METROPOLITAN COUNCIL

1991 AFFIRMATIVE ACTION PLAN

December 1990

Metropolitan Council of the Twin Cities Area Mears Park Centre, 230 East Fifth Street, St. Paul, MN 55101 Tel. 612-291-6359/TDD 291-0904

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I. TRANSMITTAL TO MINNESOTA DEPARTMENT OF EMPLOYEE RELATIONS

METROPOLITAN COUNCIL

A. The annual utilization analysis revealed underutilization of the following protected groups in the following job groups:

Job Group	Women	Minorities	People with Disabilities
Directors/Managers/Supervisors			x
Planning Professionals		x	x
Administrative Professionals	×		x
Paraprofessionals/Technicians			
Office/Clerical			

- B. Staff have been informed that each department secretary has a copy of the annual affirmative action plan so that every employee is aware of the Council's commitments in affirmative action for the year.
- C. This annual plan contains an internal procedure for processing complaints of alleged discrimination brought by employees. Each employee has been apprised of this procedure, and will be informed of the Council's 1991 hiring goals in the first 1991 weekly employee newsletter.

Equal Opportunity Coordinator 12/20/90

Date

D. This annual plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

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Date

E. This annual plan meets the rules governing affirmative action, Chapter 20: 2 MCAR 2.290-2.299, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive with the identified disparities.

MN Department of Employee Relations

Equal Opportunity Division

II. STATEMENT OF POLICY

The Metropolitan Council is committed to providing equal opportunity to all persons and organizations in employment, Council business opportunities, access to Council programs, and citizen participation in the Council's policy-making process. The Council shall not discriminate against any person or organization on the basis of race, color, creed, religion, national origin, gender, disability, age, Vietnam era veteran status, marital status, status with regard to public assistance, sexual or affectional preference, or political affiliation.

The Council shall act aggressively to maintain a work atmosphere and to provide public services in a manner free of harassment. This includes sexual harassment and harassment on the basis of race, disability, religion, color, national origin and age.

The Council shall take affirmative action in its employment practices to ensure that people of color, women, individuals with disabilities and Vietnam era veterans are represented throughout the Council organization. I believe that in order to formulate public policy which is inclusive of the diverse metropolitan population we serve, the Council must employ a diverse work force which reflects the many perspectives of our constituents. The Council is committed to providing a work environment that values and supports diversity among its staff.

Elizabeth Newberry has been appointed as the Council's equal opportunity coordinator. If any employee or job applicant believes that they have been discriminated against, they should contact Ms. Newberry at the Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, MN 55101, telephone number (612) 291-6575.

I urge all employees to become acquainted with our affirmative action plan. Each department secretary has a copy of the plan, which is available to employees for review. Copies may also be obtained from the equal opportunity coordinator and from the Council's Data Center. It is the responsibility of each employee to support the affirmative action program and to apply the principles of equal opportunity in their day-to-day work.

Steve Keefe, Chair

Metropolitan Council

12-20-90

Date

III. DESIGNATION OF RESPONSIBILITIES

A. COUNCIL

Responsibilities: Set policy on affirmative action and equal opportunity.

Duties:

- 1. Set equal opportunity/affirmative action and personnel, contracting and procurement policies that are consistent with equal opportunity and affirmative action principles.
- Provide a work environment that is free of discrimination, including harassment.
- 3. When appropriate, make the final determination on formal complaints of discrimination.

Accountability: To the governor.

B. CHAIR

Responsibilities: Provide policy leadership to the Council and staff on affirmative action and equal opportunity.

Duties:

- 1. Provide leadership to the Council in the discussion and adoption of Council affirmative action and equal opportunity policy.
- 2. Provide leadership to management/supervisory staff and employees in the implementation of Council affirmative action/equal opportunity policy.

Accountability: To the governor.

C. EXECUTIVE DIRECTOR

Responsibilities: Provide overall administration of the Council's equal opportunity/affirmative action program, enforcing its policies and implementing them through administrative procedures.

- 1. Recommend affirmative action/equal opportunity policies to the chair and Council.
- 2. Issue administrative procedures that implement Council affirmative action/equal opportunity policies.
- Establish management/supervisory accountability for meeting affirmative action/equal opportunity objectives.
- 4. Authorize hiring in accordance with affirmative action goals and equal employment opportunity principles.
- 5. Make the final determination on discrimination complaints brought under Council administrative procedures, or when appropriate, recommend Council action.
- 6. Make the final determination on requests from employees and interns with disabilities for reasonable accommodations.

7. Appoint members of the Equal Opportunity Advisory Committee.

Accountability: To the chair.

D. DIRECTOR OF ADMINISTRATION

Responsibilities: Provide overall administration of personnel, contracting and procurement functions in accordance with affirmative action/equal opportunity policies and principles.

Duties:

- 1. Recommend personnel, procurement and contracting policies to the chair, Metropolitan Council and executive director that further Council affirmative action/equal opportunity objectives.
- 2. Recommend administrative procedures to the executive director on personnel, procurement and contracting functions that are consistent with affirmative action/equal opportunity objectives.

Accountability: To the executive director.

E. DEPARTMENT DIRECTORS

Responsibilities: Manage the department in accordance with affirmative action and equal opportunity policies and procedures.

Duties:

- 1. Develop and direct strategies for meeting affirmative action goals within the department.
- 2. Make recommendations to the executive director on affirmative action/equal opportunity policies and procedures.
- 3. Identify barriers to equal opportunity/affirmative action within the department, and take corrective action or recommend corrective action to the executive director.
- 4. Establish management/supervisory accountability within the department for meeting affirmative action/equal opportunity objectives.
- 5. Approve hiring recommendations in accordance with affirmative action goals and equal employment opportunity principles.

Accountability: To the executive director.

F. <u>MANAGEMENT/SUPERVISORY STAFF</u> (Executive Director, Department Directors, Managers and Supervisors)

Responsibilities: Manage/supervise the work unit in accordance with equal opportunity/affirmative action policies and procedures.

- 1. Communicate the policies and spirit of the affirmative action plan (AAP) to staff.
- Conduct personnel actions in accordance with equal opportunity principles and affirmative objectives.

- 3. Develop, with assistance from the equal opportunity coordinator (EOC), an affirmative action recruitment plan for job openings recruited externally; recruit protected group applicants.
- 4. Conduct hiring process and make hiring recommendations in accordance with Council affirmative action goals and equal opportunity principles.
- 5. Provide a work atmosphere for employees that is free of discrimination; including sexual, racial and disability harassment.
- 6. Respond to informal complaints of discrimination initiated with the manager/supervisor.
- Develop employees, including those in protected classes, and assist employees in obtaining training and education so that they successfully perform the job and develop skills for career advancement.

Accountability: Managers to department directors; supervisors to managers.

G. EQUAL OPPORTUNITY COORDINATOR (EOC)

Responsibilities: Develop, recommend and administer on a day-to-day basis the affirmative action/equal opportunity program.

