or Designee will determine if the complainant is alleging conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, or if the complaint is of a general personnel concern or a general concern of respect in the workplace.
  - If it is determined that the complaint is not related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, but rather involves general personnel concerns or general concerns of respect in the workplace, the Affirmative Action Officer or Designee will inform the complainant, in writing, within ten (10) business days. Complaints of general personnel concerns or general concerns of respect in the workplace will be handled in accordance or relevant policies and procedures.

- If it is determined that the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Affirmative Action Officer or Designee will determine whether an investigation is necessary and whether appropriate corrective or disciplinary action will be taken. If an investigation is needed, the Affirmative Action Officer or Designee will investigate the complaint and will create a written investigation report.
- 3. If the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Affirmative Action Officer or Designee will provide written notice to the complainant within sixty (60) calendar days after the complaint is filed and/or in compliance with the relevant bargaining unit contract or plan, unless reasonable cause for delay exists. The complainant will be notified if the written notice is not expected to be issued within this time frame. Written notices to the complainant must comply with the data privacy restrictions of the Minnesota Government Data Practices Act.
- 4. If the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Affirmative Action Officer or Designee will file an Internal Complaint Disposition Report to the Commissioner of MMB within thirty (30) days after the final determination.
- 5. The status of the complaint may be shared with the complainant(s) and respondent(s). All data related to the complaint is subject to the provisions of the Minnesota Government Data Practices Act.
- 6. The Affirmative Action Officer or Designee shall maintain records of all complaints, investigation reports, and any other data or information the Affirmative Action Officer or Designee deems pertinent in accordance the Statewide Human Resources Records Retention Schedule.
- 7. In extenuating circumstances, the employee or applicant may contact the State Affirmative Action Officer in the Office of Equal Opportunity at MMB for information regarding the filing of a complaint. For example, if the complaint is against the agency Executive Director or the agency Affirmative Action Officer.

## D. Minnesota State Lottery Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form

Access the form at <https://mn.gov/mmb-stat/hr-toolbox/003-equal-opportunity-diversity-and-inclusion/reports/sexual-harassment-prohibited-policies-complaint-form-template.pdf>.

[AGENCY]	
Harassment and Discrimination Prohibited/ Sexual Harassment Prohibited Policies Complaint Form	
Agency Name	
Street Address	
City, State Zip Code	
Telephone Number	
Complainant [You]	
Complainant's Name	Job Title
Agency	Telephone
Work Address	Division
City, State Zip Code	Manager
Respondent (Person Against whom you are filing the complaint)	
Name	Respondent's Job Title
Agency	Respondent's Telephone
Work Address	Division
City, State Zip Code	Manager

The Complaint																					
<b>Basis of Complaint</b> Place an "X" in the box for all that apply: <table border="0"><tr><td><input type="checkbox"/> Race</td><td><input type="checkbox"/> Marital Status</td><td><input type="checkbox"/> Gender Expression</td></tr><tr><td><input type="checkbox"/> Sex</td><td><input type="checkbox"/> Gender Identity</td><td><input type="checkbox"/> Religion</td></tr><tr><td><input type="checkbox"/> Familial Status</td><td><input type="checkbox"/> National Origin</td><td><input type="checkbox"/> Genetic Information</td></tr><tr><td><input type="checkbox"/> Age</td><td><input type="checkbox"/> Creed</td><td><input type="checkbox"/> Retaliation</td></tr><tr><td><input type="checkbox"/> Color</td><td><input type="checkbox"/> Sexual Orientation</td><td><input type="checkbox"/> Membership or Activity in a Local Human Rights Commission</td></tr><tr><td><input type="checkbox"/> Sexual Harassment</td><td><input type="checkbox"/> Reliance on Public Assistance</td><td></td></tr><tr><td><input type="checkbox"/> Disability</td><td></td><td></td></tr></table>	<input type="checkbox"/> Race	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Religion	<input type="checkbox"/> Familial Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Genetic Information	<input type="checkbox"/> Age	<input type="checkbox"/> Creed	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Color	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Reliance on Public Assistance		<input type="checkbox"/> Disability		
<input type="checkbox"/> Race	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Gender Expression																			
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<input type="checkbox"/> Familial Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Genetic Information																			
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<input type="checkbox"/> Color	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission																			
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Reliance on Public Assistance																				
<input type="checkbox"/> Disability																					
<p>Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. List dates, locations, names and titles of people involved. Explain why you believe the conduct was based on the item(s) checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant.</p> <div></div> <p>Date most recent act of discrimination/ harassment in violation of policy took place: _____</p> <p>If you filed this complaint with another agency, give the name of that agency: _____</p>																					

