



State of Minnesota

Department of Public Safety

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

Minnesota Department of Public Safety

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<https://dps.mn.gov/Pages/default.aspx>

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Statement of Commitment

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

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

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

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This department 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 department 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 work to retain all qualified, talented employees, including protected group employees.
- This department will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this department will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

Commissioner:



Date Signed: 6/9/2023

Executive Summary

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

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

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

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

Table 1 Workforce Underutilization Analysis of Protected Groups
(x indicates the job categories and protected groups that have underutilization.)

Job Categories	Females	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators	-	-	-
Professionals	-	-	-
Technicians	-	-	-
Protected Services: Sworn	-	x	x
Protected Services: Non-sworn	x	x	-
Paraprofessionals	-	-	-
Administrative Support	-	-	-
Skilled Craft	-	-	-
Service Maintenance	-	-	-

Once complete, information about how to obtain or access a copy of this Plan is provided to every employee of the department. Our intention is to make every employee aware of the Department of Public Safety’s commitments to affirmative action and equal employment opportunity. The completed Plan is also posted on the department’s website and maintained in the Internal Affairs/Affirmative Action and Human Resources Offices.

Affirmative Action Officer: Lynn M. Mueller Date Signed: 6/6/2023

Human Resources Director: Victoria Schwab Date Signed: 6/6/2023

Commissioner: Bob Jensen Date Signed: 6/9/2023

Organizational Profile

The Minnesota Department of Public Safety is a diverse, complex department of state government where employees share one common mission — serving all communities to build a safer Minnesota. Together, we operate programs in law enforcement, emergency management, traffic safety, alcohol and gambling enforcement, emergency communications, crime victim assistance, fire safety, pipeline safety, driver licensing, and vehicle titling and registration.

In cooperation with local and nonprofit agencies all over Minnesota, we promote the principles of prevention, preparation, response, recovery, public education and enforcement. We help to prevent crimes and disasters wherever we can and we help Minnesotans prepare for emergencies that cannot be prevented.

Our public education programs influence personal behavior to reduce traffic deaths, fires and arson, and they help crime victims navigate the criminal justice system. We teach residents and businesses to protect our underground pipelines, and teach responders what to expect in an oil-train accident. We patrol Minnesota roads to protect our motorists and enforce our laws, and we provide world-class lab and investigative services to law enforcement agencies statewide. The department licenses gaming facilities and alcohol retailers to protect our consumers, and we interact with every Minnesotan who drives or registers a vehicle.

Our team of dedicated employees is always on the job somewhere, 24 hours a day, in every part of the state.

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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

A. Commissioner

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Plan, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the Commissioner reports the department's progress in meeting its affirmative action goals and objectives to the Commissioner of Minnesota Management & Budget (MMB). The Commissioner, through the Commissioner of MMB, will report annually to the Governor and the Legislature the department's progress in meeting its affirmative action goals and objectives.

Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the department's Affirmative Action Plan in his or her position description.
- Ensure that designated personnel responsible for all Plan components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the department's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with all employees.
- Make decisions and changes in policies, procedures or physical accommodations as needed to implement effective affirmative action in the department.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plans, and the department's mission.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all department directors, managers, and supervisors include responsibility statements to support affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with state-wide and department anti-discrimination and anti-harassment policies.

Accountability

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

Name of individual(s) responsible

Name: Bob Jacobson

Email: dps.commissioners@state.mn.us

**Title: Commissioner of the Department of
Public Safety**

Phone: 651-201-7160

B. Affirmative Action Officer

Responsibilities

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

Duties

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

- Develop and administer the department's Affirmative Action Plan.
- Develop and set department-wide affirmative action hiring goals.
- Monitor department compliance and fulfill all affirmative action reporting requirements.
- Disseminate the Affirmative Action Plan to employees in the department.
- Inform the Commissioner or the Commissioner's designee, the Deputy Commissioner of progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the department, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the department. Coordinate the development of 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 department.
- Support and recruit racial/ethnic minorities, individuals with disabilities, and females for employment, promotion, and training opportunities.
- Manage the department's pre-hire review process.
- Review requests for non-affirmative hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.

- Provide consultation, technical guidance, and/or training to directors, managers, supervisors and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Department Diversity Recruitment program.
- Comply with state-wide and department anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer is accountable to the Commissioner for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administration of ADA Title I and II. The Affirmative Action Officer oversees the administration of diversity and inclusion efforts and other equal opportunity related efforts. In addition, the Affirmative Action Officer ensures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with the Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Lynn Mueller

Email: lynn.mueller@state.mn.us

Title: Director of Internal Affairs/Affirmative Action

Phone: 651-201-7173

C. Human Resources Director

Responsibilities

The Human Resource (HR) Office is responsible for ensuring equitable and uniform administration of all personnel policies. The Human Resources Director is responsible for ensuring managers and supervisors are appropriately and reasonably assisted in their human resources management activities. Staff within Human Resources are accountable to the Human Resources Director.

Duties

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

- Maintain effective working relationships with the department Affirmative Action Officer and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in the 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 in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Collaborate with the ADA Coordinator to ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies; initiate and report on program objectives contained in the Affirmative Action Plan related to Human Resources.
- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator all records and data necessary to perform duties related to equal opportunity and affirmative action.
- Ensure affirmative recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, the Affirmative Action Officer, and HR staff in the creation of supported worker positions. These positions help reduce department costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Review classifications, qualification requirements, and procedures in order to eliminate selection factors that have no significant relationship to job performance.
- Maintain records that will enable the analysis of all portions of the selection process.
- Maintain retirement-eligible information and communicate it to division directors to ensure appropriate succession and workforce planning.

- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with state-wide and department anti-discrimination and anti-harassment policies.
- Assist management and supervisors to determine appropriate action with regard to violations of departmental policies, including complaints of discrimination and harassment.

Accountability

HR staff are accountable to the HR Director or Designee.

Name of individual(s) responsible

Name: Victoria Schwab

Email: victoria.schwab@state.mn.us

Title: Human Resources Director

Phone: 651-201-7382

D. Americans with Disabilities Act Title I and II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Coordinator is responsible for oversight of the department’s compliance with the ADA Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act, as amended, and the Minnesota Human Rights Act.

Duties

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

- Provide guidance, coordination, and direction to department management on the ADA. The department develops and implements policies, procedures, and practices to ensure department employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to department 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.
- Provide training, technical guidance, and consultation to the department’s management and staff on compliance and best practices with regards and obligations to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.

- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing department services and report reasonable accommodations annually to MMB.
- Track and facilitate requests for reasonable modifications for members of the public accessing department services. Report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Human Resources (HR) Director on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Design and deliver specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the state-wide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator, in consultation with the employee and supervisor, and other individuals involved must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with state-wide and department anti-discrimination and anti-harassment policies.

Accountability

The ADA Title I and II Coordinator is accountable to the Commissioner.

Name of individual(s) responsible

Name: Lynn Mueller

Email: lynn.mueller@state.mn.us

Title: Director of Internal Affairs/Affirmative Action

Phone: 651-201-7173

E. Senior Leadership, Directors, Managers, and Supervisors

Responsibilities

Senior leadership, directors, managers, and supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and for compliance with the department's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

Duties

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

- Assist the Affirmative Action Officer in identifying problem areas and eliminating barriers that inhibit equal employment opportunity within their units and the department.
- Communicate the department's affirmative action-related policies to assigned staff.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis.
- Hold regular discussions with employees to ensure the department's equal employment opportunity policies are being followed.
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives.
- Select candidates for new positions or promotional opportunities on the basis of training, experience, the department's affirmative action goals, and in accordance with the department's Pre-Hire Review Procedure.
- Submit to the Director of Internal Affairs/Affirmative Action written documentation of the reason(s) for non-selection of a protected group candidate for a position where a disparity exists.
- Refer complaints of discrimination and harassment to the appropriate parties.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.
- Comply with statewide and departmental anti-discrimination and anti-harassment policies.

Accountability

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

F. All Employees

Responsibilities

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

Duties

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

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

Accountability

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

Communication of the Affirmative Action Plan

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

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

Internal Methods of Communication

- **Internal memorandum.** Department leadership or the Affirmative Action Officer will send an internal memo to department employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employee's responsibility to support and implement equal opportunity and affirmative action.
- **Intranet.** The department's Affirmative Action Plan is available to all employees on the department's [internal website](https://mn365.sharepoint.com/teams/DPS-Insider/ia/Pages/diversity-inclusion.aspx) at <https://mn365.sharepoint.com/teams/DPS-Insider/ia/Pages/diversity-inclusion.aspx> and in print to anyone who requests it. As requested, the department will make the Plan available in alternative formats.
- **Printed copy.** A physical copy of the department's Affirmative Action Plan is available to employees at the following address:

Minnesota Department of Public Safety
Human Resources
445 Minnesota Street, Suite 135
St. Paul, MN 55101
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** The department's Affirmative Action Plan is available on the department's [public website](https://dps.mn.gov/divisions/hr/Pages/affirmative-action.aspx) at <https://dps.mn.gov/divisions/hr/Pages/affirmative-action.aspx>. Printed copies are available to anyone who requests it. As requested, the department will make the Plan available in alternative formats.
- **Equal opportunity employer language.** The department's website homepage, letterhead, publications, and all job postings include the statement "The Department of Public Safety is an equal opportunity employer." The department will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

- A physical copy of the Department's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

Minnesota Department of Public Safety
Human Resources
445 Minnesota Street, Suite 135
St. Paul, MN 55101

Job Category Analysis

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

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

Determining Availability

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

The department 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 department'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

Minnesota Administrative Rules 3905.0400 Subp 1 Item G, Minnesota Administrative Rules 3905.0600 Subp 3, Minnesota Administrative Rules 3905.0600 Subp 4, and Minnesota Administrative Rules 3905.0600 Subp 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 Minnesota Management and Budget’s guidance on data privacy.

Through the utilization and availability analysis, the department has determined which job categories are underutilized for females, racial/ethnic minorities, and individuals with disabilities in the department and has set hiring goals for the next two years. Hiring goals are objective and used for making good faith efforts for all aspects of the affirmative action plan. Effective hiring goals are strategic, actionable, and measurable efforts the department 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 department makes good faith efforts to remove barriers to equal employment opportunity.

The department 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.

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

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

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

Table 2. Hiring Goals by Job Category and Protected Group

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 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	-	-	-	-	-	-
Professionals	-	-	-	-	-	-
Technicians	-	-	-	-	-	-
Protective Services: Sworn	Monitor	-	Yes	12.68%	Yes	3.08%
Protective Services: Non-sworn	Yes	40.72%	Yes	25.11%	-	-
Paraprofessionals	Monitor	-	Monitor	-	Monitor	-
Administrative Support	-	-	-	-	-	-
Service Maintenance	Monitor	-	-	-	-	-

Identification of Areas for Further Monitoring

Minnesota Administrative Rules 3905.0400 Subp. 1 Item H, Minnesota Administrative Rules 3905.0600 Subp 6, and MS 43A.19 Subd. 1(a)(3) for separations

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

Progress Reports

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

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

Where the indication of the “Goal Met?” column is:

- “Yes”: the department met the goal established in the prior Affirmative Action Plan.
- “No”: the department 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

The prior Affirmative Action Plan showed underutilization in Protective Services: Sworn and Protective Services: Non-Sworn. The current Affirmative Action Plan shows DPS met its goals in both categories. Hiring females remains a key priority for these areas.

Racial/Ethnic Minorities

The prior Affirmative Action Plan showed underutilization in Protective Services: Sworn and Protective Services: Non-Sworn. The current Affirmative Action Plan shows DPS met its goals in both categories. Hiring racial and ethnic minorities remains a key priority.

Individuals with Disabilities

The prior Affirmative Action Plan showed underutilization in the Professionals category. The current Affirmative Action Plan shows DPS met its goals in this category. There was also an underutilization in the Protective Services: Sworn. DPS did not meet its goals in this category, likely due to the stigma attached with reporting disability in law enforcement positions. DPS will continue to identify and implement strategies to increase representation (and reduce stigma) in this job category through the addition of additional staff supporting the work of the ADA Coordinator, including training for supervisors and providing reasonable accommodations.