- 1. Develop and recommend an annual AAP and administrative procedures to the executive director.
- 2. Assist managers in developing affirmative recruitment plans for specific job openings; recruit protected group applicants.
- 3. Monitor the hiring process; exercise pre-employment review of managers/interview and selection recommendations; make hiring recommendations to the executive director.
- 4. Respond to informal charges of discrimination initiated with the EOC; investigate charges of discrimination brought under the formal step of the Council's discrimination complaint administrative procedure and report findings to executive director.
- 5. Research requests for reasonable accommodations; determine, in consultation with the employee relations manager, whether accommodations will be made for job applicants; make recommendations to the executive director on requests received from employees and interns.
- 6. Prepare and submit equal opportunity/affirmative action progress and compliance reports to the Metropolitan Council, Minority Issues Advisory Committee, executive director, department directors, Equal Opportunity Advisory Committee, Minnesota Department of Employee Relations, Minnesota Department of Human Rights, Equal Employment Opportunity Commission and federal funding agencies.
- 7. Review/recommend to the executive director, employee relations manager and director of administration policies and procedures on personnel, procurement and contracting practices which promote equal opportunity and affirmative action.
- 8. Inform the executive director and management staff and conduct training on compliance with affirmative action and equal opportunity laws, rules, policies and procedures.
- 9. Develop and maintain working relationships with community leaders and groups, educational institutions, professional organizations, other governmental entities, and socially and economically disadvantaged businesses, to promote awareness of and participation in the Council's equal opportunity/affirmative action program.

- 10. Provide information to employees on the Council's equal opportunity/affirmative action program, and employee rights and obligations under federal and state laws and regulations; direct and coordinate the activities of the Equal Opportunity Advisory Committee.
- 11. Assist protected group employees in identifying training and opportunities to enhance their career development; develop guidelines for and administer the Protected Group Employee Training and Development Fund.

Accountability: To the executive director.

H. EMPLOYEE RELATIONS MANAGER

Responsibilities: Develop, recommend and administer a personnel system that is consistent with and promotes equal employment opportunity/affirmative action objectives.

Duties:

- 1. Develop and recommend Council personnel policies, procedures and programs that are consistent with and promote equal opportunity/affirmative action objectives.
- 2. Administer personnel policies and procedures in accordance with current applicable federal, state and local statutes and regulations, and the Council's AAP.
- 3. Advise managers and supervisors to ensure that personnel actions taken are consistent with equal opportunity/affirmative action principles.
- 4. Periodically review personnel policies, procedures and practices for compliance with equal opportunity/affirmative action objectives.
- 5. Provide the EOC with personnel data needed to monitor the effectiveness of the Council's equal employment opportunity and affirmative action efforts.
- 6. Coordinate equal employment opportunity/affirmative action efforts with the EOC.

Accountability: To the director of administration.

I. EQUAL OPPORTUNITY ADVISORY COMMITTEE

Responsibilities: Provide advice and assistance to the EOC, and to the executive director with direction from the EOC, in implementing the Council's affirmative action plan.

- 1. Make recommendations to the EOC on revisions to the Council's AAP.
- 2. Fulfill committee responsibilities designated in the AAP annual action steps.
- 3. Serve as a communication liaison with other employees to convey information about and promote the Council's affirmative action/equal opportunity program, and obtain feedback from staff on employee attitudes toward the AAP.
- 4. Plan and sponsor staff information sessions on equal opportunity and affirmative action issues.
- 5. Help the EOC gather information, conduct projects and develop specific procedures and programs to meet the Council's equal opportunity objectives.

- 6. Monitor the accomplishment of affirmative action programs and objectives; provide feedback to the EOC.
- 7. Determine committee objectives and priorities on a yearly basis.

Accountability: To the executive director.

J. <u>LEGAL COUNSEL</u>

Responsibilities: Provide legal advice to the EOC and management staff on legal compliance with equal opportunity/affirmative action requirements.

- 1. Provide advice and review documents submitted by the EOC for legal compliance to ensure that the Council's AAP is consistent with current statutory and regulatory law.
- 2. Keep abreast of current case law in the area of equal opportunity/affirmative action, and provide ongoing legal assistance to the executive director, EOC, employee relations manager and director of administration, to assure that the Council complies with applicable federal and state laws and regulations.
- 3. Advise the EOC and management/supervisory staff during the handling of discrimination complaints on laws, regulations, Council policy, court cases and administrative decisions by enforcement agencies, and standards for determining whether a claim of discrimination is substantiated.

Accountability: To the chair.

IV. PLAN DISSEMINATION

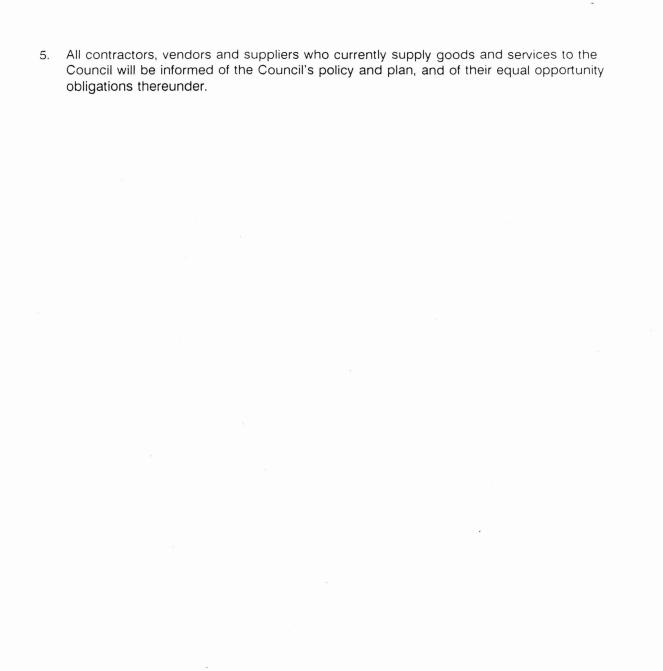
Dissemination of the Council's equal opportunity policy is essential to implementation of the program. The policy will be communicated both internally and externally as follows.

A. INTERNAL

- 1. The policy statement will be prominently placed on all common employee bulletin boards.
- 2. Copies of the AAP will be available to all employees at any time from the equal opportunity and personnel offices.
- 3. The AAP will be kept on file in the Council library.
- 4. Personnel policy documents will include the plan.
- 5. The employee newsletter will announce the adoption by the Council of the plan.
- 6. The EOC will meet with department directors to explain and discuss the plan at least annually.
- 7. Department directors will review the plan with division directors and management personnel reporting to them.
- 8. Each manager and supervisor will be responsible for reviewing the plan with employees under their supervision.
- 9. New employee orientation sessions conducted by the employee relations division will include information about the policy and plan.
- 10. The EOC will serve as an information resource on the plan to all employees.
- 11. The Council will maintain a position that a nondiscrimination clause will be included in any labor agreement.
- 12. News items pertaining to equal opportunity and affirmative action will be included in employee newsletters, posted on bulletin boards and circulated to department directors, as appropriate.
- 13. Quarterly progress reports will be provided to the Council.

B. EXTERNAL

- 1. The Council's annual report to the State Legislature will include a report on the revised plan.
- 2. Citizen action groups, government agencies, educational institutions and organizations that serve as sources for recruitment for employment of protected-class members will be notified of the Council's equal opportunity policy and may obtain a copy of the plan upon request.
- 3. Information regarding Council adoption of the revised plan will be included in appropriate Council publications.
- 4. All advertisements, announcements of job openings, application forms, letters acknowledging receipt of applications or resumes, purchase orders and contracts will include an equal opportunity clause.



V. PLAN DEVELOPMENT AND EXECUTION

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

A. RECRUITMENT

At the time the EOC signs the personnel requisition that initiates recruitment for a job opening, the EOC will notify the hiring manager of whether a hiring goal or disparity exists for the position. When determining how to recruit for an opening, consideration will be given to whether external recruitment will be necessary in order to generate protected group applicants to enable the Council to meet an affirmative action hiring goal or correct a disparity.

1. External

An affirmative recruitment strategy will be developed for each position recruited externally. The recruitment strategy will include the following measures:

The EOC will develop and maintain a mailing list of recruitment resources capable of referring protected group applicants, to which all Council job openings will be sent. This mailing list will include members of the Council's 25-member Minority Issues Advisory Committee. The EOC and the hiring manager will jointly develop an affirmative action recruitment plan tailored to the job opening. Job advertisements will be placed in media with large audiences among protected classes. Job announcements will include the job title, brief job description, essential qualifications, starting salary or salary range, application deadline, and instructions on how to apply. All job advertisements will include the statement, **An equal opportunity employer**.