Information on Witnesses Who You Believe Can Support Your Complaint		
Witness Name	Witness Work Address	Witness Work Telephone

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

This complaint is being filed based on my honest belief that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

Complainant Signature \_\_\_\_\_ Date signed \_\_\_\_\_

Complaint Received by: (Affirmative Action Officer Signature) \_\_\_\_\_ Date signed \_\_\_\_\_

**NON-RETALIATION:** Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

This material is available in alternative formats for individuals with disabilities by contacting \_\_\_\_\_

Additional Information

## **E. Statewide Americans with Disabilities Act Reasonable Accommodation Policy HR/LR Policy #1433 (revised 7/26/2002)**

### **OVERVIEW**

#### **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.

#### **Executive Director**

The Executive Director 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.

### **FORMS AND INSTRUCTIONS**

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](mailto:ADA.MMB@state.mn.us).

## F. Minnesota State Lottery Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form

Access the form at <https://mn.gov/mmb/employee-relations/equal-opportunity/ada/>

[Agency Name]	
<b>Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form</b>	
<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>	
Employee/Applicant Name: _____	
Job Title: _____	
Work Location: _____	
Phone Number: _____	
<p><b>Data Privacy Statement:</b> 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><b>DO NOT PROVIDE ANY INFORMATION THAT IS NOT RELATED TO YOUR REQUEST FOR REASONABLE ACCOMMODATION. DO NOT PROVIDE COPIES OF MEDICAL RECORDS.</b></p>	
A. Questions to clarify accommodation requested.	
1. 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?	
a. Answer yes or no: _____	
b. If yes, please explain: _____	
B. Questions to document the reason for the accommodation request (please attach additional pages if necessary).	
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?	
_____	
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2. What, if any, employment benefits are you having difficulty accessing?	
_____	
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?	
_____	
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><b>Information Pertaining to Medical Documentation:</b> 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>	
<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>	
Employee/Applicant Signature: _____	
Date: _____	
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## G. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act, the agency will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The agency will not discriminate on the basis of disability in its hiring or employment practices and will comply with all regulations promulgated by the United States Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act.

**Effective Communication:** The agency will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in agency programs, services, and activities. Examples include providing qualified sign language interpreters, providing 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 agency will make all reasonable modifications to policies and procedures 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 agency 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 agency should contact Mary Babaya, Americans with Disabilities Act Coordinator, 651-635-8114 or [mary.babaya@mnlottery.com](mailto:mary.babaya@mnlottery.com) as soon as possible but no later than 48 hours before the scheduled event.

The Americans with Disabilities Act does not require the agency to take any action that would fundamentally alter the nature of its programs, services, or activities or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the agency is not accessible to persons with disabilities should be directed to Mary Babaya, Americans with Disabilities Act Coordinator, 651-635-8114 or [mary.babaya@mnlottery.com](mailto:mary.babaya@mnlottery.com).

The agency 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.

## **H. Minnesota State Lottery Grievance Procedure Under Title II of the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the agency. The statewide Americans with Disabilities Act Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the complaint. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant and/or their designee as soon as possible but no later than sixty (60) calendar days after the alleged violation and must be sent to:

Mary Babaya

Minnesota State Lottery ADA Coordinator and Human Resources Director  
2645 Long Lake Road, Roseville, MN 55113

Within fifteen (15) calendar days after receipt of the complaint, Mary Babaya or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting or communication, Mary Babaya or her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the agency and offer options for resolution of the complaint.

If the response by Mary Babaya or her designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the Executive Director or his designee. Within fifteen (15) calendar days after receipt of the appeal, the Executive Director or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the Executive Director or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Mary Babaya or her designee, appeals to the Executive Director or his designee, and responses from these two offices will be retained by the agency for a minimum of three (3) years.