Separations

[Appendix B. Separation Analysis](#) shows the results by separation type and the protected group during the prior affirmative action plan period to evaluate and identify potential action area(s) 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. There are two examinations in this worksheet:

1. The total percentage indicates the percentage by separation type. For example, there were 1,000 separations in total. Of those separations, 150 employees separated due to dismissal or non-certification. The dismissal or non-certification percentage is 15.00% (150 divided by 1,000).
2. The “percentage type¹” indicates percentage by protected group type within a separation type. For example, there were 150 separations by dismissal or non-certification in total. Of those separations, 80 were female employees. The female dismissal or non-certification separation is 53.33% (80 divided by 150). Therefore, the “percentage type¹” analyzes the percent of protected group compromised in each separation type.

3. The “percentage type²” indicates percentages by separation type within the protected group. For example, there were 500 female separations in total. Of those separations, 80 female employees separated due to the dismissal or non-certification reason. The female dismissal or non-certification separation is 16.00% (80 divided by 500). Therefore, the “percentage type²” analyzes the percent of separation type within the protected group.

Corrective Actions, Action-Oriented Programs, and Timetable

Minnesota Administrative Rules 3905.0400 Subp 1 Item H.

The agency’s affirmative action plan is designed to implement the provisions of this affirmative action plan and meet requirements found in [Minnesota Statutes, section 43A.191 Subdivision 2](#). These Action-Oriented Programs are carried out throughout this affirmative action plan period.

Corrective Actions

This section identifies ways the department 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 department developed the below action-oriented programs specific to the job category/protected group(s) identified in the [“Identification of Areas for Further Monitoring”](#) section supported by the [“Utilization/Availability Analysis, Establishment of Statement of Goals, and Timetable”](#) and [“Personnel Activities”](#) sections.

Table 3. Areas of Further Monitoring and Corrective Actions

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p>Protective Services: Sworn</p> <ul style="list-style-type: none"> • Racial/Ethnic Minorities and Individuals with Disabilities are underutilized. The department needs to monitor Females. • Lower promotional rates into this job category for females and individuals with disabilities, which contributes to the underutilization for these protected groups. • The jobs in this category have physical requirements. 	<ul style="list-style-type: none"> • Reviewing goals and corrective actions with hiring managers and supervisors. • Leverage recruiting events held by higher education institutions offering POST programs (education necessary for licensure as a peace officer). • Include an ADA presentation in new employee orientation to ensure all employees understand the reasonable accommodation process and DPS’ commitment to accommodating individuals with disabilities. • Increase advertising/recruiting for the State Patrol Explorer Post (a program for youth ages 14-20 to explore a career in law enforcement) at schools and community organizations serving diverse student populations and/or female populations. • Recruit women and racial/ethnic minorities through the State Patrol’s LETO program, if funded. This program is an affirmative hiring program that has effectively increased diversity within the State Patrol. The State Patrol’s traditional hiring process will also continue to make affirmative hires in further support of its diversity efforts.

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p>Protective Services Non-Sworn</p> <ul style="list-style-type: none"> • The department is underutilized in Racial/Ethnic Minorities and Females. • Data shows resignations create underutilization. 	<ul style="list-style-type: none"> • Leverage the Connect 700 program. • Create a pipeline of diverse applicants for the Exam & Inspection Specialist position in Driver and Vehicle Services (“DVS”) through promotional opportunities for employees currently working in DVS in the Administrative Services category which traditionally is more diverse in all categories. • Work with DVS to leverage new technology that will make performing the Exam & Inspection Specialist position safer and eliminate the need to work outside by eliminating the need for employees to enter citizens’ vehicles to perform road tests on Class D licenses. • Review department exit survey data for Racial/Ethnic Minorities and Females in this category. Develop a plan to address any common themes.
<p>Paraprofessionals</p> <ul style="list-style-type: none"> • There is no underutilization in this category. The department needs to monitor all categories. 	<ul style="list-style-type: none"> • There is only <10 employee(s) in this job category. The department will follow the process set forth in the Recruitment section below, if this position becomes open, to ensure equal employment opportunity.
<p>Service Maintenance</p> <ul style="list-style-type: none"> • There is no underutilization in this category. The department needs to monitor the Female category. 	<ul style="list-style-type: none"> • Review department exit survey data for Females in this category. Develop a plan to address any common themes.

Action-Oriented Programs

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

Barriers

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

- Employees' willingness to self-identify, specifically within racial/ethnic minorities and individuals with disabilities. If employees are not willing to identify their racial/ethnic/gender/disability status, this will affect the representation of employees in these protected groups and consequently affect the department's ability to address underutilization.
- The geographic location of open positions. Many open positions in the Protective Services: Sworn and Non-Sworn categories exist in greater Minnesota where there is a smaller workforce to draw applicants from. This affects the department's ability to attract applicants from protected classes.
- Difficult to fill positions. All positions in the Protective Services: Sworn category require specialized education and skills to obtain licensure; however, enrollment in these higher education programs is declining. This affects the number of potential applicants, including the potential number of diverse applicants, who are available for hire.
- Pay Disparities. The comparatively low rate of pay for some positions relative to other private and public employers affect the department's ability to attract diverse candidates at a time when many employers are offering pay incentives or higher wages to diversify their workforce.

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

- The department will continue to place advertisements of job opportunities through [State of Minnesota job search](https://mn.gov/mmb/careers/search-for-jobs/) ([https://mn.gov/mmb/careers/search-for-jobs/.](https://mn.gov/mmb/careers/search-for-jobs/))
- Continue to consider applicants who are female, racial/ethnic minorities, and individuals with a disability for all positions for which they qualify.
- DPS will participate in job fairs (in person or virtual) to recruit females, racial/ethnic minorities, and individuals with disabilities depending on the availability of these resources during the COVID-19 pandemic and any budgetary constraints related to hiring. Based on past success, this may include:
 - State Career Fair
 - Dr. Martin Luther King Jr. Diversity Career Fair
 - People of Color Career Fair
 - St. Cloud State University Career Fair and Diversity Conference

In addition to the above job fairs, the department may attend job fairs specifically for public safety/law enforcement to address underutilizations in the Protective Services, such as:

- Minneapolis Public Safety Career Fair
- Minnesota State Fair-State Patrol Day
- College Job Fairs (Fond Du Lac Technical and Community College; Hibbing Community College; University of Minnesota Career Fair; North Hennepin Community College; Bemidji State University)
- Attend and/or sponsor community events to connect with community and attract potential applicants, including the Minnesota State Fair, Cinco De Mayo Parade and Fair, Rondo Days

Parade and Fair, Martin Luther King, Jr. Celebration, and the Hmong International Freedom Festival.

- Continue to designate all qualified positions as Connect 700 eligible to attract qualified individuals with disabilities at all levels of the organization.
- Provide ongoing guidance to all staff on the following: ADA, Affirmative Action, and the connect 700 programs
- Continue to use the EEO tag line on all job postings and advertisements.
- Continue to publish recruitment media depicting individuals that represent protected groups.
- Review/evaluate job postings to include bilingual language abilities as a preferred qualification.
- Monitor department data on separations and hires and share reports with division leadership
- Review/evaluate interview questions and all pre-hire testing to ensure job-relatedness and to eliminate any potential cultural bias.
- Continue to utilize internship opportunities through divisional internships, e.g., State Patrol internships, along with Statewide internship opportunities like Right Track, Step Up, Urban Scholar, and Star of the North Fellows.
- Identify ways to reach underrepresented communities about our open positions by partnering with the department's Community Affairs Director to identify ways to reach.

Persons Responsible:

- Human Resources Director in coordination with the Affirmative Action Officer.

Retention

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

- Participate in the national [30x30 Initiative \(https://30x30initiative.org/\)](https://30x30initiative.org/), which serves to advance the representation and experiences of women in policing agencies by identifying and addressing obstacles in recruitment and the workplace.
- Assess the current onboarding process, identify inclusive practices to be added, and create a standard onboarding process for all employees that is separate from the department's new employee orientation/training.
- Hire a DEI Director by September 2023 to lead diversity, equity, and inclusion efforts with the department, with a special emphasis on retention of diverse employees.
- The department will continue to support its Employee Engagement Team, which in turn supports and fosters employee engagement. The Employee Engagement Team has several components, including a sub-committee focused on new employee orientation and onboarding, a sub-committee focused on diversity and inclusion within the workspace, and finally, a sub-committee focused on employee recognition. The employee-led initiatives from these sub-committees, as well as the work of the at-large team, will support the retention of females, racial/ethnic minorities, and individuals with disabilities.

- The department will conduct exit interviews, analyze the data, and address identified concerns across all job classes to maintain and/or improve retention rates. When concerns are brought forward regarding protected class status, the Affirmative Action Officer will determine an appropriate response to ensure an inclusive workplace.

Persons Responsible:

- Human Resources Director in coordination with the Affirmative Action Officer.

Training

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

- Develop and implement a policy by January 2024 requiring every employee to obtain 12 hours of professional development training each year, with at least 4 hours in cultural competency.
- Conduct training for all new supervisors on their roles with respect to the Affirmative Action Plan, including the Monitoring the Hiring Process and making reasonable accommodations.
- Conduct training for current supervisors on recruiting efforts, including how to utilize state recruiting resources and how to coordinate hiring processes with the department's internal recruiter.
- By January 2024, resume in-person training for new employees, where feasible.
- Ensure all employees complete annual trainings on policies related to sexual harassment, harassment, discrimination, and respectful workplace.
- Announce the department's training opportunities to all employees through the Intranet and through direct communication with supervisors of possible opportunities.

Persons Responsible:

- Human Resources Director in coordination with the Affirmative Action Officer.

Methods of Auditing, Evaluating, and Reporting Program Success

Minnesota Administrative Rules 3905.0400, subpart 1, item I

Pre-Employment Review Procedure/Monitoring the Hiring Process

State rules governing the statewide affirmative action program specify that a procedure must be developed in each department, which “requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals.” This procedure must be followed when there is an underutilization in the job class and a preferred candidate is not a protected group member (e.g. female, minority, or person with a disability) that would address the underutilization and there are protected group applicants who met the minimum qualifications.

Before an offer of employment is made, the hiring supervisor must submit written justification and receive approval from the Affirmative Action Officer to proceed with the hiring process.

PROCESS

1. The Office of Human Resources will:
 - a. Notify the hiring supervisor that there is an underutilization and that affirmative action goals have not been met for one or more protected group(s) and that member(s) of those group(s) are on the eligible list.
 - b. Advise the hiring supervisor that they must obtain approval from the Affirmative Action Officer if they do not select a protected group applicant and there are protected group candidates in the applicant pool.
2. Hiring Supervisor will:
 - a. Determine who to interview based on objective criteria including the minimum and preferred qualifications posted for the position.
 - b. Not interview any applicants who do not meet the minimum qualifications posted for the position.
 - c. Provide a written rationale based on knowledge, skills, and abilities required for the position as provided in the job posting if the hiring supervisor decides not to offer the position to a protected group applicant.
 - d. Communicate the interview process and selection decision and rationale to their supervisor.
 - e. Complete the hiring justification form and send it to the Affirmative Action Officer.

INFORMATION REQUIRED

1. Human Resources will provide the hiring supervisor and the Affirmative Action Officer with the applicant list and specific instructions on the hiring obligations including applicable affirmative action responsibilities.
2. Human Resources will provide the hiring justification form to the hiring supervisor. It must be completed by the hiring supervisor and provided to the Affirmative Action Officer before an offer of employment can be made. This information should also include all individual interview scores and any additional ratings for those interviewed including any minimum passing score.
3. When necessary, the Affirmative Action Officer may require the following additional information:

- a. Resumes for the protected group applicants and the proposed candidate to be hired.
- b. Copy of the interview questions, additional exercises and answers for the protected group applicants and the proposed candidate to be hired.

DECISION

1. The Affirmative Action Officer will:
 - a. Review the rationale submitted by the hiring supervisor and approve or disapprove the request to move forward in the hiring process with the selected candidate.
 - b. Analyze the documentation to determine if the proposed hire will be considered a justified hire.
 - i. If necessary, meet with the hiring supervisor and/or their supervisor regarding the hiring decision.
 - c. Inform the hiring supervisor and Human Resources of the final decisions to proceed with the hiring process.
 - d. Discuss with the hiring supervisor the implications of bypassing applicants who fill an underutilization.
 - e. Provide the Commissioner and all division directors the data on monitoring the hiring process on a quarterly basis.

Pre-Review Procedure for Layoff Decisions

The Human Resources Director in conjunction with the Affirmative Action Officer are responsible for reviewing all pending layoffs to determine their effect on the department's affirmative action goals and timetables.

If it is determined that there is an adverse impact on any protected groups, the department 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 department will determine if other alternatives are available to minimize the impact on protected groups.