The EOC shall maintain a bank of resumes submitted by protected group individuals to the EOC. The EOC shall maintain each resume on file for a period of one year, and shall notify the individual of Council job openings in which the individual has specifically indicated an interest during that one-year period.

The EOC and employee relations staff will periodically attend local job fairs with a protected group focus. The EOC, employee relations division and Council managerial/supervisory staff may engage in other affirmative recruitment strategies at the local, regional or national level to attract candidates from under-represented protected groups.

The Council shall act affirmatively to recruit and hire students who are women, minorities and individuals with disabilities into Council internships to enable protected group students to gain skills to help qualify them for possible future employment with the Council.

2. Internal

Notices of job openings for all bargaining unit positions will be posted prominently on all bulletin boards for 10 working days to encourage employees to apply for positions for which they meet the essential qualifications. Postings will indicate whether there is a disparity or hiring goal for the position, and for which protected group. The EOC will also be provided with notices of all job openings and will be available to provide information and encouragement to employees seeking job advancement and career opportunities.

B. APPLICATION BLANKS AND EQUAL OPPORTUNITY INFORMATION FORMS

Application blanks will solicit only information which is relevant for employment consideration. In addition to completing an application form, applicants will be asked to voluntarily complete an Equal Opportunity Information Form that requests information needed to monitor and evaluate the Council's affirmative action efforts. This information will not be used to discriminate against persons in the selection process or in subsequent personnel decisions, but may be used for affirmative action purposes. The Equal Employment Opportunity Forms will be maintained in a confidential file by the employee relations manager. Application blanks and the Equal Employment Opportunity Form will prominently display the statement, **An Equal Opportunity Employer**, and will be revised periodically as needed to comply with current applicable federal and state statutes, and regulations and local ordinances.

C. JOB REQUIREMENTS

The specific duties and responsibilities of a position shall be established before any recruiting is done. Essential job qualifications shall be established by the employee relations manager and management staff based on an analysis of the job, and will be job relevant. The EOC shall review the essential qualifications before recruitment commences. All management personnel who participate in the hiring process will receive from the EOC and employee relations manager periodic information and training as necessary concerning the Council's equal employment opportunity/affirmative action and personnel policies and procedures.

D. **EXAMINATIONS**

Written, oral and job performance examinations, when required, will be job relevant. Eligibility of an applicant to take an examination will be determined on the basis of job-relevant qualifications. Standards for grading examinations will be uniformly applied.

E. INTERVIEWS

The employee relations division shall screen and refer applicants for interviews based on the essential job qualifications. The hiring manager shall interview all protected group candidates referred unless a waiver is obtained from the EOC. Interviews will be structured and will be confined to job-relevant qualifications. The EOC and employee relations manager will review the interview questions before they are used.

F. PREVIOUS EMPLOYMENT REFERENCE CHECKS

Managers may make previous employment reference checks as part of the selection process, with the written permission of the applicant. A structured reference check form will be used, and information obtained in the reference check will be documented. Inquiries will be confined to job-relevant information.

G. SELECTION

The best-qualified candidate will be selected for appointment on the basis of job-relevant qualifications, and the Council's affirmative action and internal advancement objectives.

H. PROMOTIONS, WORK-OUT-OF-CLASS ASSIGNMENTS AND TRANSFERS

Promotion, work-out-of-class and transfer opportunities are generated by work program needs. Promotion, work-out-of-class and transfer decisions will be based on considerations of employees' job-relevant qualifications and the Council's affirmative action goals. All internal bargaining unit applicants will be considered and interviewed for posted bargaining unit job openings. Employees are informed of competitive promotion and transfer opportunities through the posting of notices.

I. TRAINING

The Council, through its Employee Education and Training Program (EETP), supports educational activities undertaken by individual employees, including training required of employees by supervisors, and the following activities initiated by the employee:

- 1. Activities related to the employee's present job;
- 2. Activities related to the employee's expanded career potential, which may or may not be related to the employee's present job or to the normal progression from the present job.
- Activities of a general interest nature to increase the employee's understanding of the Council or to assist in the employee's personal growth in a way that will improve the ability to perform the job.

The EETP supports employee education through tuition assistance, funds for books and materials, and time off. The employee relations staff and EOC are available to counsel protected group employees on utilizing the program to further the employees' career objectives.

The employee relations manager annually develops a schedule of in-house training that is provided to employees and managers/supervisors.

Funds for conferences, seminars, etc., are available on a limited basis in departmental budgets.

J. <u>COMPENSATION</u>

Salaries, fringe benefits and other forms of remuneration will be provided on the basis of Council compensation policies that conform with the principle of equal pay for equal work. The Council completed a classification and compensation study in 1989, and established a new hierarchy of salary ranges, which groups job classes that are similar with respect to required level of skill, effort, responsibility and working conditions. The classification and compensation system integrates comparable worth principles.

The employee relations manager develops new hire and promotional salary offers based on the qualifications of the candidate in accordance with equal pay for equal work principles. The EOC reviews the salary offer before it is made.

Employees receive annual pay increases based on performance. Written criteria for performance evaluations and definitions of performance levels have been developed. Employees receive written quarterly and annual performance reviews.

K. DISCIPLINARY ACTION

Disciplinary action will be for just cause only and will not be based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, age or political affiliation.

L. LAY OFF

If lay offs are necessary, primary consideration when making lay-off decisions shall be given to Council program priorities, particular program requirements, the structure of classes and positions within the Council system, the performance record of employees, and affirmative action. Secondary consideration will be given to length of service.

The union contract states that for bargaining unit jobs, in the event that a bona fide affirmative action disparity would result within a job classification from which a lay off will occur, no employee who meets the affirmative action goal will be laid off.

M. RETENTION

The EOC is available to both employees and managers/supervisors for counselling on, and mediation and resolution of, issues that arise in a diverse work force.

The EOC will conduct exit interviews with people of color, and people with disabilities, and with women in departments where women are under-represented, at the time of separation from the Council to identify retention issues relating to protected groups.

N. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The establishment and administration of work rules and practices will be nondiscriminatory. The Council may offer, where consistent with business needs, opportunities to work on a shared- or flexible-time basis. Council-sponsored recreation and social events will be available to all employees. Policies and practices regarding leave without pay will be nondiscriminatory. All other terms and conditions of employment not mentioned in preceding sections will be administered on a nondiscriminatory basis. Employees shall be entitled to observe a religious holiday not specified in the bargaining agreement or supervisory/confidential plan that falls on the employee's regularly scheduled workday. Time off to observe the religious holiday may be taken as accumulated vacation or leave without pay.

O. MANAGEMENT/SUPERVISORY TRAINING

Managerial and supervisory staff will receive periodic training on implementing the Council's affirmative action program, and on managing their unit in a manner that provides a work environment that is free of discrimination and supports work force diversity.

The EOC and employee relations manager will train managers and supervisors on a continuing basis on proper interview and selection practices. The EOC will advise managers and supervisors on laws, regulations and Council policy on discrimination and affirmative action. The EOC will train managers/supervisors on proper investigation techniques for handling informal discrimination complaints.