# I. 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><b>mn MINNESOTA</b></p> <p>____ (Agency) <b>Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form</b></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><b>General Information</b> Date of Request: _____</p> <p><b>Person needing accommodation/modification</b> Name: _____ Address: _____ Email: _____ Phone: _____</p> <p><b>Person making request (if different from person needing accommodation/modification)</b> Name: _____ Email: _____ Phone: _____ Relationship to person needing accommodation/modification: _____</p> <p><b>Accommodation Information</b> Date accommodation/modification is needed: _____ Address and/or room of accommodation/modification: _____ Type of accommodation/modification requested (please be specific): _____ _____ _____ 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): _____ 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><b>OFFICE USE ONLY</b> <b>RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION</b></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. <input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the agency; and/or <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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## J. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of the agency's weather and emergency evacuation plans can be found at:

<http://intranet.mnlottery.com/index.php/employee-services/safety/fire-evacuation-plan>

<http://intranet.mnlottery.com/index.php/employee-services/safety/tornado-safety-awareness>

Knowledge and preparation by both individuals needing assistance and those who don't are 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 agency Americans with Disabilities Act Coordinator or designee will work to develop a plan and consult the appropriate building and safety personnel.

Managers and supervisors should review the emergency evacuation procedures with all staff. This includes informing all staff that may need additional assistance, to contact the following person to request the type of assistance they may need in the event of an emergency:

April Strong, Human Resource

Business Partner

[April.strong@mnlottery.com](mailto:April.strong@mnlottery.com)

651-635-8117

### Building Evacuation Options:

Individuals with disabilities have the following evacuation options:

- **Horizontal evacuation:** Use building exits to the outside ground level or go into unaffected wings of multi-building complexes.
- **Stairway evacuation:** Use 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.



## 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 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 may choose to 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 by safety or security staff or colleagues.
- **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 a severe weather evacuation have the following 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.
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all-clear is used.

# Appendices

## Appendix A: Progress Report

Females (note: Promo = promotion)

Job Category	Prior AAP Total Employee #	Prior AAP Total Females #	Prior AAP Total Females %	Prior AAP Availa- bility Female %	Total Hires & Promo #	Total Hired #	Male Hired #	Females Hired #	Un- known Hired #	Females Hired %	Total Promo #	Male Promo #	Females Promo #	Un- known Promo #	Female Promo %	Actual Female Hiring (%)	Female Had Goals in Prior AAP?	Female Goal Met?
Officials/ Administrators	<10	<10	**.**%*	54.29%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	Yes	No
Professionals	99	48	48.48%	52.92%	50	22	<10	17	<10	77.27%	28	12	16	<10	57.14%	66.00%	Yes	Yes
Technicians	<10	<10	**.**%*	21.15%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Paraprofessionals	<10	<10	**.**%*	86.50%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Administrative Support	41	29	70.73%	82.79%	17	17	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	55.00%	Yes	No
Service Maintenance	<10	<10	**.**%*	5.30%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Total	156	81	51.92%		82	46	18	27	<10	58.70%	36	13	23	<10	63.89%			

Racial/Ethnic Minorities (note: Promo = promotion; Mino = Racial/Ethnic Minorities)

Job Category	Prior AAP Total Employee	Prior AAP Total Mino	Prior AAP Total Mino %	Prior AAP Availa- bility Mino	Total Hires & Promo #	Total Hired #	Non- Mino Hired #	Mino Hired #	Un- known Hired #	Mino Hired %	Total Promo #	Non- Mino Promo #	Mino Promo #	Un- known Promo #	Mino Promo %	Actual Mino Hiring (%)	Mino Had Goals	Mino Goal Met?
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	#	#		%													in Prior AAP?	
Officials/ Administrators	<10	<10	**.***%	7.35%	<10	<10	<10	<10	<10	**.***%	<10	<10	<10	<10	**.***%	**.***%	-	-
Professionals	99	13	13.13%	17.45%	50	22	15	<10	<10	**.***%	28	22	<10	<10	**.***%	24.00%	Yes	Yes
Technicians	<10	<10	**.***%	17.82%	<10	<10	<10	<10	<10	**.***%	<10	<10	<10	<10	**.***%	**.***%	-	-
Paraprofessionals	<10	<10	**.***%	10.40%	<10	<10	<10	<10	<10	**.***%	<10	<10	<10	<10	**.***%	**.***%	-	-
Administrative Support	41	<10	**.***%	19.38%	17	17	11	<10	<10	**.***%	<10	<10	<10	<10	**.***%	**.***%	Yes	Yes
Service Maintenance	<10	<10	**.***%	12.20%	<10	<10	<10	<10	<10	**.***%	<10	<10	<10	<10	**.***%	**.***%	-	-
Total	156	24	15.38%		82	46	32	12	<10	26.09%	36	28	<10	<10	**.***%			