Other Methods of Program Evaluation

The department submits the following compliance reports to MMB as part of the efforts to evaluate the department's affirmative action program:

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

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

- Monitoring applicant pools in underutilized categories to ensure the hiring process is equitable and does not have a disparate impact on protected classes

- Monitors progress toward stated goals by job category through monthly data reports which are shared with leadership
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact through monthly data reports which are shared with leadership
- Analyzes compensation program to determine if there are patterns of discrimination
- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested
- Discusses progress with department leadership on a periodic basis and makes recommendations for improvement

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 Statewide HR/LR Policy #1329: Sexual Harassment Prohibited (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.

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

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

Signed: _____ Date: _____

Employee Name: _____

C. Department of Public Safety Policy Prohibiting Discrimination and Complaint Procedures

The department maintains the Discrimination/Discriminatory and Sexual Harassment Policy (DPS #1502) (attached), which is designed to address discrimination and harassment in the workplace and in the provision of services to the public. The department has established a complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of policy. This procedure is included within DPS #1502. Retaliation or reprisal against anyone filing a complaint or serving as a witness is prohibited under policy and all complainants, witnesses and subjects are advised of this.

Moreover, the department seeks to create a positive environment by maintaining policies that prohibit inappropriate, offensive, or bullying behavior. These policies are supported by the department's complaint resolution policy, which provides a prompt and thorough process for investigating and resolving complaints. These policies are also included:

- General Harassment/Inappropriate Workplace Conduct (DPS #1501)
- Investigation and Resolution of Employee Misconduct (DPS #1002)
- Employee Conduct (DPS #4063)

D. Department of Public Safety Discrimination, Discriminatory and Sexual Harassment Policy No. 1502



Minnesota Department of Public Safety

Discrimination/Discriminatory and Sexual Harassment Policy No. 1502

Applicability: All department employees and third parties.

POLICY

The Minnesota Department of Public Safety (the “department” or “DPS”) is committed to providing a workplace and public services which are free from discrimination and discriminatory harassment.

It is the policy of the department that all employees and third parties enjoy an environment free from discrimination and discriminatory harassment, including sexual harassment. The department will not tolerate such conduct by employees or third parties within the workplace or at any location that has a reasonable connection to the workplace. As part of DPS’ commitment to preventing and eliminating sexual harassment in the workplace, DPS also adopts, in its entirety, the State of Minnesota’s Sexual Harassment Prohibited policy (MMB HR/LR Policy #1329), which prohibits any conduct or communication of a sexual nature that is unwelcomed.

This policy establishes a process for handling complaints of discrimination and discriminatory harassment. Employees and third parties are encouraged to report all incidents using this process. Supervisors and managers have a special obligation under this policy and shall immediately report any conduct that may violate this policy.

The department will not tolerate reprisal or retaliation against any person who makes a complaint or participates in an investigation into allegations of discrimination or discriminatory/sexual harassment. Such retaliatory action constitutes a separate violation of this policy and may result in corrective action, up to and including, termination of employment. Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee or third party is also prohibited.

DEFINITIONS

Employee:

Employee means all department employees, including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers.

Third Parties:

Third parties include, but are not limited to, applicants for employment, vendors, contractors, subcontractors, grantees, volunteers, members of the public, and individuals performing business or service-related work under the department's authority.

Discrimination:

Discrimination occurs when an individual or a group is treated unfairly or differently from others because of their membership or perceived membership in a protected class.

Discriminatory harassment:

Discriminatory harassment is any inappropriate behavior based on a protected class characteristic. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, derogatory comments, slurs, or jokes; or displaying objects, cartoons, or pictures of a derogatory or discriminatory nature.

Sexual harassment:

Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written or physical conduct or communication of a sexual nature. See also State of Minnesota's Sexual Harassment Prohibited policy (HR/LR Policy #1329).

Protected class:

Protected class status defined under Minnesota law include an individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, familial status, age, disability, or membership or activity in a local commission. Note: Sexual orientation protects gender identity and expression.

Retaliation or Reprisal:

Retaliation or reprisal may include, but is not limited to, any form of retribution, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy or an individual who participates in an investigation into such allegations.

ROLES AND RESPONSIBILITIES

Employees and Third Parties:

All employees and third parties are responsible for their own personal conduct in a manner consistent with the spirit and intent of this policy. Individuals must refrain from engaging in any conduct in the work place or the provision of public services which constitutes discrimination or discriminatory/sexual harassment against others. Individuals covered under this policy are responsible for seeking assistance about their obligations under this, or any other applicable, policy. Employees will provide appropriate information and assistance to any person who wants to file a complaint of discrimination or harassment. Such assistance may include referring the individual to a supervisor, the complaint form on the department website, or providing contact information for Internal Affairs/Affirmative Action.

Managers and Supervisors:

Managers and supervisors have a special responsibility to report allegations of discrimination or harassment. Supervisors shall immediately report any allegations of discrimination or harassment to the department's Director of Internal Affairs/Affirmative Action. In addition, department administrators, managers, and supervisors are responsible for implementing and enforcing this policy, taking appropriate action when necessary and for enforcing all discrimination and sexual harassment provisions in collective bargaining agreements.

Director of Internal Affairs/Affirmative Action:

Any claims of discrimination or discriminatory/sexual harassment or inappropriate behavior under this policy will be investigated by an investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation, reasonable efforts will be made to maintain confidentiality as much as is practical, on a need-to-know basis.

- The Director will monitor the progress of each investigation and make recommendations to the appropriate Division Director regarding the conclusion of each complaint.
- The Director of Internal Affairs/Affirmative Action will work with the Human Resources Director to provide necessary training to department employees regarding this policy.
- The director will report annually to the Commissioner and all Division Directors the number of complaints filed under this policy.

HOW TO FILE A COMPLAINT:

The following internal complaint procedure is intended to help the department resolve concerns or complaints of sexual harassment and other types of discrimination and discriminatory harassment. Individuals are encouraged to use this procedure, but may also pursue information and remedies available through the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights or the courts. Individuals are advised to check with these agencies to determine the existence of time limitations for filing complaints.

1. Individuals who believe they have been harassed or otherwise discriminated against by an individual covered by this policy:
 - in the work place,
 - when receiving public services provided by the department, or
 - who have witnessed such behavior,are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly.
2. If managers or supervisors learn through an exit interview or by other means that an individual has left the department because of alleged harassment or discrimination, the Division Director or Director of Human Resources will notify the Director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the Division Director or Director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the Director of Internal Affairs/Affirmative Action.

3. Individuals are encouraged to file their concerns and complaints in writing using any format including the [Formal Complaint](#) of Alleged Employee Misconduct form. However, oral complaints will be accepted and processed. Complaints may be filed with the employee's supervisor, the Director of Internal Affairs/Affirmative Action or the Director of Human Resources, or anyone in a supervisory or management position in the department. The complaint does not need to be made through the employee's chain of command and can be made directly to the Directors of Human Resources or Internal Affairs/Affirmative Action.
4. The person who receives a concern or complaint involving allegations of discrimination or discriminatory/sexual harassment will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the Formal Complaint of Alleged Employee Misconduct form may be used.
5. The Director of Internal Affairs/Affirmative Action will direct and review any investigation brought under this policy. Whenever possible, the investigation will be completed within 60 days. If the investigation cannot be completed within 60 days, the Director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.
6. The Director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The Director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.
7. Any corrective action decision or recommendation will be made by the Division Director in consultation with the Director of Human Resources.
8. The Director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.
9. The Director of Internal Affairs/Affirmative Action shall provide the Commissioner of the Minnesota Management and Budget Office with a summary of the investigation as required under Minnesota Administrative Rule 3905.0500 and Minnesota Statute § 43A.04.

CONSEQUENCES FOR POLICY VIOLATIONS

Violators of this policy, or any other applicable policy, will be subject to corrective action, up to and including termination of employment. All corrective action will be considered on a case by case basis. Violations of this policy by third parties will be subject to appropriate action.

ADDITIONAL RESOURCES

- The Civil Rights Act of 1964; 42 U.S.C. 2000, as amended
- The Americans with Disabilities Act of 1990; 42 U.S.C. 12131, as amended
- The Age Discrimination in Employment Act of 1975; 42 U.S.C. 6101
- Minnesota Human Rights Act, Minn. Stat. Ch. 363A

- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Department of Public Safety Policy 1002 - Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1501 - General Harassment/Inappropriate Workplace Conduct
- [Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form](#)
- State of Minnesota's Sexual Harassment Prohibited policy (HR/LR Policy #1329).
- Applicable collective bargaining agreements and plans

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: July 15, 2014

Origination and Revision Dates: 4/1/05, 2/3/11, 1/16/2018

E. Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form

STATE OF MINNESOTA Department of Public Safety

FORMAL COMPLAINT OF ALLEGED EMPLOYEE MISCONDUCT

The information you provide may become part of an administrative investigation conducted at the direction of the Minnesota Department of Public Safety Internal Affairs/Affirmative Action and may be classified as private or confidential data under Minnesota State Statute Chapter 13. The information you supply may also be used in a grievance hearing, arbitration or other appeal procedure and it may become necessary for you to testify at these hearings. Your contact information is requested so that you can be contacted to provide additional information. You are not legally required to supply the data, however if you do not provide it, it may impact the ability to fully investigate your concerns. The information will be made available only to those with a legitimate business need to know the information and to those authorized by state and federal law.

Name of complainant:

Address: City: State: Zip:

Telephone numbers: Home: Work: Cell:

E-mail address:

Provide as much information as possible:

Name of employee(s) involved:

(If no name is available, any other identifying information, i.e. badge number, description of employee)

Date and time of incident:

Location:

Description of Incident (include additional pages as necessary):

Names of possible witnesses and contact information, including email and cell phone if possible:

The information I have provided is true and accurate to the best of my knowledge.

Signature of complainant

Date

Return the completed form to:
Minnesota Department of Public Safety
Internal Affairs/Affirmative Action
445 Minnesota Street, Suite #530

St. Paul, Minnesota 55101-5530

F. General Harassment/Inappropriate Workplace Conduct Policy No. 1501

Applicability:	Department-wide
Maintained by:	Internal Affairs/Affirmative Action
Originated:	02/01/93
Effective:	02/03/11

Definitions

Inappropriate behavior-

Inappropriate behavior includes any hostile, abusive, degrading, intimidating, offensive, exploitative, or physical conduct. Inappropriate workplace behavior may include, but is not limited to, rudeness, exclusionary behavior, inappropriate joking, name calling, belittling, disrespectful, or profane language, or comments or actions that are perceived as threatening.

Bullying-

Bullying is frequent, persistent, and unreasonable behavior that demeans, intimidates, and humiliates employees, either as individuals or groups. Bullying may include, but is not limited to, hostile glares and other non-verbal behaviors, use of put-downs, exclusion and “the silent treatment,” and false accusations of mistakes and errors.

Note: Inappropriate behavior and/or bullying does not include actions taken by a supervisor that are within the scope of the supervisor’s responsibilities and would be considered reasonable and appropriate actions.

Employee-

Employee means all Department of Public Safety employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers.

Other covered individuals-

All individuals, such as volunteers and contractors, working in the Department of Public Safety workplace.

Reprisal-

Reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy.

Purpose

The purpose of this policy is to ensure that the Minnesota Department of Public Safety is a positive working environment free from inappropriate, offensive, or bullying behavior by providing a process through which complaints will be promptly, thoroughly, and respectfully handled and investigated.

Policy Statements

It is the policy of the Minnesota Department of Public Safety that all its employees are able to work in a professional, respectful, and productive environment. The Department will not tolerate inappropriate or offensive behavior or bullying among its employees and will take appropriate corrective action against employees who violate this policy.