P. STAFF EQUAL OPPORTUNITY ADVISORY COMMITTEE

The executive director shall appoint a nine-member staff Equal Opportunity Advisory Committee (EOAC) whose purpose is to provide advice and assistance to the executive director, with direction from the EOC, in implementing the Council's AAP. To the extent possible, representation will include:

- 1. Members of protected classes:
- 2. Representation from each of the Council's five job groups (directors/managers/supervisors, planning professionals, etc.);
- A balance of men and women;
- 4. Representation from each of the departments; and
- 5. Persons committed to and willing to contribute to the Council's equal opportunity/affirmative action policies, programs and objectives.

Staff will be notified of vacancies on the committee as they occur in the executive director's newsletter to staff, and invited to apply to serve on the committee. The executive director will appoint members with recommendations from the EOC. Committee appointments will be for a two-year term. Members may be reappointed for one succeeding term.

The committee shall work with direction from the EOC. Committee responsibilities are defined in this plan in the chapter entitled <u>Designation of Responsibilities</u>.

Q. MANAGERIAL/SUPERVISORY PERFORMANCE EVALUATIONS

All managerial/supervisory staff are evaluated as part of the Council's regular performance appraisal process, on achievement of affirmative action and equal opportunity goals and objectives, and procurement and contracting with disadvantaged businesses. These performance factors are specifically written into the Council's management performance review tool.

R. <u>ASSESSING EMPLOYEE ATTITUDES TOWARD THE EQUAL OPPORTUNITY/AFFIRMATIVE</u> ACTION PROGRAM

The EOAC is responsible for soliciting information from employees on their concerns regarding the Council's affirmative action/equal opportunity program, and discussing those concerns and proposing responsive actions at committee meetings. The committee will periodically identify mechanisms such as employee surveys, focus groups and employee meetings for assessing employee attitudes towards the Council's affirmative action/equal opportunity program.

VI. DISCRIMINATION COMPLAINTS

Administrative Procedure 3.2, "Discrimination Complaints" provides an internal process for handling allegations that the Council has engaged in discrimination (See Appendix C for the complete procedure.) Complaints of discrimination may be brought under this procedure:

- 1. By employees, interns or nonemployees relating to Council employment practices;
- 2. By nonemployees relating to the Council's procurement of goods and services;
- 3. By employees, interns and nonemployees who are allegedly the victims of sexual harassment or harassment on the basis of race or disability.

Discrimination complaints relating to the Council's Housing and Redevelopment Authority's (Metro HRA's) Section 8 rental assistance program may not be brought under this procedure, but should be brought under Metro HRA procedures.

The use of this administrative procedure for bringing discrimination complaints shall not limit the right of the charging party to file a complaint with a federal, state or local human rights enforcement agency.

The procedure specifies an informal and formal step for each type of discrimination complaint that may be brought under the procedure. Under the formal process the EOC makes an initial determination of whether the complaint is properly one of discrimination and falls within the purview of this procedure. If the complaint is properly one of discrimination, the EOC conducts an investigation of the charge(s) and submits a written report of the facts of the complaint and findings to the executive director. The executive director makes a final determination on the complaint.

An employee, manager or supervisor found through an investigation to have acted in a discriminatory manner may be subject to disciplinary action.

An employee, manager or supervisor who engages in retaliation against an individual who has brought a discrimination complaint or who has cooperated in a complaint investigation, shall be subject to disciplinary action.

Information obtained during an investigation will be handled confidentially to the degree possible and in accordance with the Minnesota Government Data Practices Act.

An individual who wishes to bring a discrimination complaint under this procedure should contact the Council's EOC at 291-6575 to obtain a copy of the complete procedure.

VII. <u>AVAILABILITY ANALYSIS, COUNCIL STAFF UTILIZATION ANALYSIS,</u> <u>GOALS AND TIMETABLES</u>

The EOC will conduct a utilization analysis annually to identify job groups and departments where people of color, women and individuals with disabilities are under-represented. The employee relations manager will forecast anticipated job openings for the coming calendar year for each job group. The Council shall adopt annual hiring goals by December 31 for the following year based on the estimated openings, to remedy the identified under-representation of women, minorities and individuals with disabilities.

The Council shall also adopt long-range (two- to five-year) goals for correcting the underrepresentation of protected groups for which, based on anticipated turnover and the availability of protected group applicants, it is expected that longer term strategies will be needed.

The steps in the affirmative action goal-setting process are:

- 1. Assign Council job classes to job groups, and conduct a utilization analysis for Council staff by race, ethnicity, gender and people with disabilities, both agency-wide and at the department level.
- 2. Develop an availability analysis for women, minorities and people with disabilities for each job group.
- 3. Set short-range (one-year) and long-range hiring goals for women, minorities and people with disabilities for each job group on an agency-wide basis.

A. WORK FORCE AND JOB GROUP ANALYSIS

All Council job classes were assigned to four job categories based on Equal Employment Opportunity Commission (EEOC) guidelines: (1) directors/ managers/supervisors; (2) professionals; (3) paraprofessionals/technicians; and (4) office/clerical. The professional category was then split into two job groups--planning professionals and administrative professionals--to provide for grouping of job classes with similar job content and promotional opportunities. The split of professionals into two groups also enables the Council to better target those areas in which protected groups are under-represented. Job titles were then listed agency-wide, by job group and salary range, and the total number of incumbents identified by race and gender for each salary range (Appendix A). The number of incumbents by race and gender were also listed by job group for each of the departments (Appendix B). EEOC definitions of each ethnic/racial minority group were used in identifying the race/ethnicity of each Council staff member.

B. AVAILABILITY ANALYSIS

The Council's availability analysis for women and minorities was updated based on 1980 census data reported in the "Special Equal Employment Opportunity File."

Based on Minnesota Department of Employee Relations guidelines, availability of minorities and women by job group was determined based on the following factors. Availability of people of color was based on: (1) the percentage they comprise of the seven-county population between the ages of 18 and 64; and (2) seven-county occupational availability data. The two factors were compared for each job group, and the larger of the two statistics selected as the availability figure. The availability figure for women for all job groups was set at 44.8 percent which is the seven-county percentage of women in the work force.

The Minnesota Department of Employee Relations has established the availability of people with disabilities at eight percent for all job groups.

Documentation of the availability analyses conducted for people of color for each of the five job groups appears in Appendix F.

C. UTILIZATION ANALYSIS

Council-Wide Analysis

a. People of Color:

As of Dec. 7, 1990, people of color were under-represented among planning professionals (see Table 1). People of color compose approximately 8.8 percent of the planner labor market pool from which the Council recruits. Currently, four of the Council's planners (5.8 percent) are people of color. The Council currently has two minority managers/supervisors; both Hispanic. There are no managers or supervisors from the other racial/ethnic minority groups. Minorities compose over 15 percent of the Council's three other job groups: administrative professionals, paraprofessionals/technicians and office/clerical.

The Council does not have any American Indians on staff. The three other racial/ethnic minority groups are represented among Council employees.

b. Women

Currently, women compose a majority of the Council staff (56.8 percent). There is a disparity for women in the administrative professional job group. Women are underrepresented among management/supervisory and planning personnel in the Metro Systems Department, and among planners in Research and Long-Range Planning. Concentrations of female employees exist in the paraprofessional/technician and office/clerical job groups, and in the Human Services Department.

c. People with Disabilities

Employees with disabilities compose 7.5 percent of the Council's staff. They are underrepresented in three of the five job groups: directors/managers/supervisors, planning professionals and administrative professionals. In each of the groups existing disparities would be corrected with the hiring of one additional person.