Individuals with Disabilities (note: Promo = promotion; lwd = Individuals with Disabilities)

Job Category	Prior AAP Total Employee #	Prior AAP Total lwd #	Prior AAP Total lwd %	Prior AAP Availa- bility lwd %	Total Hires & Promo #	Total Hired #	lwd Hired #	Non- lwd Hired #	Un- known Hired #	lwd Hired %	Total Promo #	Non- lwd Promo #	lwd Promo #	Un- known Promo #	lwd Promo %	Actual lwd Hiring (%)	lwd Had Goals in Prior AAP?	lwd Goal Met?
Officials/	<10	<10	**.***%	1.68%	<10	<10	<10	<10	<10	**.***%	<10	<10	<10	<10	**.***%	**.***%	-	-

Administrators																		
Professionals	99	10	10.10%	3.31%	50	22	19	<10	<10	**.**%*	28	25	<10	<10	**.**%*	**.**%*	-	-
Technicians	<10	<10	**.**%*	2.52%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Paraprofessionals	<10	<10	**.**%*	2.00%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Administrative Support	41	<10	**.**%*	8.36%	17	17	11	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Service Maintenance	<10	<10	**.**%*	4.80%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Total	156	16	10.26%		82	46	37	<10	<10	**.**%*	36	32	<10	<10	**.**%*			

## Appendix B: Separation Analysis

**Total Separations** (note: Sep = Separation; Minority = Racial/Ethnic Minority; lwd = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> lwd % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total lwd Sep
Dismissal or Non-Certification	1	5.00%	1	100.00%	10.00%	0	0.00%
Resignation	11	55.00%	7	63.64%	70.00%	2	18.18%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	6	30.00%	1	16.67%	10.00%	0	0.00%
Death	1	5.00%	1	100.00%	10.00%	0	0.00%
Lay-off	1	5.00%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>20</b>	<b>100.00%</b>	<b>10</b>	<b>50.00%</b>	<b>100.00%</b>	<b>2</b>	<b>10.00%</b>

**Officials/Administrators** (note: Sep = Separation; Minority = Racial/Ethnic Minority; lwd = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> lwd % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total lwd Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%
Resignation	0	0.00%	0	0.00%	0.00%	0	0.00%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	1	100.00%	0	0.00%	0.00%	0	0.00%
Death	0	0.00%	0	0.00%	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>1</b>	<b>100.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>

**Professionals** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%
Resignation	2	22.22%	2	100.00%	50.00%	0	0.00%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	5	55.56%	1	20.00%	25.00%	0	0.00%
Death	1	11.11%	1	100.00%	25.00%	0	0.00%
Lay-off	1	11.11%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>9</b>	<b>100.00%</b>	<b>4</b>	<b>44.44%</b>	<b>100.00%</b>	<b>0</b>	<b>0.00%</b>

**Technicians** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%
Resignation	0	0.00%	0	0.00%	0.00%	0	0.00%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	0	0.00%	0	0.00%	0.00%	0	0.00%
Death	0	0.00%	0	0.00%	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>0</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>

**Paraprofessionals** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%
Resignation	0	0.00%	0	0.00%	0.00%	0	0.00%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	0	0.00%	0	0.00%	0.00%	0	0.00%
Death	0	0.00%	0	0.00%	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>0</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>

**Administrative Support** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	1	10.00%	1	100.00%	16.67%	0	0.00%
Resignation	9	90.00%	5	55.56%	83.33%	2	22.22%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	0	0.00%	0	0.00%	0.00%	0	0.00%
Death	0	0.00%	0	0.00%	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>10</b>	<b>100.00%</b>	<b>6</b>	<b>60.00%</b>	<b>100.00%</b>	<b>2</b>	<b>20.00%</b>