- Though not prohibited by law, some behaviors are simply unacceptable for the workplace and will be treated as such.
- This policy prohibits inappropriate workplace behavior by any employee, volunteer, or contractor of the Minnesota Department of Public Safety. This policy also prohibits inappropriate behavior by Department of Public Safety employees, volunteers, or contractors toward a member of the public.
- All employees are expected to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from inappropriate or offensive behavior and bullying.
- Employees are encouraged to report possible violations of this policy as soon as possible.
- Employees who engage in inappropriate behavior in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

Responsibilities

ALL EMPLOYEES, VOLUNTEERS, AND CONTRACTORS

- Are responsible for seeking assistance about how this, or any other policy, applies to them
- Are responsible for personal conduct in a manner consistent with the spirit and intent of this policy

MANAGERS AND SUPERVISORS

- Must seek clarification if there are questions about this policy
- Department administrators, managers, and supervisors are responsible for implementing and enforcing this policy and for enforcing all articles relating to inappropriate workplace behavior in collective bargaining agreements

- Managers and supervisors have a special responsibility to report allegations of inappropriate behavior; supervisors shall immediately report any allegation of prohibited conduct to the Department of Public Safety Director of Internal Affairs/Affirmative Action

DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION

- Any claims of inappropriate behavior under this policy will be investigated by investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis
- The Director of Internal Affairs/Affirmative Action will monitor the progress of each investigation
- The Director of Internal Affairs/Affirmative Action shall report annually to the Commissioner and all Division Directors the number of complaints filed under this policy

PROCEDURES TO FILE AN INTERNAL COMPLAINT

The following internal complaint procedure is intended to help the department and its employees resolve concerns or complaints about inappropriate workplace behavior:

1. Employees, volunteers, or contractors who believe they have been treated inappropriately in the workplace, or who have witnessed such behavior among other employees or covered individuals, are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly. If managers or supervisors learn through an exit interview or other means that an employee, volunteer, or contractor has left the department because of inappropriate treatment, the Division Director or Director of Human Resources will notify the Director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the Division Director or Director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the Director of Internal Affairs/Affirmative Action.
2. Individuals are encouraged to file their concerns and complaints in writing using the Formal Complaint of Employee Misconduct Form. However, oral complaints will be accepted and processed as well. Complaints may be filed with the employee's supervisor, the Director of Internal Affairs/Affirmative Action or the Director of Human Resources, or anyone in a supervisory or management position in the Department of Public Safety. If the complaint involves the employee's immediate supervisor, the complaint may be filed with any other supervisor or manager in the Department of Public Safety or the Directors of Internal Affairs/Affirmative Action or Human Resources.
3. The person who receives the concern or complaint will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the Complaint Intake Form may be used.
4. The Director of Internal Affairs/Affirmative Action will direct and review the investigation. The investigation shall be conducted within 60 days. If the investigation cannot be completed within 60

days, the Director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.

5. The Director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The Director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.
6. Any corrective action decision or recommendation will be made by the division director in consultation with the Director of Human Resources and/ or the Labor Relations Manager.
7. The Director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.

Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

Other applicable policies, authority, or resources

- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1502, Discrimination/Discriminatory Harassment
- Department of Public Safety Complaint Intake Form
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Applicable collective bargaining agreements and plans

Date this policy was last revised: 4/1/05

Approved for implementation and distribution: Mary Ellison, 2/3/11

G. Investigation and Resolution of Employee Misconduct Policy No. 1002

Applicability:	Department-wide
Maintained by:	Internal Affairs/Affirmative Action
Originated:	12/30/1998
Effective:	6/12/12

Definitions

Administrative Inquiry-

An administrative inquiry is conducted by Internal Affairs/Affirmative Action when an issue is raised by an employee or citizen involving the application of existing policies, procedures and/or work rules. It may also be used for allegations of serious misconduct where the facts are vague and an inquiry is needed to determine whether the alleged actions occurred before the initiation of an investigation using the formal process.

Case Manager-

The case manager is an Internal Affairs investigator assigned to monitor and to assist division supervisors in conducting an employee misconduct investigation.

Complainant-

The complainant is a person who files a complaint alleging misconduct by a department employee or other covered individuals

Discontinued-

An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

Employee-

Employee means all Department of Public Safety employees including full-time, part-time, temporary, intermittent, seasonal, or emergency workers, interns and student workers.

Exonerated-

An employee or other covered individual will be exonerated of the allegations of employee misconduct when the investigation supports a finding that the alleged actions did not occur, the employee or other covered individual named in the complaint was not involved in the acts giving rise to the alleged

misconduct allegation, or the alleged acts occurred and were in accordance with policy and otherwise appropriate.

Formal Process-

The formal process is used when an employee or citizen requests that the complaint be provided to Internal Affairs/Affirmative Action for investigation, or the person submits a Formal Complaint of Alleged Employee or other covered individual Misconduct directly to Internal Affairs/Affirmative Action. All complaints made under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment must use the formal process.

Informal Process-

The informal process is used when an employee or citizen brings allegations of employee misconduct to the direction of a supervisor or to another, including Internal Affairs/Affirmative Action, and requests the supervisor to handle the matter as a performance matter which does not involve a signed complaint. This process cannot be used for allegations which fall under the purview of Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment.

Insubordination-

The intentional refusal of an employee or other covered individual to follow the reasonable and appropriate direction or lawful order of a supervisor acting within the scope of their position.

Internal Affairs/Affirmative Action-

IA/AA, sometimes referred to as IAD, is the department's internal investigative unit, under the direction of the Director of Internal Affairs/Affirmative Action, who is the department's Affirmative Action Officer and Americans with Disabilities Act Coordinator and reports to the Commissioner.

Licensed Peace Officer-

Any employee of the department who has the powers of arrest pursuant to Minn. Stat. § 626.843, subd. 1 (c).

Misconduct-

Misconduct includes actions which violate departmental or divisional policies and are considered performance matters, or actions and behaviors which reflect negatively upon the department, the employee's or other covered individual's ability to perform necessary job duties.

Not Sustained-

The recommended conclusion of an investigation will be "not sustained" when the investigation cannot determine whether the alleged actions occurred or not.

Other Covered Individuals-

All individuals, such as volunteers, contractors or grantees working in or on behalf of the Department of Public Safety, are covered individuals under this policy.

Performance Matter-

Work performance that fails to meet the standards established by the responsible division or department. Examples include, but are not limited to: excessive errors, substandard production rates, tardiness, absenteeism, and sick leave abuse.

Poor Public Relations-

Conduct by an employee or other covered individual toward a customer or citizen that was indifferent, rude, unprofessional, hostile, or otherwise likely to create a negative opinion of the department, its programs or its employees.

Serious Misconduct -

Serious misconduct includes but is not limited to the following:

- Any criminal offense other than petty misdemeanor traffic offenses;
- Actions covered under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment;
- Conduct which violates a person's civil rights or otherwise violates civil laws
- Conduct which violates applicable state, departmental or divisional policies and would not be considered a performance matter.

Subject-

The subject of an investigation is the person who is alleged to have engaged in the acts or behaviors being complained about.

Sustained-

The recommended conclusion of an investigation will be "sustained" when the investigation supports a finding that the employee or other covered individual engaged in the alleged actions.

Purpose

The purpose of this policy is to ensure the public's confidence in the work performed by Department of Public Safety employees, contractors, grantees or other covered individuals. The Department strives for continuous quality performance of such individuals by providing a process through which complaints will be promptly, objectively, thoroughly and respectfully handled and investigated. This policy is designed to facilitate effective administrative investigations without compromising the ability to prosecute criminal cases when appropriate.

Policy Statements

- It is the policy of the Minnesota Department of Public Safety that alleged reports of misconduct or performance matters will be handled and investigated in an appropriate matter.
- Members of the public and all employees and other covered individuals are encouraged to report acts of misconduct and will be assisted in making the complaint, when asked, in a friendly and non-intimidating manner.
- All employees and other covered individuals are expected to conduct themselves in a professional manner, with dignity and respect for others, and in accordance with all applicable state, department and division policies and procedures.
- Employees and other covered individuals who engage in behavior which violates applicable state, department or division policies can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal or retaliation against a person who has filed a complaint alleging misconduct or who has participated in any such investigation. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

Responsibilities

ALL EMPLOYEES, VOLUNTEERS, CONTRACTORS, GRANTEES AND OTHER COVERED INDIVIDUALS WILL:

- Seek assistance about how this or any other policy applies to them.
- Perform job responsibilities in a professional manner and in accordance with standards established by the department or responsible division.
- Avoid behavior that is or could be perceived as misconduct or serious misconduct.
- Comply with all applicable state, department and division policies and procedures.
- Report violations of misconduct by employees or other covered individuals in accordance with this policy.
- Assist persons asking for help to file a complaint.
- Cooperate with any internal investigation.
- Refrain from conducting any investigation into employee conduct or performance when it is not part of their regular duties and without supervisory permission.

DIRECTORS, MANAGERS AND SUPERVISORS WILL:

- Ensure that employees and other covered individuals are aware of the provisions of this policy and other applicable state, department or division policies.
- Seek clarification if there are questions about this policy.

- Enforce the provisions of this policy and take appropriate disciplinary action as necessary.
- Report allegations of employee, contractor or grantee misconduct as appropriate.
- Respond appropriately to all allegations of misconduct which are received by them.
- Investigate allegations related to performance matters, and all complaints referred to them by Internal Affairs/Affirmative Action thoroughly, objectively and timely.

DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION WILL:

- Determine the appropriate method of investigation for complaints of alleged misconduct by employees and other covered individuals.
- Refer all complaints which are determined to be performance matters to the appropriate division and Human Resources for investigation.
- Assist supervisors, managers and division directors with investigations when appropriate.
- Consult with Human Resources to ensure investigations are conducted in compliance with collective bargaining agreements and plans.
- Assign an investigator for all allegations involving serious misconduct.
- Report annually to the Commissioner and all Division Directors the number of complaints filed under this policy.

HUMAN RESOURCES WILL:

- Assist supervisors, managers and division directors with performance matter investigations.
- Assist supervisors and managers in developing division specific policies.
- Assist supervisors, managers and division directors regarding appropriate disciplinary action.
- Refer all complaints which are perceived to be misconduct to the Internal Affairs/Affirmative Action Division and appropriate division for investigation.

PROCEDURE

Any division policy related to employee misconduct investigations will comply with this policy.

Acceptance of Complaints

- A complaint may be reported to any department employee. Complaints must be accepted in any form; in writing, in person, by telephone, by email, by fax, and may be made anonymously. Anonymous complaint will be given due consideration based on the totality of the circumstances.
- The Formal Complaint of Alleged Employee Misconduct form (1002-02) may be used as a convenient means of documenting a complaint alleging employee misconduct. It will be provided to any individual wishing to make such a complaint, but it is not required to be used.
- A person receiving a complaint in any form other than writing may use the Complaint Intake form (1002-01) to assist them in documenting the complaint.

- Any employee will assist another in making a complaint, if they are asked to help. The employee will provide information about how to make a complaint even when the complaint is about them.
- Any employee receiving a complaint should forward the information to an appropriate individual who has a job responsibility to take appropriate action. For example, a supervisor or manager. However, the complaint should not be forwarded to the individual about whom the complaint is made.
- All complaints alleging conduct which is defined by this policy as serious misconduct or any complaint alleging discrimination/discriminatory harassment under DPS Policy No. 1502 will be immediately forwarded to the Director of Internal Affairs/Affirmative Action.

Investigation of Complaints

- All complaints received by Internal Affairs/Affirmative Action will be reviewed and when possible will be assigned to the employee's division director or supervisor for investigation in consultation with Human Resources.
- Internal Affairs/Affirmative Action will investigate all complaints alleging serious misconduct unless the Director of Internal Affairs/Affirmative Action determines that another investigator is appropriate. When applicable, the director will assign another DPS investigator or contract with an independent investigator to complete the investigation. An Internal Affairs/Affirmative Action investigator will be assigned to case manage the investigation.
- All complaints alleging performance matters will be referred to the division director or appropriate supervisor or manager to conduct the investigation in consultation with Human Resources. Internal Affairs/Affirmative Action will only conduct investigations alleging performance matters when requested to do so by the Commissioner, Human Resources, or Division Director. Internal Affairs/Affirmative Action investigators will provide assistance to supervisors conducting their investigations when requested.
- Investigations into complaints of employee misconduct that are initiated by a department supervisor which is likely to result in the loss of compensation to the employee, either through suspension or discharge, should be forwarded to the Director of Human Resources when the allegations relate to performance matters and to the Director of Internal Affairs/Affirmative Action when the allegations relate to serious misconduct. It is important that department supervisors report the action to someone. It is the responsibility of the Directors of Human Resources and Internal Affairs/Affirmative Action to communicate and ensure the proper handling of the investigation.
- All investigations will be conducted in accordance with applicable collective bargaining agreements and plans, state and federal law including the Peace Officer Discipline Procedure Act, Minn. Stat. § 626.89.
- An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

Notification of Results

- All investigations conducted or case managed by Internal Affairs/Affirmative Action will be reviewed by the Director of Internal Affairs/Affirmative Action who will make recommended findings, conclusions and other recommendations as appropriate to the appropriate Division Director.
 - Internal Affairs/Affirmative Action will notify the complainant when the investigation is complete.
 - The subject(s) of the investigation will be notified of the result of the investigation by the Division Director, or as otherwise designated by the Division Director.
 - When disciplinary action is taken, the subject(s) and the appropriate collective bargaining representative will be notified of the intent to take appropriate action by the Division Director, or as otherwise designated by the Division Director.
- All investigations conducted within the division will be handled in accordance with divisional policy or as recommended by Human Resources.
 - The appropriate supervisor, or as otherwise designated by the Division Director, will notify the complainant directly when the investigation is complete. If the investigation was referred to the division by Internal Affairs/Affirmative Action, the division also must notify Internal Affairs/Affirmative Action of the conclusion and result of the investigation.
 - The subject(s) of the investigation will be notified of the result of the investigation by the appropriate supervisor, or as otherwise designated by the Division Director.
 - When disciplinary action is taken, the subject(s) and appropriate collective bargaining representative will be notified of the intent to take appropriate action by the appropriate supervisor, or as otherwise designated by the Division Director.
- All information provided to subjects and complainants will be in accordance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, the Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89, applicable collective bargaining agreements and plans and other applicable state and federal law.