2. Departmental Analysis

Staff composition data by department appear in Appendix B. Departmental data on people with disabilities are not presented in order to protect employees' confidentiality. Information on disabilities is classified as private data under the Minnesota Data Practices Act. However, those departments where individuals with disabilities are under-represented are identified below.

a. Chair's Office

There are no people of color in the Chair's Office. Women are well-represented at each job level.

b. Administration Department

Women are under-represented among managers/supervisors and administrative professionals in the Administration Department. Minority employees hold jobs in three of the five job groups in the department. They are absent among managers. People with disabilities are also under-represented in the department.

c. Community Services Department

Racial/ethnic minorities are absent among managers/supervisors and planning professionals in the unit. Over 60 percent of the department is female.

d. Human Services Department

People of color are represented among all job groups. There are high concentrations of people of color in the paraprofessional/technical and office/clerical categories. There is a disparity for individuals with disabilities. The department is heavily female-dominated; over 80 percent of the staff are women.

e. Metro Systems Department

In the Metro Systems Department, people of color are represented in each of the job groups. Women are significantly under-represented among professionals and managers/supervisors. People with disabilities are under-represented as well.

f. Research and Long-Range Planning

People of color are significantly under-represented on the Research staff; there is only one. People with disabilities are also under-represented. Women are under-represented among planning professionals.

D. 1990 (SHORT-RANGE) GOALS

Agency-wide numerical hiring goals are established to correct under-representation of women, minorities and individuals with disabilities by job group. Goals are not set for each department. However, where there is no agency-wide disparity for a job group, but minorities or women are significantly under-represented in a department, goals are set and targeted to that department. First priority will be placed on affirmative hiring to correct Council-wide disparities within a job group for specific protected groups. Second priority will be placed on meeting goals set to correct department-level under-representation of groups for whom no agency-wide disparity exists in a job group.

For purposes of the utilization and availability analyses and goal setting, each part-time position is counted individually because each opening presents a separate opportunity to recruit and hire affirmatively. Hiring goals are based on: (1) a current work force analysis; (2) an availability analysis; (3) estimated turnover among minority and female staff and staff with disabilities during the program period; and (4) estimated number of job openings. The goals are flexible. Should more openings occur than anticipated or should attrition of women, minorities and staff with disabilities be disproportionate, efforts will be made to achieve a representational work force that is consistent with availability estimates.

Hiring goals for the program period of Jan. 1 through Dec. 31, 1991, appear in Table 1.

Table 1 WORK FORCE ANALYSIS AND AFFIRMATIVE ACTION HIRING GOALS

(WORK FORCE ANALYSIS AS OF DEC. 7, 1990)1

						Minority Employees							
	All Employees				Male				Female				
Job Group	Total	Male	Female	Dis.	В	н	A	AI	В	н	A	AI	
Directors/Managers/Supervisors	34	19	15	2	0	1	0	0	0	1	0	0	
Planning Professionals	69	39	30	5	2	2	0	0	0	0	0	0	
Administrative Professionals	28	19	9	1	1	1	1	0	2	0	0	0	
Paraprofessionals/Technicians	48	11	37	4	2	1	1	0	3	1	1	0	
Office/Clerical	34	4	30	4	1	0	0	0	1	4	0	0	
TOTALS	213	92	121	16	6	5	2	0	6	6	1	0	

Table 1 (cont.)										
,	Current Percentage			Percent Availability			Antici- pated Job	Numerical Goals		
Job Group	Min.	Fem.	Dis.	Min.	Fem.	Dis.	Openings	Min.	Fem.	W/Dis.
Directors/Managers/Supervisors	5.9%	44.1%	5.9%	4.8%	44.8%	8.0%	2	1		1
Planning Professionals	5.8	43.5	7.2	8.8	44.8	8.0	3	1	12	1
Administrative Professionals	17.9	32.1	3.6	4.8	44.8	8.0	2		1	1
Paraprofessionals/Technicians	18.8	77.1	8.3	5.2	44.8	8.0	2	13		
Office/Clerical	17.6	88.2	11.8	4.8	44.8	8.0	3			
TOTALS	12.2%	56.8%	7.5%	6.5%	44.8%	8.0%	12	3	2	3

¹Current work force analysis includes part-time and temporary employees. It reflects changes planned in the staff transition that will take effect in January 1991, and in the separation of the arts program.

²First priority for hiring planning professionals is placed on correcting the agency-wide disparity for minorities and people with disabilities. Women are under-represented in the Metro Systems and Research and Long-Range Planning Departments. A secondary goal of hiring a woman into one of these two departments is set.

There is no agency-wide disparity. Goal is to add an American Indian to the HRA staff, and/or to hire a minority into a planning technician, planning assistant or grants assistant position.

1. Directors/Managers/Supervisors

Two openings are projected in the directors/managers/supervisors job group for the year. A hiring goal of one is set for people with disabilities. A hiring goal of one is also set to add representation from one of the three minority groups not represented among Council directors, managers and supervisors, i.e., African-Americans, Asian-Pacific Islanders and American Indians. Although no hiring goal is set for women, affirmative recruitment of women will be strengthened for openings in the Metro Systems Department. However, the agency's first priority is to correct the Council-wide disparity for people with disabilities, and to broaden representation from the communities of color.

2. Planning Professionals

Hiring goals of one minority and one individual with a disability are set to correct disparities in the planning professional job group. A secondary goal of hiring one woman planner in the Metro Systems or Research and Long-Range Planning departments is also established.

3. Administrative Professionals

Two openings are anticipated in the administrative professional category. Hiring goals of one individual with a disability and one woman are established to correct current disparities.

4. Paraprofessionals/Technicians

There are no disparities for any of the protected groups in this category. However, the U.S. Department of Housing and Urban Development (HUD), in the fair housing audit it conducted in 1987, recommended that the Council's Housing and Redevelopment Authority (HRA) act affirmatively to add an American Indian to its staff. HUD reiterated this recommendation in a subsequent audit in 1990. The majority of HRA jobs are in the paraprofessional/technician job group.

As noted in the utilization analysis, people of color are under-represented among planning professionals. Employees in some of the Council's planning and grants assistant positions have the opportunity to develop skills in their jobs that better qualify them for professional planning positions. By increasing the number of minority staff in the assistant positions, the Council can increase the size of its future internal minority applicant pool for planning professional positions. This is particularly critical because recruitment for some planning positions is restricted to internal applicants in order to provide promotional opportunities to current employees.

Given the dual objectives--to include an American Indian on the HRA staff, and to increase the internal pool of minority candidates for planning jobs, a goal of hiring one person of color in this job group is set. If this goal is met in one work unit and subsequent openings occur in the other work units, affirmative action will be taken to meet the objectives described above where they have not been met.

Office/Clerical

Four openings are forecasted for the program period. Minorities and individuals with disabilities are well-represented, and women are over-represented in this job group, so no hiring goal is set.

6. Council-Wide

To remedy the absence of American Indians on the Council's staff, the Council will strengthen affirmative recruitment and hiring of American Indians for all Council job openings, so that American Indians are represented on Council staff in proportion to their Metropolitan Area population.

E. LONG-RANGE GOALS (TWO YEARS)

The Council expects that a period of two years will be needed to fully correct its more significant areas of under-representation of minorities, and of women planners in the Metro Systems and Research Departments.

1. Long-range goals are established for the Council's regular (i.e., non-temporary) staff complement as follows:

a. Agency-Wide

Add two American Indians to Council staff to reflect the percentage of American Indians (one percent) in the Metro Area population.

b. Planning Professionals

- 1) Increase minority representation to 8.8 percent. (Hire one in 1991, two in 1992 and retain current employees.)
- Increase the number of professional and managerial/supervisory women in the Metro Systems and Research and Long-Range Planning Departments to meet 44.8 percent availability.

2. Interns

The Council has an internship program which provides students with an opportunity to obtain paid work experience for planning and administrative professional, paraprofessional and technical jobs. Internships are available to undergraduate and graduate students on both a full-time and part-time basis. The internship program provides students with opportunities to develop job skills which better qualify them for Council job openings. A goal of filling 20 percent of paid internships with minority students and students with disabilities is set for 1991. Affirmative efforts will be made to recruit women students as well, particularly in the Metro Systems Department.