**Service Maintenance**

(note: Sep = Separation; Minority = Racial/Ethnic Minority; lwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> lwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total lwD Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%
Resignation	0	0.00%	0	0.00%	0.00%	0	0.00%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%
Retirement	0	0.00%	0	0.00%	0.00%	0	0.00%
Death	0	0.00%	0	0.00%	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%
<b>Total Separations</b>	<b>0</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>



## Appendix C: Job Category Analysis

**Officials/Administrators** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
003639	State Prog Admin Manager
003679	State Prog Admin Manager Sr
002691	Financial Mgt Director
008683	Asst Dir Mn State Lottery
008669	Exec Dir Mn State Lottery

**Professionals** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
000141	Buyer 2
000498	Human Resources Specialist 1
000577	Information Officer 3
000634	Management Analyst 4
000647	Information Officer 2
000652	Human Resources Consultant 1
000812	Planning Dir State
000979	Accounting Officer Inter
001314	Information Officer 1
001528	Management Analyst 2
002185	Admin Planning Dir St
003586	Information Technology Spec 4
003587	Information Technology Spec 5
003605	State Prog Admin Intermediate
003606	State Prog Admin Sr
003607	State Prog Admin Prin
003608	State Prog Admin Coordinator
003609	State Prog Admin Director
003689	State Prog Admin Supervisor Sr
000500	Human Resources Director 1

Job Code	Job Title
002390	Accounting Officer Principal
001423	Human Resources Specialist 2
000004	Accounting Officer
002115	Management Analyst Supv 2
002114	Management Analyst Supv 3
003585	Information Technology Spec 3
003584	Information Technology Spec 2
003583	Information Technology Spec 1
002132	Systems Analysis Unit Supv
003650	Lottery Sales Representative
000899	Buyer Supervisor
003561	Lottery Sales Supervisor Sr
001801	Investigator Senior
003246	Lottery Corporate Accts Rep

**Technicians** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
001390	EDP Operations Technician 3
000886	EDP Operations Technician 2

**Paraprofessionals** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
003611	Paralegal

**Administrative Support** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
000293	Exec 2

Job Code	Job Title
003626	Office Specialist
003628	Office & Admin Specialist Int
003629	Office & Admin Specialist Sr
003632	Central Svcs Admin Spec Inter
003633	Central Svcs Admin Spec Senior
003635	Customer Svcs Specialist
003636	Customer Svcs Specialist Int
003637	Customer Svcs Specialist Sr
003638	Customer Svcs Specialist Princ
003634	Central Svcs Admin Spec Prin

**Service Maintenance** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
001725	General Maintenance Wrkr
001728	General Maintenance Wrkr Lead

## Appendix D: Feeder Jobs

**Officials/Administrators** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
003639	Officials and Administrators	State Prog Admin Manager	0.00%	6.25%	0.00%
003679	Officials and Administrators	State Prog Admin Manager Sr	6.25%	0.00%	0.00%
002691	Officials and Administrators	Financial Mgt Director	0.00%	6.25%	0.00%
008683	Officials and Administrators	Asst Dir Mn State Lottery	6.25%	0.00%	0.00%
000500	Professionals	Human Resources Director 1	6.25%	6.25%	0.00%
003587	Professionals	Information Technology Spec 5	0.00%	0.00%	0.00%

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
002132	Professionals	Systems Analysis Unit Supv	0.00%	6.25%	6.25%
002390	Professionals	Accounting Officer Principal	6.25%	12.50%	0.00%
Total			25.00%	37.50%	6.25%