Criminal Investigations

- If criminal charges are made against a department employee or other covered individual, Internal Affairs/Affirmative Action is responsible for the administrative investigation. All complaints which stem from criminal charges, or allege criminal activity will be referred to Internal Affairs/Affirmative Action.
- When Internal Affairs/Affirmative Action receives information alleging criminal activity, it will bring matters to the attention of the Commissioner, Human Resources Director and the Division Director when appropriate.
- The Commissioner or appropriate Division Director will ensure that any criminal complaint is referred to the appropriate jurisdiction.

- Internal Affairs/Affirmative Action will cooperate and coordinate with the department conducting the criminal investigation to ensure that evidence is obtained and the criminal investigation is not compromised.
- Internal Affairs/Affirmative Action may conduct its administrative investigation concurrent with the criminal investigation or once the criminal investigation is complete. Internal Affairs/Affirmative Action will determine the appropriate course of the administrative investigation so that it does not compromise any criminal investigation or prosecution.
- Internal Affairs/Affirmative Action will determine when the subject(s) will be interviewed in the administrative investigation and if the subject(s) will be compelled to participate in the interview.
 - Internal Affairs/Affirmative Action will ensure the subject receives the appropriate notice consistent with state and federal law.
 - Internal Affairs/Affirmative Action will maintain information received through an administrative investigation in accordance with state and federal law and in a manner which will not interfere with any criminal investigation or criminal prosecution.
 - Unless court ordered, or otherwise required by federal or state law, Internal Affairs/Affirmative Action will not provide information from a compelled statement of the subject in a criminal investigation to any criminal investigator.
- If it is determined that the administrative investigation will not occur until after criminal charges are filed or the criminal case is resolved, Internal Affairs/Affirmative Action will notify the subject and the applicable collective bargaining representative of this decision unless such notification could jeopardize a criminal investigation. The complainant will be notified of this decision only after information regarding the criminal matter is public information by law.

DISCIPLINARY DISPOSITION

- If the investigation supports a finding that the allegations are sustained, the Division Director will take appropriate action, which may include disciplinary action.
- If the investigation results in a finding of not sustained, the Division Director may take appropriate action, which may include disciplinary action.
- The Division Director will consult with the Director of Human Resources and the Labor Relations Manager to determine what action is appropriate.
- The investigative file will be available to and reviewed by the Division Director and the Director of Human Resources before a final decision is made.
- The Division Director in consultation with Human Resources may determine other appropriate action which is not considered disciplinary.
- The Division Director will notify Internal Affairs/Affirmative Action of any final decision regarding investigations conducted or case managed by Internal Affairs/Affirmative action, including any appropriate action taken.

- The Commissioner reserves the right to review any final decision of a Division Director to ensure that all such decisions are fair and consistent for all employees and other covered individuals throughout all divisions of the Department.

Other applicable policies, authority, or resources

- All DPS policies including but not limited to:
 - DPS Policy 1501, General Harassment/Inappropriate Workplace Conduct
 - DPS Policy 1502, Discrimination/Discriminatory Harassment
 - DPS Policy 4063, Employee Conduct
 - DPS Policy 1003, Conduct Unbecoming a Peace Officer
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89
- Best Practices For Investigations, Minn. Stat. § 43A.325
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last revised: 8/10/04

Approved for implementation and distribution: Ramona Dohman, 6/12/12

H. Department of Public Safety Employee Conduct Policy No. 4063

Applicability: Department-wide

Maintained by: Human Resources

Originated: 8/1/93

Effective: 12/14/10

Definition

Conduct-

A person's behavior or actions.

Purpose

The purpose of this policy is to ensure employees present a positive public image, a professional appearance, and exhibit appropriate and professional behavior while ensuring that the health and safety of other employees and the public is maintained.

Policy Statements

- This policy applies to all Department of Public Safety employees, interns, student workers, and volunteers
- All examples listed in this policy are provided for purposes of illustration and do not comprise an exhaustive list
- Violation of this policy may result in disciplinary actions up to and including termination

Responsibilities

ALL EMPLOYEES WILL:

- Be responsible for complying with this policy
- Be responsible for seeking assistance about how this, or any other policy, applies to them or their job duties
- Act with a high level of workplace professionalism
- Be responsible for avoiding any conduct or behavior that is, or could be, perceived as inappropriate
- Maintain appropriate business relationships and will not engage in conduct or actions that interfere with the operations of the department

DIRECTORS, MANAGERS, AND SUPERVISORS WILL:

- Serve as an example
- Ensure that employees are kept aware of the provisions of this policy, and any additional applicable state, department, or division policies
- Seek clarification if there are questions about this policy
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary
- Ensure that employees, interns, student workers, and volunteers adhere to this policy
- Work with HR when developing division specific policies

HUMAN RESOURCES WILL:

- Work with supervisors and managers in response to incidents of misconduct under this policy
- Work with divisions to develop division specific policies

EMPLOYEE CONDUCT

1. PROFESSIONAL CONDUCT

Under Minnesota Statute §43A.38, Code Of Ethics For Employees In The Executive Branch, employees, interns, student workers, and volunteers have an obligation to avoid conflicts of interest and any act that gives the appearance of a conflict of interest, and must behave in an ethical and professional manner at all times.

The Department of Public Safety may reassign an employee or change their duties to avoid a conflict; and/or require the employee to stop an activity that conflicts with their work within the terms and conditions as outlined in the appropriate collective bargaining agreement or compensation plan.

Employees, interns, student workers, and volunteers must be aware that their conduct, actions, or behaviors are judged by the public.

Respectful Treatment of Others

It is the Minnesota Department of Public Safety's intention to provide a respectful work environment for all of its employees.

Employees will act professionally, courteously, respectfully, and cooperatively with all internal and external customers and co-workers at all times. While it may be difficult to deal with people who are impatient or discourteous, employees will be expected to do so in a professional manner.

Employees will be understanding, respond with a positive, pleasant tone, and a willingness to help. Employees will avoid hostile or sarcastic confrontations. Employees will:

- Act professionally in all forms of communication, regardless of the situation or the means of communication
- Not engage in any conduct that constitutes discrimination or harassment of any type

Use of State Property

In general, state telephones, fax machines, office equipment or machines, and computers are for official business only. There are exceptions which allow limited personal use; personal use that meets the following criteria is acceptable:

- Must not result in any additional costs such as loss of time or resources
- Must not interfere with productivity
- Must not interfere with any department or division business activity
- Must not cause the department or its information systems and resources unacceptable risk or liability
- Must not violate other provisions of this or any other department or state policy
- Must not use resources for activities related to an authorized user's non-department employment

State telephones and fax machines will not be used to make personal long distance calls.

The use of a state, department, or division owned or leased vehicle for personal use or gain is strictly prohibited.

Gifts

A gift can be described as money, goods, services, entertainment, favors, or any other item of value received from an external source in connection with, or because of, an employee's employment with the department or the state. The acceptance of a gift must be in compliance with Minnesota Statute §43A.38 Code of Ethics for Employees in the Executive Branch and the department's Gift Acceptance Policy, 3044.

Bribery Attempts

Employees must be alert to solicitations and are not allowed to directly or indirectly accept offers of money or items of value in exchange for performing or not performing your job duties. If you believe you were offered a bribe, immediately report the circumstances to your supervisor. Cooperate fully with any investigation that may follow.

Rewards

Employees are prohibited from accepting loyalty points or customer rewards. Employees may not accept frequent flyer miles for their personal use; additional details can be found in the department's Travel Policy, 3060.

Soliciting for Charitable Causes

Minnesota Management and Budget (MMB) has an established procedure for employees' charitable contributions via the state sponsored organization known as The Combined Charities Campaign; this is the only statewide organization authorized by MMB.

- Employees **may not** solicit contributions, fundraise, or conduct raffles for any charitable cause during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks to solicit for a charitable cause
- Employees **may** occasionally solicit for a charitable cause in a non-work area such as a division lunch or break area (i.e.: sign-up sheets, order forms, or brochures)

Soliciting for Private Business or Gain

- Employees **may not** conduct private business, sell, buy, or attempt to sell or buy any commercial products or services during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks for private business or gain
- An employee or group of employees **may not** bring in outside vendors or entities to solicit for private business or gain
- Employees **may not** solicit for private business or gain in a non-work area such as a division lunch or break area

Employee Groups

Employee-operated, non-profit committees or clubs which are sponsored and maintained solely by employees of the department may, at the discretion of their division director, use the department's resources and work areas to provide information about their group's activities.

1. PERSONAL APPEARANCE OF EMPLOYEES

Employees of the Department of Public Safety are to present a positive public image and a professional appearance while ensuring that the health and safety of other employees and the public is maintained.

An employee's behavior, appearance, clothing, and accessories should always be appropriate for their specific duties, work environment, and the nature of their interaction with customers.

If an employee questions the appropriateness of a fashion choice, they should not wear it to work. If an employee's attire is inappropriate or disruptive to co-workers, customers, job performance, or work environment they may be asked to go home to change, using their own vacation leave or leave without pay to cover the absence.

Personal Hygiene and Grooming

Not all employees have face to face contact with the public, however they do interact with co-workers, supervisors, and internal customers; therefore these general requirements apply to everyone:

- Be clean and well groomed; including hair, teeth, hands, fingernails, and be free of body odors
- Cover tattoos that contain obscenity, sexually suggestive language, or demean any person or group

- Wear clean clothing that is in good repair; free of rips and odors
- Outer wear must cover underwear
- Don't wear clothing that is provocative, see-through, reveals cleavage excessively, shows bare midriffs, or bare backsides
- Wear clothing and accessories that are appropriate to the specific work environment, duties, and contact with customers
- Wear clothing that fits properly so it does not cause a safety hazard
- Don't wear backless, strapless, halter, tube dresses or tops
- Don't wear clothing that interferes with job performance or expectations
- Don't wear clothing containing the logos of establishments where alcoholic beverages are the primary beverage, or clothing that promotes drugs or drug use, or tobacco use
- Don't wear clothing that contains obscenity, sexually suggestive, violent language, or demeans any person or group
- Don't wear beach flip flops or rubber shower thongs
- Do wear shoes at all times
- Don't wear sweat suits or workout attire

Blue jeans and shorts are not acceptable attire for daily wear unless the employee's work assignment necessitates their wear and it has been approved by the Division Director. Division Directors may use their discretion in determining if blue jeans or shorts are appropriate.

With the exception of uniformed personnel and at the discretion of the division director, the department generally allows business casual dress on Fridays which may include jeans. Casual dress does not mean that the above personal hygiene and grooming requirements can be ignored.

In addition to the personal hygiene and grooming requirements as outlined above, the department's uniformed personnel will maintain a professional image and will:

- Wear the complete on-duty uniform during those work periods designated by the division director
- Keep the uniform clean, maintained, and well pressed at all times with patches, shield, or other identifying insignia properly placed
- Restrict uniform use to periods of duty and while traveling to and from such duty
- Follow all division directives concerning uniforms

Fragrance

For some persons with allergies or other specific medical conditions, serious medical emergencies can result when they are exposed to certain chemicals or scents.

Employees with an allergy or a condition that will create a medical emergency if exposed to or subjected to prolonged exposure of a chemical or scent should consult their supervisor and the

Americans with Disabilities Act (ADA) Coordinator. The department's ADA Coordinator is the Director of Internal Affairs/Affirmative Action.