VIII. PROGRAM OBJECTIVES - 1991

A. OBJECTIVE:

Increase the number of qualified applicants from the minority communities

and communities of people with disabilities.

ACTIONS:

Meet with at least two job developers from American Indian organizations and three job developers from organizations for people with disabilities to

identify strategies for increasing recruitment from those groups.

Attend at least one job fair.

Institute annual review of recruitment source data.

PERSONS

RESPONSIBLE:

EOC.

TIME FRAME:

Annual review of recruitment source data - March 1991.

Job developer meetings - December 1991.

Job fair - to be scheduled.

B. OBJECTIVE:

Assess employee attitudes towards the Council's equal

opportunity/affirmative action program.

ACTION:

Conduct employee focus group.

PERSONS

RESPONSIBLE:

EOC, EOAC.

TIME FRAME:

Focus group - October 1991.

C. OBJECTIVE:

Create a work environment which is supportive of staff diversity.

ACTIONS:

Conduct Council member anti-harassment training.

Conduct training for all staff on cultural diversity.

Develop follow-up session for directors, managers and supervisors on

cultural diversity training.

Schedule speakers for each of the cultural heritage months.

PERSONS

RESPONSIBLE:

EOC, executive director, EOAC.

TIME FRAME:

Guest speaker, African-American History Month - February 1991.

Guest speaker, American Indian Heritage Month - May 1991.

Council member anti-harassment training - August 1991.

Cultural diversity training - September 1991.

Guest speaker, Hispanic Heritage Month - October 1991.

Follow-up diversity session for directors, managers, supervisors - November

1991.

Guest speaker, Asian-Pacific Heritage Month - to be scheduled.

D. OBJECTIVE:

Maintain an affirmative action plan which is up-to-date and addresses

current problem areas.

ACTION:

Revise affirmative action plan.

PERSONS

RESPONSIBLE:

EOC, executive director, EOAC, Minority Issues Advisory Committee,

Metropolitan Council.

TIME FRAME:

Revised AAP - December 1991.

IX. AUDITING AND REPORTING

Data and information will be collected and maintained to provide for periodic evaluation of the results of the affirmative action/equal opportunity program. The management staff and employee relations manager will cooperate with the EOC in collecting and providing the necessary data and information. The EOC will meet periodically with the employee relations manager and management staff to review the data collected, and to identify strategies to address problems that are revealed. Data and information collected will include the following:

A. RECRUITMENT SOURCES AND REFERRAL RECORDS

The EOC shall annually review data provided by job applicants on how they heard about Council job openings (newspaper, school, community organization, etc.). The information obtained in this review will be used to plan recruitment strategies that have the greatest potential for generating protected group applicants.

B. APPLICANT FLOW

The EOC will prepare a quarterly report by job group and protected group on the total number of applicants, applicants interviewed and applicants hired in order to determine the Council's success in affirmatively recruiting, interviewing and hiring.

C. CURRENT STAFF COMPOSITION

The EOC will prepare a quarterly report on the Council staff composition by job group, gender, racial/ethnic minority group and disability. This information will be used to assess the Council's net progress in achieving a diverse work force.

D. PROMOTIONS/TRANSFERS

Data on promotions and transfers by job group and protected group shall be reported quarterly by the EOC. This data will be used to monitor promotion and transfer decisions to ensure nondiscrimination.

E. TRAINING

The EOC will prepare an annual report on the use of Employee Education and Training Program funds by gender, race/ethnicity and disability. The report shall include both the number of activities funded and the amount of funds disbursed. The employee relations manager will maintain records on employee requests for training that are denied. The EOC will annually review data on denials and identify any patterns that emerge for protected groups.

F. COMPENSATION

The EOC will aggregate and review data on the distribution of employees within Equal Employment Opportunity Commission job categories by salary range, gender, race/ethnicity and disability for purposes of submitting the annual EEO-4 report. The EOC shall also annually review performance evaluation data by gender, race/ethnicity and disability to ensure compliance with nondiscrimination laws, and to identify issues of performance or performance assessment of protected groups.

G. DISCIPLINARY ACTION

The EOC will review disciplinary data on a quarterly basis to monitor compliance with discrimination laws, and to identify any patterns and potential issues with protected groups.

H. SEPARATIONS

The EOC will prepare quarterly reports on employee separations by gender, race/ethnicity and disability to identify problems in retaining protected groups.

I. DISCRIMINATION COMPLAINTS

The EOC will compile quarterly data on informal and formal discrimination complaints, and will analyze this information to identify problem areas.

J. REPORTS

The EOC shall prepare the following regular reports:

- 1. Quarterly equal opportunity program progress reports to the Management Committee, Minority Issues Advisory Committee, Equal Opportunity Advisory Committee, Metropolitan Council chair and management staff on staff composition, hiring (staff and interns), applicant flow, promotions, transfers and separations. The EOC shall prepare an annual report to these groups on the usage of the Employee Education and Training Program.
- 2. The quarterly report required by the Minnesota Department of Employee Relations.
- 3. The annual EEO-4 report required by the Equal Employment Opportunity Commission.

X. PRE-EMPLOYMENT REVIEW

Administrative Procedure 7.3.1, "Hiring Procedures", (See Appendix D) delineates the process to be used for hiring; defines the respective affirmative action/equal opportunity responsibilities of the EOC, employee relations manager and management/supervisory staff under that process; provides for review of hiring recommendations by the EOC; and enables the EOC to recommend another candidate for selection to the executive director to enable the Council to meet a hiring goal or correct a disparity for a protected group.

Under this procedure, prior to recruitment the EOC reviews the proposed essential qualifications for the job to ensure that they are bona fide essential qualifications. The EOC notifies the hiring manager of any affirmative action goals or disparities for the position.

Applications are initially screened by the employee relations division, and a pool of applicants who appear to meet the essential qualifications for the job are referred to the hiring manger for interview. If the manager wishes to eliminate a protected group applicant referred by the employee relations division from further consideration, the manager must obtain a waiver from the EOC. If the EOC does not give a waiver, the protected group applicant must be interviewed.

If the hiring manager has interviewed applicants who, if hired, would meet an affirmative action goal or correct a disparity, but recommends the hiring of a candidate who would not meet these objectives, the manager must meet with the EOC to discuss the rationale for the recommendation. If the EOC does not concur with the recommendation, the director of the department where the hiring will occur must request an exception to the Council's affirmative action policy. The request must provide the following information:

- 1. A statement explaining the exceptional qualifications of the recommended candidate.
- 2. A statement about the department's overall affirmative action hiring record.
- 3. If the recommended individual is an internal candidate, information concerning their opportunity for advancement.
- 4. Information on any extenuating circumstances impacting the hiring decision.
- 5. Information on the recruitment efforts undertaken for the position.

The request is then reviewed by the employee relations manager and the EOC. If the EOC and/or the employee relations manager do not concur with the request, the executive director reviews the request, as well as the recommendations of the EOC and employee relations manager, and makes a final hiring decision.

XI. REASONABLE ACCOMMODATION

The Council shall make reasonable accommodations to the known physical, sensory and mental disabilities of a qualified employee, intern or applicant who has identified him/herself as having a disability, to enable that individual to perform their Council job or to compete on an equal basis for a Council job opening, unless such an accommodation would impose an undue hardship on the Council.

Administrative Procedure 3.3, "Reasonable Accommodation," sets forth the process under which qualified employees, interns and job applicants with disabilities are to request reasonable accommodations, and under which requests will be evaluated and determinations made. (See Appendix E for the complete procedure.)