**Professionals** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000141	Professionals	Buyer 2	0.00%	0	0.00%
000498	Professionals	Human Resources Specialist 1	3.28%	2	1.64%
000577	Professionals	Information Officer 3	0.82%	0	0.00%
000634	Professionals	Management Analyst 4	0.82%	0	0.00%
000647	Professionals	Information Officer 2	0.82%	0	0.00%
000652	Professionals	Human Resources Consultant 1	0.82%	0	0.00%
000812	Professionals	Planning Dir State	0.82%	0	0.00%
000979	Professionals	Accounting Officer Inter	0.82%	0	0.00%
001314	Professionals	Information Officer 1	1.64%	1	0.82%
001528	Professionals	Management Analyst 2	0.00%	0	0.00%
002185	Professionals	Admin Planning Dir St	4.10%	0	0.00%
003586	Professionals	Information Technology Spec 4	1.64%	0	0.00%
003587	Professionals	Information Technology Spec 5	0.00%	0	0.00%
003605	Professionals	State Prog Admin Intermediate	0.00%	0	0.00%
003606	Professionals	State Prog Admin Sr	0.82%	0	0.00%
003607	Professionals	State Prog Admin Prin	0.82%	0	0.00%
003608	Professionals	State Prog Admin Coordinator	0.82%	1	0.82%
003609	Professionals	State Prog Admin Director	0.82%	2	1.64%
003689	Professionals	State Prog Admin Supervisor Sr	0.82%	0	0.00%
000500	Professionals	Human Resources Director 1	1.64%	0	0.00%
002390	Professionals	Accounting Officer Principal	0.00%	0	0.00%
001423	Professionals	Human Resources Specialist 2	0.82%	0	0.00%
000004	Professionals	Accounting Officer	0.82%	0	0.00%
002115	Professionals	Management Analyst Supv 2	0.00%	0	0.00%

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
002114	Professionals	Management Analyst Supv 3	0.82%	1	0.82%
003585	Professionals	Information Technology Spec 3	0.00%	1	0.82%
003584	Professionals	Information Technology Spec 2	0.00%	0	0.00%
003583	Professionals	Information Technology Spec 1	3.28%	2	1.64%
002132	Professionals	Systems Analysis Unit Supv	0.82%	0	0.00%
003650	Professionals	Lottery Sales Representative	11.48%	4.10%	0.82%
001390	Technicians	EDP Operations Technician 3	0.00%	0	0.00%
000886	Technicians	EDP Operations Technician 2	0.00%	1	0.82%
003611	Paraprofessionals	Paralegal	0.82%	0	0.00%
003628	Administrative Support	Office & Admin Specialist Int	0.82%	1	0.82%
003629	Administrative Support	Office & Admin Specialist Sr	4.10%	0	0.00%
003632	Administrative Support	Central Svcs Admin Spec Inter	1.64%	2	1.64%
003633	Administrative Support	Central Svcs Admin Spec Senior	0.82%	0	0.00%
003635	Administrative Support	Customer Svcs Specialist	1.64%	0	0.00%
003636	Administrative Support	Customer Svcs Specialist Int	1.64%	1	0.82%
003637	Administrative Support	Customer Svcs Specialist Sr	4.10%	1	0.82%
003638	Administrative Support	Customer Svcs Specialist Princ	2.46%	0	0.00%
003634	Administrative Support	Central Svcs Admin Spec Prin	0.00%	0	0.00%
000293	Administrative Support	Exec 2	0.82%	0	0.00%
Total			57.38%	19	15.57%

**Technicians** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000886	Technicians	EDP Operations Technician 2	0.00%	100.00%	0.00%
Total			0.00%	100.00%	0.00%

**Paraprofessionals** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
003611	Paraprofessionals	Paralegal	3.03%	0.00%	0.00%
003626	Administrative Support	Office Specialist	6.06%	0.00%	0.00%
003628	Administrative Support	Office & Admin Specialist Int	3.03%	3.03%	0.00%
003629	Administrative Support	Office & Admin Specialist Sr	15.15%	0.00%	3.03%
003632	Administrative Support	Central Svcs Admin Spec Inter	6.06%	6.06%	6.06%
003633	Administrative Support	Central Svcs Admin Spec Senior	3.03%	0.00%	0.00%
003635	Administrative Support	Customer Svcs Specialist	6.06%	0.00%	0.00%
003636	Administrative Support	Customer Svcs Specialist Int	6.06%	3.03%	3.03%
003637	Administrative Support	Customer Svcs Specialist Sr	15.15%	3.03%	9.09%
Total			63.64%		21.21%