- Employees will refrain from wearing excessive amounts of personal hygiene products, body sprays, lotions, hair sprays, perfumes, or colognes in the workplace or at other work-related events
- Employees will refrain from using any scented items such as sprays, potpourri, magazine fragrance samples, room deodorizers, or air fresheners in the workplace

Employees wearing a chemical or scent that is disruptive to co-workers, customers, job performance, or work environment may be asked to go home to remove the chemical or scent, using their own vacation leave or leave without pay to cover the absence. Employees using a strong chemical or scent in the workplace will be asked to discontinue the use and remove the source from the workplace.

Tobacco Use

All interior Public Safety offices in state or privately owned or leased buildings are designated as tobacco-use free. Employees may only use approved meal and break periods in which to smoke or use smokeless tobacco products. Employees should respect fellow employees and the public when using and disposing of smoking and smokeless materials. Refer to the department's Tobacco Use Policy, 4105 and individual division work rules or policies for further information.

Alcohol or Drug Use

Employees shall not work under the influence of alcohol, a controlled substance, or any other drug which affects his or her job performance, alertness, coordination, reaction, response, judgment, decision making, or safety. Additional requirements are identified in the department's Alcohol and Drug Use by State Employees Policy, 4068.

For their safety, if an employee experiences an unexpected serious or adverse reaction to a prescribed drug, they should notify their supervisor immediately.

Employees who have an odor that appears to be that of alcohol on their breath or person, may be asked to leave the premises using their own vacation leave or leave without pay to cover the absence. Supervisors will ensure that appropriate transportation needs are met.

Absences from work due to the instances as listed above, may be considered unexcused and will subject the employee to discipline and or leave without pay.

Due to the nature of certain undercover assignments, the department's law enforcement personnel may be excluded from this Alcohol or Drug Use section of the policy; law enforcement personnel should refer to their individual division work rules or policies for further information.

Safety

All department issued safety or protective equipment or clothing will be worn or used as required, or as appropriate according to division policies or procedures.

Employees will comply with the safety and security requirements of the building or location where the employee is working.

Other applicable policies, authority, or resources

- Minn. Stat. §43A.38, Code of Ethics for Employees in the Executive Branch
- Minnesota Management and Budget Financial Reporting Policies, 0102-01 and 0103-01
- DPS Policy 1002, Investigation & Resolution of Reports of Employee Misconduct
- DPS Policy 1003, Conduct Unbecoming a Peace Officer
- DPS Policy 1004, Personal Threats to Harm
- DPS Policy 1501, General Harassment
- DPS Policy 1502, Illegal Discrimination/Sexual Harassment
- DPS Policy 1510, Zero Tolerance of Violence
- DPS Policy 3044, Gift Acceptance
- DPS Policy 3510, Ethical Practices and Conflict of Interest
- DPS Policy 3545, Telecommunication Devices
- DPS Policy 4066, Political Activities of Employees
- DPS Policy 4068, Alcohol and Other Drug Use by State Employees
- DPS Policy 5100, Acceptable Use of Department Computers, Electronic Equipment, Information Systems and Resources
- DPS Policy 5105, Wireless LAN (WLAN) Security Policy
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last revised: 8/24/10

Approved for implementation and distribution: Michael Campion, 12/10/10

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

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.

Commissioner

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

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

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

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

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

Analysis for processing requests

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

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

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

Obtaining medical documentation in connection with a request for reasonable accommodation

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

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

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

[Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

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

Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation. Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

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

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

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

Accommodation Information

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

General Information

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

Approval of requests for reasonable accommodation

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

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

Funding for reasonable accommodations

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

Procedures for reassignment as a reasonable accommodation

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

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

Denial of requests for reasonable accommodation

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

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

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

Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

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

Determining direct threat

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

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

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

Appeals process in the event of denial

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

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

Information tracking and records retention

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

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

RESPONSIBILITIES

Agencies are responsible for the request:

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

MMB is responsible for:

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

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

J. Department of Public Safety Reasonable Accommodation Policy No. 1511



Minnesota Department of Public Safety

Reasonable Accommodation Policy

No. 1511

Applicability: All employees of the Department of Public Safety

POLICY

The Department of Public Safety (“DPS”) adopts, in its entirety, the State of Minnesota’s ADA Reasonable Accommodation policy, HR/LR Policy #1433.

DPS is committed to the fair and equal employment of people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of DPS to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the agency. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (“ADA”), accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking internal opportunities.

ADA Coordinator

For DPS, the ADA Coordinator is the Director of Internal Affairs/Affirmative Action. This individual directs and coordinates DPS’ compliance with Title I of the ADA by acting as the decision maker for reasonable accommodation requests outside the scope of supervisors/managers’ authority.

FUNDING OF REASONABLE ACCOMMODATIONS

Each Division within DPS is responsible for funding reasonable accommodations that do not cause an undue hardship. Division Directors may authorize supervisors/managers to approve low-cost accommodations under \$100.00. The expenditure of funds for accommodations over this discretionary amount must be coordinated through the ADA Coordinator. When applicable, the ADA Coordinator, in cooperation with the appropriate Division, may seek reimbursement from the State of Minnesota’s Accommodation Fund to offset the cost of a specific accommodation.

DPS is not required to provide a reasonable accommodation that creates an undue hardship. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of DPS. When determining whether or not to make the

accommodation without imposing undue hardship on the agency, the following factors will be considered:

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

ADDITIONAL RESOURCES

State of Minnesota, ADA Reasonable Accommodation Policy, HR/LR Policy #1433
DPS Reasonable Accommodation Procedure, No. 151

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: 8/1/2016

Origination and Revision Dates: 8/14/1998; 6/2/2003; 8/1/2016

K. Department of Public Safety Reasonable Accommodation Procedure No. 151



Minnesota Department of Public Safety

Reasonable Accommodation Procedure

No. 151

PURPOSE

The following procedures supplement the Minnesota Department of Public Safety's Reasonable Accommodation Policy, No. 1511.

PROCEDURE

NOTE: The DPS ADA Coordinator can be contacted by phone at 651-201-7136.

Request for Reasonable Accommodations for Job Applicants

1. Job applicants should inform any DPS official with whom the applicant has contact that an accommodation is needed. Alternatively, job applicants may contact the ADA Coordinator directly to request an accommodation.
2. If notified of a request for accommodation, the DPS official will forward the job applicant's contact information to the ADA Coordinator.
3. The ADA Coordinator will send the necessary forms and information to the job applicant.
4. After obtaining the appropriate paperwork from the job applicant, the ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Request Reasonable Accommodations for Employees

1. The Department of Public Safety will inform all employees that its ADA Policy and Procedure can be made available in accessible formats.
2. An employee may make a reasonable accommodation request to any or all of the following resources: Immediate Supervisor/Manager, Affirmative Action Officer/Designee, ADA Coordinator, or DPS Human Resources Office.

3. On receiving a request for accommodation, a supervisor/manager may independently grant the request if: (1) the requested accommodation is routinely provided to employees without disabilities in that Division, or (2) the accommodation only requires a low-cost purchase, under \$100.00. After granting the accommodation, the supervisor/manager must notify the ADA Coordinator of the request and the corresponding accommodation for recording purposes. For all other requests, supervisors/managers must notify the ADA Coordinator of the request.
4. The ADA Coordinator will provide the requesting employee with the necessary forms and information. All information should be returned to the ADA Coordinator.
5. The ADA Coordinator shall, in consultation with the requesting employee, engage in the interactive process by:
 - a. Discussing the purpose and essential functions of the particular job involved. (Completion of a step-by-step job analysis may be necessary.)
 - b. Determining the precise job-related limitation.
 - c. Identifying the potential accommodations and assessing the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Selecting and implementing the accommodation that is the most appropriate for both the requesting employee and the agency. While the employee's preference will be given consideration, DPS is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide or deny the request if it is deemed unreasonable.
6. The ADA Coordinator may request documentation from the employee's health care provider to support the request. Any medical documentation will be collected and maintained on separate forms and in separate, locked files. No one will be told about or have access to medical information except as described in the State's ADA Reasonable Accommodation Policy, HR/LR Policy #1433.
7. The ADA Coordinator will provide a decision to the requesting employee within a reasonable amount of time upon receipt of the necessary information requested.
8. Employees or applicants who are dissatisfied with the decision(s) pertaining to their accommodation request may file an appeal with the ADA Coordinator, within a reasonable period of time, for a final decision. The ADA Coordinator will arrange for another DPS official to review the request and issue a final decision. The final decision will be sent to the requesting employee along with a notice providing information about the employee's statutory right to file a discrimination charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

ADDITIONAL RESOURCES

State of Minnesota, ADA Reasonable Accommodation Policy, HR/LR Policy #1433

DPS Reasonable Accommodation Policy, No. 1511

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: 8/1/2016

Origination and Revision Dates: 8/1/2016

L. Request for Reasonable Accommodation Form



Minnesota Department of Public Safety

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

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

Employee/Applicant Name: _____

Job Title: _____

Work Location: _____

Phone Number: _____

Data Privacy Statement: This information may be used by the agency human resources representative, ADA Coordinator or designee, or any other individual who is authorized by the agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the agency may not have sufficient information to provide a reasonable accommodation.

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

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*

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?

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?

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

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.

Employee/Applicant Signature: _____

Date: _____

M. Notice Under the Americans with Disabilities Act

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

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

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

Modifications to Policies and Procedures: The Department of Public Safety will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Department of Public Safety 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 Department of Public Safety, should contact the office of Internal Affairs/Affirmative Action at 651-201-7136 or dps.ia@state.mn.us as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of the Department of Public Safety is not accessible to persons with disabilities should be directed to ADA Coordinator Lynn Mueller at 651-201-7173 or lynn.mueller@state.mn.us.

The Department of Public Safety 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.

N. Department of Public Safety 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 of 1990 (“ADA”). 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 Department of Public Safety. The Statewide ADA 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 problem. Alternative means of filing complaints, such as personal interviews or an audio recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator Lynn Mueller
Department of Public Safety
Internal Affairs/Affirmative Action
445 Minnesota Street, Suite 530
St. Paul, MN 55101

Within 15 calendar days after receipt of the complaint, ADA Coordinator Lynn Mueller or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication, ADA Coordinator Lynn Mueller 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 Department of Public Safety and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator Lynn Mueller or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to Commissioner John Harrington or his designee.

Within 15 calendar days after receipt of the appeal, Commissioner John Harrington or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Commissioner John Harrington 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 ADA Coordinator Lynn Mueller or her designee, appeals to the Commissioner or his designee, and responses from these two offices will be retained by the Department of Public Safety\ for at least three years.

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

A copy of the department's weather and emergency evacuation plans can be found on the department's [intranet site](https://mn365.sharepoint.com/teams/DPS-Insider/hr/safety/Pages/default.aspx) at <https://mn365.sharepoint.com/teams/DPS-Insider/hr/safety/Pages/default.aspx>.

The department has detailed weather emergency and evacuation plans and procedures in place to ensure the safety of employees and customers in the event of an emergency. The National Oceanic Atmospheric Administration Weather Radio Station is monitored on a daily basis by the Safety Director, front desk staff, and Town Square Security. If a severe weather watch or warning is issued, the department's facilities staff and Town Square Security will notify all staff by PA announcement.

Each work area within Town Square and Bremer Tower are assigned a Floor Warden. Floor Wardens are responsible for evacuation of department employees and customers within their assigned areas of responsibility. Floor Wardens are assigned a radio for communication with the command post regarding the need to shelter in place or evacuate as necessary.

Everyone has a responsibility to develop their own personal emergency evacuation plan, which includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator works to develop a plan in consultation with the appropriate building and safety personnel. When developing a plan, safety needs will be determined on a case-by-case basis because they vary with each individual and building.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff and inform all staff that if additional assistance during an emergency may be needed, the individual should contact the department's ADA Coordinator or Safety Director (listed below) to request the type of assistance they may need.