Under the procedure, employees and interns meet with their supervisor to discuss needed accommodations, and then submit a written "Request for Reasonable Accommodation" to the EOC. The EOC gathers information on possible accommodations, evaluates the request, and submits a written report and recommendations to the executive director. The executive director makes a determination on whether or not accommodations will be provided, and determines what accommodations will be made. Accommodations to be provided are documented in a "Reasonable Accommodation Agreement."

The executive director is authorized to enter into agreements with qualified employees and interns with disabilities that set forth the type(s), terms and conditions of reasonable accommodations to be provided to those employees and interns.

Job applicants with disabilities will request accommodations needed in the interview or testing process on the employment information sheet which is attached to the Council's job application form. The EOC determines, after consultation with the employee relations manager, whether and what accommodations will be made. Inquiries will not be made into accommodations needed by a job applicant to perform a job until after a job offer conditioned on the individual's ability to meet the physical and mental requirements of the job is made.

The EOC is responsible for making arrangements for accommodations to be provided. Up to \$400 per person shall be paid towards the cost of accommodations provided from the budget of the department in which the employee or intern with disabilities is employed, or in which the job applicant would be employed. (In the case of employees or interns of or job applicants to the chair's office, up to \$400 shall be paid from the budget of the chair's office.) The executive director shall appropriate additional funds to cover costs of reasonable accommodations which exceed \$400.

XII. SEXUAL, RACIAL, NATIONAL ORIGIN AND DISABILITY HARASSMENT

It is the policy of the Council to provide for its employees a work atmosphere free of harassment, intimidation or coercion by other employees and by nonemployees. Sexual harassment, and harassment on the basis of race, national origin, or disability constitute discrimination. The Council and Council management are committed to promoting a discrimination-free work environment. Employees are prohibited from engaging in the harassment of other employees and nonemployees in the course of carrying out their job duties.

Sexual harassment is defined as, but is not limited to:

- Sexually motivated physical contacts, sexually derogatory statements and verbal sexual advances; or
- Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Racial harassment is defined as an individual's verbal or physical conduct relating to another individual or group's race that is hostile, offensive, degrading or exploitive.

Harassment on the basis of national origin is an individual's verbal or physical conduct relating to the national origin of an individual or group that is hostile, offensive, degrading or exploitive.

Disability harassment is hostile, derogatory, offensive or exploitive verbal or physical conduct relating to the disability of an individual or group. It includes behavior which maligns a reasonable accommodation provided by the Council to enable an individual with disabilities to compete for or perform Council jobs, or to utilize Council services. It covers actions such as tampering or interfering with assistive devices used by an individual to overcome the effects of their disability.

Such conduct or communication constitutes harassment, and employees are prohibited from engaging in such conduct or communication when:

- 1. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of another individual's employment or access to public services.
- 2. Submission to or rejection of such conduct or communication by an individual is used as a basis for decisions affecting that individual's employment or access to public services.
- 3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or use of public services; or of creating an intimidating, hostile or offensive work environment or atmosphere in which public services are provided.

Any employee who feels that he or she has been subjected to any of these types of harassment, or who believes he or she has witnessed such harassment, is encouraged to report this information. Employees may bring informal complaints of harassment by reporting the alleged harassing behavior to the equal opportunity coordinator, employee relations manager, or any Council manager or supervisor. Employees who wish to bring a formal written complaint of harassment are encouraged to use the Council's discrimination complaint process outlined in Administrative Procedure 3.2.

All complaints of sexual, racial, national origin and disability harassment shall be investigated in a timely, thorough and impartial manner. Information obtained through an investigation will be handled confidentially to the degree possible and in accordance with the Minnesota Government Data Practices Act. Employees shall be protected from retaliation of any kind because of reporting a suspected incident of harassment, or cooperating in an investigation of a harassment charge.

An employee found through an investigation to have engaged in sexual, racial, national origin or disability harassment of another individual in the performance of the employee's job, shall be subject to disciplinary action up to and including discharge.

The Council recognizes that false accusations of harassment can have serious effects on innocent people. If the Council determines through an investigation, that an individual filing a complaint has intentionally misrepresented the facts, that employee shall be subject to disciplinary action up to and including discharge.

XIII. NOTIFICATION OF EMERGENCY OFFICE CLOSINGS

A telephone tree that includes all staff has been developed for the purpose of notifying employees when the office will be closed due to severe weather or other emergency. Currently the Council does not have any hearing impaired employees who cannot be reached by telephone. At the time a hearing impaired individual who cannot be reached by phone is employed at the Council, a procedure for contacting that employee will be developed in consultation with them.

Council office closings necessitated by severe weather are also announced on WCCO radio.

XIV. BUILDING EVACUATION

The Council has an emergency building evacuation plan that includes the following provisions for evacuation of people with disabilities:

- The Council utilizes a buddy system for the evacuation of employees with disabilities. Each
 employee with a disability who would need assistance to leave the building in an emergency
 has one or more co-workers assigned to them to assist them in emergency situations. In
 cases when an employee has a guest with a disability, the employee must assure that the
 guest gets to the exit stairway.
- 2. Due to the restrictive nature of the exit stairwells, public meetings that can be expected to draw numbers of persons with disabilities will be confined to meeting rooms on the first and second floors.
- 3. If the Council hosts a public meeting that is attended by persons with disabilities, the meeting chair is responsible for assuring the proper evacuation of all guests with disabilities. The responsibility includes, but is not limited to, assuring that an announcement is made early in the agenda, and describing the route to the exists.

All staff have been provided with a copy of the emergency plan.

XV. EQUAL ECONOMIC OPPORTUNITIES

It is Council policy to provide equal economic opportunity in the procurement of all goods and services. Purchases and contracts will be awarded by the Council without discrimination on the basis of race, color, creed, religion, national origin, sex, affectional preference, age, political affiliation, marital status, status with regard to public assistance or disability.

The Council shall not accept any bid or proposal for a contract or purchase in excess of \$50,000 from, or execute a contract or award a purchase in excess of \$50,000 to, a firm having more than 20 full-time employees in Minnesota at any time during the previous 12 months, unless the firm has a current certificate of compliance from the Minnesota Department of Human Rights, signifying the department's approval of the firm's affirmative action plan.

The Council will act affirmatively in accordance with its Women, Minority and Disadvantaged Business Enterprise Plan, to promote and enter into contracts with, and award purchases to, disadvantaged businesses.

The Council's Women, Minority and Disadvantaged Business Enterprise Plan sets forth affirmative efforts it will make to do business with firms owned and controlled by women, minorities and people with disabilities. This plan conforms to U.S. Department of Transportation regulations 49 CRF 23, and Minn. Stat. 473.142.

XVI. <u>EQUAL OPPORTUNITIES FOR CITIZEN</u> <u>PARTICIPATION IN PROGRAM PLANNING</u>

It is the Council's policy to provide equal opportunity for citizen participation in program planning. The Council has citizen advisory committees that assist in the development of plans and the review of grant applications in specialized planning areas such as aging, criminal justice, health, water quality, transportation and housing. These advisory committees are composed of local and regional elected officials, representatives of state or regional agencies, and private citizens. The latter are selected in accordance with "open appointment" procedures adopted by the Council. The "open appointment" policy provides for the recruitment of interested citizens through notification of committee openings to the public in appropriate Council publications and advertisements placed in local newspapers, including those owned by minorities. An important objective of the "open appointment" policy is to include effective representation of all segments of the seven-county Metropolitan Area that the Council serves, including minorities, females, the handicapped, low-income persons and the aged.