**Administrative Support** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000293	Administrative Support	Exec 2	2.56%	0.00%	0.00%
003626	Administrative Support	Office Specialist	5.13%	0.00%	0.00%
003628	Administrative Support	Office & Admin Specialist Int	2.56%	2.56%	0.00%
003629	Administrative Support	Office & Admin Specialist Sr	12.82%	0.00%	2.56%
003632	Administrative Support	Central Svcs Admin Spec Inter	5.13%	5.13%	5.13%
003633	Administrative Support	Central Svcs Admin Spec Senior	2.56%	0.00%	0.00%
003635	Administrative Support	Customer Svcs Specialist	5.13%	0.00%	0.00%
003636	Administrative Support	Customer Svcs Specialist Int	5.13%	2.56%	2.56%
003637	Administrative Support	Customer Svcs Specialist Sr	12.82%	2.56%	7.69%
003638	Administrative Support	Customer Svcs Specialist Princ	7.69%	0.00%	0.00%
003634	Administrative Support	Central Svcs Admin Spec Prin	0.00%	0.00%	0.00%
001725	Service Maintenance	General Maintenance Wrkr	0.00%	0.00%	0.00%
001728	Service Maintenance	General Maintenance Wrkr Lead	0.00%	2.56%	0.00%
Total			61.54%	15.38%	17.95%

**Service Maintenance** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
None	None	None	0.00%	0.00%	0.00%
Total			0.00%	0.00%	0.00%

Appendix E: Determining Availability

Officials/Administrators (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics lwd	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics lwd	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females, racial/ethnic minorities, or individuals with disabilities with requisite skills in the reasonable recruitment area.	70.00%	41.57%	27.04%	4.58%	29.10%	18.93%	3.21%	US	Our three-year historical appointments in this job category shows 70% from external and 30% from internal movements.]
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	30.00%	25.00%	37.50%	6.25%	7.50%	11.25%	1.88%	Employee workforce for the job classifications that constitute feeders to this job category.	
The value of weight must equal to 100.00% →		Final Avail %			36.60%	30.18%	5.08%		



**Professionals** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics lwd	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics lwd	Source of Statistics	Reasons for External and Internal Weight Ratio
<b>1: External</b> - Percentage of females, racial/ethnic minorities, or individuals with disabilities with requisite skills in the reasonable recruitment area.	40.00%	54.69%	17.60%	4.02%	21.88%	7.04%	1.61%	State MN	Our three-year historical appointments in this job category shows 40% from external and 60% from internal movements.
<b>2: Internal</b> - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	60.00%	57.38%	15.57%	10.66%	34.43%	9.34%	6.39%	Employee workforce for the job classifications that constitute feeders to this job category.	
The value of weight must equal to 100.00% →	100.00%	Final Avail %			56.30%	16.38%	8.00%		

**Technicians** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics lwd	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics lwd	Source of Statistics	Reasons for External and Internal Weight Ratio
<b>1: External</b> - Percentage of females, racial/ethnic minorities, or individuals with disabilities with requisite skills in the reasonable recruitment area.	100.00%	31.10%	26.30%	4.10%	31.10%	26.30%	0.00%	State MN	Our three-year historical appoints in this job category shows 100% from external and 00% from internal movements.
<b>2: Internal</b> - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	Employee workforce for the job groups that constitute feeders to this job group.	

The value of weight must equal to 100.00% →	100.00%	blank	blank	<b>Final Avail %</b>	<b>31.10%</b>	<b>26.30%</b>	<b>0.00%</b>		
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**Paraprofessionals** (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics lwd	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics lwd	Source of Statistics	Reasons for External and Internal Weight Ratio
<b>1: External</b> - Percentage of females, racial/ethnic minorities, or individuals with disabilities with requisite skills in the reasonable recruitment area.	80.00%	89.20%	8.30%	3.00%	71.36%	6.64%	2.40%	State MN	Our three-year historical appointments in this job category shows 80% from external and 20% from internal movements.
<b>2: Internal</b> - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	20.00%	63.64%		21.21%	12.73%		4.24%	Employee workforce for the job classifications that constitute feeders to this job category.	
The value of weight must equal to 100.00% →	100.00%	blank	blank	<b>Final Avail %</b>	<b>84.09%</b>	<b>6.64%</b>	<b>6.64%</b>		

Administrative Support (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics lwd	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics lwd	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females, racial/ethnic minorities, or individuals with disabilities with requisite skills in the reasonable recruitment area.	50.00%	60.41%	19.20%	5.69%	30.20%	9.60%	2.85%	State MN	Our three-year historical appoints in this job category shows 50% from external and 50% from internal movements.
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	50.00%	61.54%	15.38%	17.95%	30.77%	7.69%	8.97%	Employee workforce for the job classifications that constitute feeders to this job category.	
The value of weight must equal to 100.00% →	100.00%	blank	blank	Final Avail %	60.97%	17.29%	11.82%		