Lynn M. Mueller, ADA Coordinator, 651-201-7173, lynn.mueller@state.mn.us

Doug Thies, Safety Director, 651-201-7380, jason.amborn@state.mn.us

Evacuation Options:

The department has at least one mandatory fire drill and one weather emergency drill each year. All employees are required to participate in these drills. Individuals with disabilities have four basics, possibly five, evacuation options:

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;

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

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

Individuals with disabilities should follow the following procedures:

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

visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

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

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 Availability Female %	Total Hires & Promo #	Total Hired #	Female 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	42	21	50.00%	28.84%	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-	
Professionals	465	266	57.20%	55.87%	160	110	43	67	<10	60.91%	50	15	35	<10	70.00%	63.75%	-	-
Technicians	185	91	49.19%	44.04%	54	54	26	28	<10	51.85%	<10	<10	<10	**.**%*	49.21%	-	-	
Protective Services: Sworn	698	80	11.46%	11.88%	103	88	72	16	<10	18.18%	15	10	<10	<10	**.**%*	20.39%	Yes	Yes
Protective Services: Non-sworn	199	75	37.69%	45.06%	138	103	57	46	<10	44.66%	35	10	25	<10	71.43%	51.45%	Yes	Yes
Paraprofessionals	<10	<10	**.**%*	0.00%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Administrative Support	467	373	79.87%	77.23%	209	168	40	128	<10	76.19%	41	15	26	<10	63.41%	73.68%	-	-
Service Maintenance	14	<10	**.**%*	6.93%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Total	2070	907	43.82%		702	539	249	290	<10	53.80%	163	63	100	<10	61.35%			

Racial/Ethnic Minorities (not: Promo = promotion; Mino = Racial/Ethnic Minorities)

Job Category	Prior AAP Total Employee #	Prior AAP Total Mino #	Prior AAP Total Mino %	Prior AAP Availability 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 in Prior AAP?	Mino Goal Met?
Officials/ Administrators	42	<10	**.**%*	2.20%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Professionals	465	45	9.68%	8.02%	160	110	86	15	<10	13.64%	50	40	<10	<10	**.**%*	12.50%	-	-
Technicians	185	15	8.11%	7.84%	54	54	40	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	15.87%	-	-
Protective Services: Sworn	698	60	8.60%	13.03%	103	88	64	15	<10	17.05%	15	<10	<10	<10	**.**%*	19.42%	Yes	Yes
Protective Services: Non-sworn	199	40	20.10%	21.40%	138	103	61	30	12	29.13%	35	30	<10	<10	**.**%*	24.64%	Yes	Yes
Paraprofessionals	<10	<10	**.**%*	0.00%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Administrative Support	467	124	26.55%	26.55%	209	168	83	48	37	28.57%	41	23	14	<10	34.15%	29.67%	-	-
Service Maintenance	14	<10	**.**%*	4.60%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Total	2070	291	14.06%		702	539	344	123	72	22.82%	163	117	32	14	19.63%			

Individuals with Disabilities (not: Promo = promotion; IwD = Individuals with disabilities)

Job Category	Prior AAP Total Employee #	Prior AAP Total IwD #	Prior AAP Total IwD %	Prior AAP Availability IwD %	Total Hires & Promo #	Total Hires #	IwD Hired #	Non-IwD Hired #	Un-known Hired #	IwD Hired %	Total Promo #	Non-IwD Promo #	IwD Promo #	Un-known Promo #	IwD Promo %	Actual IwD Hiring (%)	IwD Had Goals in Prior AAP?	IwD Goal Met?
Officials/ Administrators	42	<10	**.**%*	1.93%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Professionals	465	33	7.10%	7.81%	160	110	86	14	10	12.73%	50	39	<10	<10	**.**%*	13.13%	Yes	Yes
Technicians	185	14	7.57%	7.09%	54	54	41	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Protective Services: Sworn	698	10	1.43%	3.27%	103	88	67	<10	21	**.**%*	15	12	<10	<10	**.**%*	**.**%*	Yes	No
Protective Services: Non-sworn	199	25	12.56%	10.29%	138	103	75	20	<10	19.42%	35	28	<10	<10	**.**%*	18.12%	-	-
Paraprofessionals	<10	<10	0.00%	0.00%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Administrative Support	467	78	16.70%	10.59%	209	168	111	22	35	13.10%	41	25	<10	<10	**.**%*	14.83%	-	-
Service Maintenance	14	<10	**.**%*	4.64%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
Total	2070	168	8.12%		702	539	395	64	80	11.87%	163	122	25	16	15.34%			

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 ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	6.05%	37.93%	4.53%	41.38%	13.64%	**.**%*	**.**%*
Resignation	53.24%	52.94%	55.56%	25.10%	72.73%	12.16%	51.67%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	28.39%	43.38%	24.28%	**.**%*	**.**%*	10.29%	23.33%
Death	**.**%*	0.00%	0.00%	0.00%	0.00%	**.**%*	**.**%*
Lay-off	**.**%*	**.**%*	**.**%*	0.00%	0.00%	0.00%	0.00%
Termination without Rights	11.27%	68.52%	15.23%	**.**%*	**.**%*	18.52%	16.67%
Total Separations	100.00%	50.73%	100.00%	18.37%	100.00%	12.53%	100.00%

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

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	0.00%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	**.**%*	**.**%*	**.**%*	0.00%	0.00%	0.00%	0.00%
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Total Separations	100.00%	**.**%	100.00%	**.**%	100.00%	0.00%	0.00%

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

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	**.**%	**.**%	**.**%	0.00%	0.00%	**.**%	**.**%
Resignation	50.00%	63.16%	61.54%	**.**%	**.**%	**.**%	**.**%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	39.47%	33.33%	25.64%	0.00%	0.00%	**.**%	**.**%
Death	**.**%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	**.**%	**.**%	**.**%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	**.**%	**.**%	**.**%	0.00%	0.00%	**.**%	**.**%
Total Separations	100.00%	51.32%	100.00%	**.**%	100.00%	14.47%	100.00%

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

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	**.**%	**.**%	**.**%	**.**%	**.**%	0.00%	0.00%
Resignation	58.62%	58.82%	71.43%	**.**%	**.**%	**.**%	**.**%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	27.59%	**.**%	**.**%	0.00%	0.00%	**.**%	**.**%

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ IwD % within Sep Type	Sep Type ² Sep Type % within Total IwD Sep
Death	**.**%*	0.00%	0.00%	0.00%	0.00%	**.**%*	**.**%*
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	**.**%*	**.**%*	**.**%*	0.00%	0.00%	**.**%*	**.**%*
Total Separations	100.00%	48.28%	100.00%	**.**%*	100.00%	**.**%*	100.00%

Protective Services: Sworn (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ IwD % within Sep Type	Sep Type ² Sep Type % within Total IwD Sep
Dismissal or Non-Certification	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	0.00%	0.00%
Resignation	48.31%	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	39.33%	**.**%*	**.**%*	**.**%*	**.**%*	0.00%	0.00%
Death	**.**%*	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	**.**%*	**.**%*	**.**%*	0.00%	0.00%	0.00%	0.00%
Total Separations	100.00%	16.85%	100.00%	14.61%	100.00%	**.**%*	100.00%

Protective Services: Non-sworn (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Resignation	63.49%	52.50%	65.63%	**.**%*	**.**%*	**.**%*	**.**%*
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	25.40%	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	**.**%*	**.**%*	**.**%*	0	0.00%	0	0.00%
Total Separations	100.00%	50.79%	100.00%	19.04%	100.00%	**.**%*	100.00%

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

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	0.00%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total Separations	100.00%	**.**%*	100.00%	**.**%*	100.00%	0.00%	0.00%

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

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ lwd % within Sep Type	Sep Type ² Sep Type % within Total lwd Sep
Dismissal or Non-Certification	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Resignation	51.55%	74.70%	50.00%	38.55%	71.11%	19.28%	53.33%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	19.25%	87.10%	21.77%	**.**%*	**.**%*	**.**%*	**.**%*
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	24.22%	76.92%	24.19%	**.**%*	**.**%*	**.**%*	**.**%*
Total Separations	100.00%	77.02%	100.00%	27.95%	100.00%	18.63%	100.00%

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

Separation Type	Total % by Sep Type	Sep Type ¹ Female % within Sep Type	Sep Type ² Sep Type % within Total Female Sep	Sep Type ¹ Minority % within Sep Type	Sep Type ² Sep Type % within Total Minority Sep	Sep Type ¹ IwD % within Sep Type	Sep Type ² Sep Type % within Total IwD Sep
Dismissal or Non-Certification	**.**%*	0.00%	0.00%	**.**%*	**.**%*	0.00%	0.00%
Resignation	55.00%	0.00%	0.00%	**.**%*	**.**%*	0.00%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	**.**%*	0.00%	0.00%	0.00%	0.00%	**.**%*	**.**%*
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Total Separations	100.00%	**.**%*	100.00%	**.**%*	100.00%	**.**%*	100.00%

Appendix C: Job Category Analysis

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

Job Code	Job Title
000060	Asst Superintendent BCA
001346	Admin Mgmt Director 2
001424	Human Resources Director 4
001724	Labor Relations Manager
001981	Forensic Laboratory Dir
001982	Forensic Laboratory Asst Dir
002147	Human Resources Director 2
002552	Information Syst Director
002695	Agency Chief Financial Officer
003221	Admin Svcs Bureau Mgr
003639	State Prog Admin Manager
003679	State Prog Admin Manager Sr
003717	DVS Program Director

Job Code	Job Title
003719	State Prog Admin Manager Prin
007995	State Patrol Assistant Chief
007996	State Patrol Chief
008119	Commissioner-Public Safety
008209	Deputy Commr Public Safety
008331	Asst Commr Public Safety
008346	Dir Driver & Vehicle Services
008416	State Fire Marshal
008420	Superintendent BCA
008421	Dir Emergency Services
008516	Senior Executive Officer
008606	Senior Admin Officer
008611	Exec Dir Ctr Crime Victim Srvs
008674	Dir Alcohol & Gambling Enforce
008794	Dir Drug Policy & Violence Pre
008879	Exec Aide
008893	Dir Community & Media Rltns

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

Job Code	Job Title
000006	Management Analyst 1
000140	Buyer 1
000141	Buyer 2
000214	Forensic Scientist 1
000215	Forensic Scientist 2
000498	Human Resources Specialist 1
000510	Planner Principal State
000512	Planner Senior Community
000577	Information Officer 3

Job Code	Job Title
000604	Research Analyst
000633	Accounting Officer Senior
000634	Management Analyst 4
000647	Information Officer 2
000652	Human Resources Consultant 1
000812	Planning Dir State
000831	Community Liaison Rep
000837	Planner Senior State
000892	Research Analysis Spec
000893	Management Analyst 3
000978	Auditor Intermediate
000979	Accounting Officer Inter
000994	Engineer Senior
000995	Engineer Administrative
000997	Engineer Princ
001304	Grants Specialist Sr
001409	Training & Development Spec 1
001410	Training & Development Spec 2
001429	Forensic Scientist 3
001500	Accounting Supervisor Princ
001528	Management Analyst 2
001644	Grants Specialist Inter
001655	State Fire Safety Supervisor
002053	Community Svcs Program Spec 2
002095	Accounting Supervisor Inter
002185	Admin Planning Dir St
002241	Grants Specialist Coord
002287	Planner Principal Comm Spec
002381	Driver Improvement Spec Supv
002591	Criminal Intelligence Analyst
002687	Safety Administrator
002927	Forensic Science Supv
003005	Planning Program Supv

Job Code	Job Title
003017	Human Resources Specialist 3
003021	Deputy State Fire Marshal
003171	Agency Policy Specialist
003176	Investigation Specialist
003436	Crime Victims Ombudsman Invest
003441	Transp Prog Specialist 3
003487	Chief Dep State Fire Marshal
003586	Information Technology Spec 4
003587	Information Technology Spec 5
003604	State Prog Admin
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
003690	State Prog Admin Supervisor
003712	State Prog Admin Supv Prin
003730	Management Analyst Staff Spec
003781	DVS Title & Registr Prog Supv
007994	State Patrol Major
008540	Trainee-Forensic Scientist 1
001423	Human Resources Specialist 2
000138	Business Manager 1
008755	Proj Consultant Sr

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

Job Code	Job Title
000424	Law Compliance Rep 2
000556	Engineering Specialist
000583	Radio Communications Operator

Job Code	Job Title
000774	Accounting Technician
000777	Radio Communications Supervisor
002606	Engineering Specialist Senior
003709	State Prog Admin Tech Spec

Protective Services: Sworn (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
000810	Special Agent In Charge
000816	Special Agent
001723	Special Agent Senior
003921	Asst Special Agent in Charge
007991	State Patrol Trooper
007992	State Patrol Lieutenant
007993	State Patrol Captain

Protective Services: Non-sworn (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	Job Title
000242	DVS Exam & Insp Spec Sr
001074	Liquor Control Invest Special
001413	DVS Regional Supervisor
002646	Driver Improvement Spec
002663	DVS Exam & Insp Spec
002702	DVS Asst Regional Supervisor
003930	Capitol Complex Security Off
008931	Trainee-Fingerprint Technician