Service Maintenance (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics lwd	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics lwd	Source of Statistics	Reasons for External and Internal Weight Ratio
1: External - Percentage of females, racial/ethnic minorities, or individuals with disabilities with requisite skills in the reasonable recruitment area.	100.00%	8.00%	22.70%	8.30%	8.00%	22.70%	8.30%	State MN	Our three-year historical appoints in this job category shows 100% from external and 00% from internal movements.
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	0.00%				0.00%	0.00%	0.00%	Employee workforce for the job classifications that constitute feeders to this job category.	

The value of weight must equal to 100.00% →	100.00%	blank	blank	<b>Final Avail %</b>	<b>8.00%</b>	<b>22.70%</b>	<b>8.30%</b>
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Appendix F: Utilization-Goal Analysis

Female

Job Categories	Total Number of Employee in Job Category	Total Number of Female Employee in the Job Category	% of Female Employee in the Job Category	Female Availability %	Female Establish Goals?	If Yes, Goals for FY 2022-2024
Officials/Administrators	<10	<10	**.**%	36.60%	Monitor	
Professionals	96	49	51.04%	56.30%	Yes	56.30%
Technicians	<10	<10	**.**%	31.10%	Monitor	
Paraprofessionals	<10	<10	**.**%	84.09%	Monitor	
Administrative Support	37	24	64.86%	60.97%		
Service Maintenance	<10	<10	**.**%	8.00%	Monitor	
Totals	146	76	52.05%			

Racial/Ethnic Minorities

Job Categories	Total Number of Employee in Job Category	Total Number of Minority Employee in the Job Category	% of Minority Employee in the Job Category	Minority Availability %	Minority Establish Goals?	If Yes, Goals for FY 2022-2024
Officials/Administrators	<10	<10	**.**%	30.18%	Monitor	
Professionals	96	13	13.54%	16.38%	Yes	16.38%
Technicians	<10	<10	**.**%	26.30%	Monitor	
Paraprofessionals	<10	<10	**.**%	6.64%	Monitor	
Administrative Support	37	<10	**.**%	17.29%	Yes	17.29%
Service Maintenance	<10	<10	**.**%	22.70%	Monitor	
Totals	146	22	15.07%			

Individuals with Disabilities (note: IwD = Individuals with Disabilities)

Job Categories	Total Number of Employee in Job Category	Total Number of IwD Employee in the Job Category	% of IwD Employee in the Job Category	IwD Availability %	IwD Establish Goals?	If Yes, Goals for FY 2022-2024
Officials/Administrators	<10	<10	**.**% %	5.08%	Monitor	
Professionals	96	10	10.42% %	8.00%		
Technicians	<10	<10	**.**% %	0.00%	Monitor	
Paraprofessionals	<10	<10	**.**% %	6.64%	Monitor	
Administrative Support	37	<10	**.**% %	11.82% %		
Service Maintenance	<10	<10	**.**% %	8.30%	Monitor	
Totals	146	17	11.64% %			

## Definitions of Terms Used in this Affirmative Action Plan

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**Applicant:** a person who has satisfied the minimum requirements for application established by the Commissioner of MMB ([Minnesota Statute section 43A.02 subdivision 4](#)).

**Availability:** an estimated percentage of qualified females, racial/ethnic minorities, or individuals with disabilities in the relevant labor market who are available for positions in a given job category. 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 period.

**State of Minnesota Connect 700 Program:** an alternative, non-competitive selection process for individuals whose disabilities prevent them from demonstrating their skills in a standard competitive selection process. If selected, this program allows eligible individuals to demonstrate their skills in an on-the-job trial work experience of up to 700 hours. See [Minnesota Statute section 43A.15, subdivision 14](#).

**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 for females and the hiring goal is 56.3% for new hires/rehires and promotions for this Affirmative Action Plan period. 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 United States Equal Employment Opportunity Commission (EEOC).

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

**Promotion:** with few exceptions, this is the appointment of an employee to a position in a job classification assigned to a salary range which is two or more steps higher at the maximum than the employee's current job classification or which requires an increase of two or more steps to pay the employee at the minimum of the new salary range.

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

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