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

Job Code	Job Title
001486	Human Resources Technician 2

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

Job Code	Job Title
000293	Exec 2
000294	Office Services Supervisor 3
000301	Fingerprint Technician
000632	Account Clerk Senior
000930	Inventory Control Supv 2
002028	Security/Comm Systems Monitor
002118	Office Services Supervisor 2
002192	Office Services Supervisor 1
002779	DVS Program Supervisor
003626	Office Specialist
003627	Office & Admin Specialist
003628	Office & Admin Specialist Int
003629	Office & Admin Specialist Sr
003630	Office & Admin Specialist Prin
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

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

Job Code	Job Title
000668	Service Worker
001357	General Repair Worker
001725	General Maintenance Wrkr
002910	Commercial Vehicle Inspect Sup
003187	Capitol Complex Security Supv

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	12.50%	0.00%	0.00%
003679	Officials and Administrators	State Prog Admin Manager Sr	0.00%	0.00%	0.00%
001982	Officials and Administrators	Forensic Laboratory Asst Dir	25.00%	0.00%	0.00%
Total			37.50%	0.00%	0.00%

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

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000006	Professionals	Management Analyst 1	2.24%	0.96%	0.64%
001528	Professionals	Management Analyst 2	4.17%	0.32%	0.32%
000214	Professionals	Forensic Scientist 1	7.05%	0.96%	0.32%
000215	Professionals	Forensic Scientist 2	12.50%	0.96%	0.32%
003921	Protective Service	Asst Special Agent in Charge	0.96%	0.64%	0.00%

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000140	Professionals	Buyer 1	0.64%	0.32%	0.00%
003021	Professionals	Deputy State Fire Marshal	0.96%	0.96%	1.28%
000994	Professionals	Engineer Senior	0.00%	0.00%	0.00%
000498	Professionals	Human Resources Specialist 1	0.96%	0.32%	0.32%
001423	Professionals	Human Resources Specialist 2	0.64%	0.32%	0.32%
003017	Professionals	Human Resources Specialist 3	0.32%	0.32%	0.00%
002287	Professionals	Planner Principal Comm Spec	0.32%	0.00%	0.32%
000647	Professionals	Information Officer 2	0.96%	0.00%	0.00%
002287	Professionals	Planner Principal Comm Spec	0.32%	0.00%	0.32%
000510	Professionals	Planner Principal State	1.28%	0.00%	0.32%
000512	Professionals	Planner Senior Community	0.96%	0.00%	0.64%
000837	Professionals	Planner Senior State	0.00%	0.00%	0.00%
003608	Professionals	State Prog Admin Coordinator	2.24%	0.64%	0.00%
003609	Professionals	State Prog Admin Director	2.24%	0.64%	0.96%
003605	Professionals	State Prog Admin Intermediate	3.21%	0.32%	0.00%
003607	Professionals	State Prog Admin Prin	8.97%	2.24%	1.28%
003606	Professionals	State Prog Admin Sr	4.49%	0.32%	1.60%
003690	Professionals	State Prog Admin Supervisor	0.00%	0.00%	0.00%
003689	Professionals	State Prog Admin Supervisor Sr	0.00%	0.00%	0.00%
003712	Professionals	State Prog Admin Supv Prin	1.28%	0.00%	0.00%
Total			56.73%	10.26%	8.97%

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

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
002910	Service Maintenance	Commercial Vehicle Inspect Sup	0.00%	0.00%	0.59%
003187	Service Maintenance	Capitol Complex Security Supv	0.00%	1.18%	0.59%
000556	Technicians	Engineering Specialist	0.00%	0.59%	0.59%
000424	Technicians	Law Compliance Rep 2	2.94%	0.00%	1.18%

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000583	Technicians	Radio Communications Operator	20.00%	2.35%	4.12%
003709	Technicians	State Prog Admin Tech Spec	25.29%	8.24%	2.94%
Total			48.24%	12.35%	10.00%

Protective Services: Sworn (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
000424	Technicians	Law Compliance Rep 2	0.78%	0.00%	0.31%
000816	Protective Service	Special Agent	2.18%	0.93%	0.16%
007991	Protective Service	State Patrol Trooper	8.71%	7.31%	1.09%
Total			11.66%	8.24%	1.56%

Protective Services: Non-sworn (note: Minority = Racial/Ethnic minority; lwd = Individuals with Disabilities)

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
002646	Protective Service: N	Driver Improvement Spec	4.12%	2.06%	1.03%
002663	Protective Service: N	DVS Exam & Insp Spec	26.29%	14.95%	10.82%
003930	Protective Service: N	Capitol Complex Security Off	3.09%	8.25%	3.61%
002702	Protective Service: N	DVS Asst Regional Supervisor	4.64%	0.52%	1.03%
Total			38.14%	25.77%	16.49%

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

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
001486	Paraprofessionals	Human Resources Technician 2	0.00%	0.00%	0.00%
Total			0.00%	0.00%	0.00%

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

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
003635	Administrative Support	Customer Svcs Specialist	2.41%	0.27%	0.80%
003636	Administrative Support	Customer Svcs Specialist Int	20.11%	7.51%	3.22%
003637	Administrative Support	Customer Svcs Specialist Sr	6.17%	3.75%	0.80%
003627	Administrative Support	Office & Admin Specialist	10.46%	3.22%	5.09%
003628	Administrative Support	Office & Admin Specialist Int	21.18%	6.43%	5.09%
003629	Administrative Support	Office & Admin Specialist Sr	18.77%	4.02%	2.41%
002192	Administrative Support	Office Services Supervisor 1	1.34%	0.27%	0.00%
002118	Administrative Support	Office Services Supervisor 2	2.95%	0.27%	0.80%
Total			83.38%	25.74%	18.23%

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

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
No Feeder jobs					

Job Code	EEO Category	Job Title	Weighted Female %	Weighted Minority %	Weighted lwd %
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.	34.15%	29.20%	5.20%	4.55%	9.97%	1.78%	1.55%	State MN	Four-year historical appointments in this job category shows 34.15% from external hires and 65.85% from internal movements. COC and COC Title: 0010, Chief Executives; 0020 General and Operations Managers
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	65.85%	37.50%	0.00%	0.00%	24.69%	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	Final Avail %	34.67%	1.78%	1.55%		

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

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics IwD	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics IwD	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.	45.65%	56.26%	6.26%	8.46%	25.68%	2.86%	3.86%	State MN	Four-year historical appointments in this job category shows 45.65% from external hires and 54.35% from internal movements. COC and COC Title: 0101 Administrative Services Managers; 1970 Other Life, Physical and Social Science Technicians (Forensic Science Technicians); 0425 Emergency Management Directors; 0710 Management Analysts; 3750 Fire Inspectors
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	54.35%	56.73%	10.26%	8.97%	30.83%	5.57%	4.88%	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 %	56.52%	8.43%	8.74%		

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

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics IwD	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics IwD	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.	72.11%	47.97%	9.33%	7.70%	34.59%	6.73%	0.00%	State MN	Four-year historical appointments in this job category shows 72.11% from external hires and 27.89% from internal movements. COC and COC Title: 5940 Office and Administrative Support Workers, All Other; 9410 Transportation Inspectors; 5521 Public Safety Telecommunicators
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	27.89%	48.24%	12.35%	10.00%	13.45%	3.45%	2.79%	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	Final Avail %	48.04%	10.17%	2.79%		

Protective Services: Sworn (note: Minority = Racial/Ethnic minority; IwD = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics IwD	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics IwD	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.	74.47%	11.80%	14.20%	3.60%	8.79%	10.57%	2.68%	State MN	Four-year historical appointments in this job category shows 74.47% from external hires and 25.53% from internal movements. COC and COC Title: 3870 Police Officers
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	25.53%	11.66%	8.24%	1.56%	2.98%	2.10%	0.40%	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 %	11.77%	12.68%	3.08%		

Protective Services: Non-sworn (note: Minority = Racial/Ethnic minority; IwD = Individuals with Disabilities)

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics IwD	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics IwD	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.	56.48%	42.70%	24.60%	7.70%	24.12%	13.89%	4.35%	State MN	Four-year historical appointments in this job category shows 56.48% from external hires and 43.52% from internal movements. COC and COC Title: 0565 Compliance Officers; 3930 Security Guards
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	43.52%	38.14%	25.77%	16.49%	16.60%	11.22%	7.18%	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 %	40.72%	25.11%	11.53%		

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

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics IwD	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics IwD	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.	66.67%	72.80%	12.60%	3.80%	48.54%	8.40%	2.53%	State MN	Two-year historical appointments in this job category shows 66.67% from external hires and 33.33% from internal movements. COC and COC Title: Human resources workers
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	33.33%	0.00%	0.00%	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	Final Avail %	48.54%	8.40%	2.53%		

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.	73.84%	74.10%	18.10%	5.55%	54.72%	13.37%	4.10%	State MN	Four-year historical appointments in this job category shows 73.84% from external hires and 26.16% from internal movements. COC and COC Title: 5240 Customer Service Representatives; 5860 Office Clerks, General
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	26.16%	83.38%	25.74%	18.23%	21.81%	6.73%	4.77%	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 %	76.53%	20.10%	8.87%		

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

Factor	Weight Ratio	Raw Statistics Female	Raw Statistics Minority	Raw Statistics IwD	Weighted Statistics Female	Weighted Statistics Minority	Weighted Statistics IwD	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.	42.86%	16.63%	11.03%	11.13%	7.13%	4.73%	4.77%	State MN	Four-year historical appointments in this job category shows 42.86% from external hires and 57.14% from internal movements. COC and COC Title: 7340 Maintenance and Repair Workers, General; 9005 First-Line Supervisors of Transportation Workers, All Other; 3725 First-Line Supervisors of Security Workers
2: Internal - Percentage of females, racial/ethnic minorities, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	57.14%	0.00%	0.00%	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	Final Avail %	7.13%	4.73%	4.77%		

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	46	24	52.17%	34.67%		
Professionals	490	291	59.39%	56.52%		
Technicians	176	89	50.57%	48.04%		
Protective Services: Sworn	717	85	11.85%	11.77%	Monitor	
Protective Services: Non-sworn	223	89	39.91%	40.72%	Yes	40.72%
Paraprofessionals	<10	<10	0.00%	48.54%	Monitor	
Administrative Support	440	350	79.55%	76.53%		
Service Maintenance	17	<10	5.88%	7.13%	Monitor	
Totals	2110	929	44.03%	Blank	Blank	Blank

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	46	<10	17.39%	1.78%		
Professionals	490	52	10.61%	8.43%		
Technicians	176	19	10.80%	10.17%		
Protective Services: Sworn	717	65	9.07%	12.68%	Yes	12.68%
Protective Services: Non-sworn	223	54	24.22%	25.11%	Yes	25.11%
Paraprofessionals	<10	<10	0.00%	8.40%	Monitor	
Administrative Support	440	109	24.77%	20.10%		
Service Maintenance	17	<10	17.65%	4.73%		
Totals	2110	310	14.69%			

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	46	<10	13.04%	1.55%		
Professionals	490	44	8.98%	8.74%		
Technicians	176	17	9.66%	2.79%		
Protective Services: Sworn	717	12	1.67%	3.08%	Yes	3.08%
Protective Services: Non-sworn	223	39	17.49%	11.53%		
Paraprofessionals	<10	<10	0.00%	2.53%	Monitor	
Administrative Support	440	78	17.73%	8.87%		
Service Maintenance	17	<10	17.65%	4.77%		
Totals	2110	199	9.43%			

Definitions of Terms Used in This Affirmative Action Plan

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

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

Connect 700 (C700) 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 Statutes, 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 and the availability is 30%, the goal (or hiring goal) for females in the job category is for 30% of the new hires/rehires and promotions for that Affirmative Action Plan year would be females. Goals/hiring goals should never be implemented as quotas, nor should they be used as criteria in decision-making regarding qualifications.

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

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

Promotion: the appointment of an employee to a position in a class assigned to a salary range which is two or more steps higher at the maximum than the employee's current job class or which requires an increase of two or more steps to pay the employee at the minimum of the new 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 ([M.S. 43A.02, subd. 33](#)).

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

Supported Work Program: The state legislature established the program in 1987 to expand employment opportunities for people with significant disabilities. but has been expanded to include individuals who experience other significant disabilities, including, but not limited to, head injury,

mental illness, and deaf blindness. Under the program, a supported worker must require ongoing support and may share a single position with up to two other supported work employees.

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