In 1985, the Council formed a 25-member Minority Issues Advisory Committee. The committee's role is to identify and study major issues and trends occurring within minority communities, and regional issues affecting these communities. It reviews Council policies and plans to determine their impact on minority communities, and develops recommendations on how the Council can be more responsive to minority issues. The committee also attempts to identify barriers within minority communities to involvement in regional programs, services and decision making.

1.3.91 - BLM0033A

A

METROPOLITAN COUNCIL WORK FORCE UTILIZATION ANALYSIS 1 DEC. 7, 1990

(Includes temporary and part-time employees.)

											
1991 Salary Range ²	Class Title	Total	Male	Female	Minority	People with Disabilities	Vietnam Veterans				
DIRECTORS/MANAGERS/SUPERVISORS											
9	Unit Supervisor	9	4	5	1						
10	Division Manager	18	11	7	1						
11	Department Director Chief Counsel Subtotal	5 1 6	2 1 3	3			,				
12	Executive Director	1	1								
TOTAL		34	18	15	2	2	2				
PLANNING PROFESSIONALS		T -	Ι .	1 -	1		<u> </u>				
5 \$24,613 - \$34,458 7 \$31,373 - \$43,922	Associate Planner Planner Grants Administrator Subtotal	5 27 1 28	13 13	14 1 1 15	3						
8 \$36,140 - \$50,596	Senior Planner Transportation Forecast/Analyst Subtotal	26 1 27	17 1 18	9							
9 \$41,600 - \$58,240	Planning Coordinator MPOSC (Parks) Coordinator Transportation Coordinator Subtotal	3 1 1 5	1 1 2	3							
10 \$45,926 - \$68,889	Principal Planner	4	4								
TOTAL		68	38	30	4	5	1				

1991 Salary Range ²	Class Title	Total	Male	Female	Minority	People with Disabilities	Vietnam Veterans
ADMINISTRATIVE PROFESSIO	NALS						
5 \$24,613 - \$34,458	HRA Training Specialist HRA EEO Specialist Subtotal						l u
6 \$27,300 - \$38,220	Accountant Facilities Coordinator Grants Specialist HRA EEO/Training Specialist Referral Coordinator Editor-Writer I Subtotal	1 1 1 1 1 1 6	1 1 1 1	1 1 2	1		
7 \$31,373 - \$43,922	Purchasing Officer Senior Accountant Librarian Editor-Writer II Employee Relations Rep. Subtotal	1 3 1 1 1 7	1 3 1 5	1 1 2	1 1 1 3		
8 \$36,140 - \$50,596	Systems Analyst/Programmer II Senior Systems Analyst/Programmer Investment Accountant Editor-Writer III Principal Accountant Assistant Counsel I Special Assistant to Chair I Equal Opportunity Coordinator Subtotal	3 1 1 1 2 1 1 1	3 1 1 1	1 1 1 1 1 5	1		
9 \$41,600 - \$58,240	Media Coordinator Assistant Counsel II Internal Auditor Subtotal	1 1 2	1 1 2	-	i		
10 \$45,926 - \$68,889	Special Assistant to Chair II Assistant Counsel III Subtotal	1 1 2	1 1. 2				
TOTAL		28	19	9	5	1	2

1991 Salary Range ²	Class Title	Total	Male	Female	Minority	People with Disabilities	Vietnam Veterans
PARAPROFESSIONALS/TECHN	CIANS						,
2 \$18,287 - \$25,602	HRA Administrative Assistant Mailing List Coordinator Subtotal	2 1 3		2 1 3	1 1 2		
4 \$22,100 - \$30,940	Computer Operator Planning Assistant GBF Specialist Grants Assistant Subtotal	2 5 1 1 9	1	2 4 1 1 8	1		
5 \$24,613 - \$34,458	Planning Technician Library Assistant Public Information Assistant I Printing Buyer/Typesetter Referral Assistant II Telephone Technician HRA Specialist HRA Housing Inspector HRA Client Services Advisor I Personnel Assistant Subtotal	5 1 2 1 1 1 4 1 1 1 1	1 1 1 1	4 1 2 1 1 3 1 1 14	2 1 3		
6 \$26,300 - \$36,800	Public Information Assistant II HRA Client Services Advisor II HRA Information Management Specialist Word Processing Coordinator HRA Rehab Coordinator Graphic Arts Specialist Subtotal	1 8 1 1 1 2 14	1 1 1 3	1 8 1 1 11	1 1 1 3		
7 \$30,200 - \$42,300 TOTAL	Systems Analyst/Programmer I	4 48	3 11	1 37	9	4	

1991 Salary Range ²	Class Title	Total	Male	Female	Minority	People with Disabilities	Vietnam Veterans
OFFICE/CLERICAL					Y	r	_
1 \$16,553 - \$23,174	File Clerk	1		1	1		
2 \$18,287 - \$25,602	Mail/Supply Clerk Referral Assistant I Account Clerk Central Services Clerk Switchboard/Receptionist Office Clerk Secretary Subtotal	1 1 1 1 1 1 1 7	1	1 1 1 1 1 1	1		1
4 \$22,100 - \$30,940	Senior Account Clerk Senior Secretary Central Services Coordinator Facilities Clerk Subtotal	2 14 1 1 18	1 1 2	1 14 1	3 1 4		
5 \$24,613 - 34,458	Principal Account Clerk Department Secretary Subtotal	1 4 5	1 1	1 3 4			
6	Legal Secretary Secretary to Chair Secretary to Executive Director Subtotal	1 1 1 3		1 1 1 3			
TOTAL		34	4	30	6	4	1
GRAND TOTAL		213	92	121	26	16	6

¹Table reflects changes planned in the staff transition that will take effect January 1991, and under the separation of the arts program.

 $^{^{2}}$ 1991 salary ranges for directors/managers/supervisors and confidential employes have not yet been set.

Table 1 WORK FORCE ANALYSIS CHAIR'S OFFICE

AS OF DEC. 7, 1990

	AL	Minority Employees											
						Ma	le			Fen	ale		Minority
Job Group	Total	Male	Female	(%)	В	н	A	AI	В	н	A	AI	(%)
Directors/Managers/Supervisors	7	4	3	42.9%									
Planning Professionals	3	2	1	33.3									
Administrative Professionals	7	4	3	42.9									
Paraprofessional/Technicians													
Office/Clerical	5		5	100.0									
TOTALS	21	10	11	52.4%									

Table 2 WORK FORCE ANALYSIS ADMINISTRATION DEPARTMENT

AS OF DEC. 7, 1990

	AL		Minority Employees										
		•		Female		Ma	le			Fen	ale		Minority
Job Group	Total	Male	Female	(%)	В	н	A	AI	В	н	A	ΑI	(%)
Directors/Managers/Supervisors	6	4	2	33.3%									
Planning Professionals													
Administrative Professionals	14	10	4	28.6		1	1		1				21.4%
Paraprofessional/Technicians	10	4	6	60.0									
Office/Clerical	14	3	11	78.6	1					1			14.3
TOTALS	44	21	23	52.2%	1	1	1		1	1			11.4%

Table 3 WORK FORCE ANALYSIS COMMUNITY SERVICES DEPARTMENT

AS OF DEC. 7, 1990

	All Employees				Minority Employees									
		F		Female	Male					Minority				
·														
Job Group	Total	Male	Female	(%)	В	Н	A	AI	В	H	A	AI	(%)	
Directors/Managers/Supervisors	3	2	1	33.3%										
Planning Professionals	6	2	4	66.6										
Administrative Professionals	5	3	2	40.0					1				20.0	
Paraprofessional/Technicians	8	1	7	87.5	1				1				25.0	
Office/Clerical	2	1	1	50.0					_					
TOTALS	24	9	15	62.5%	1				2				12.5%	

Table 4 WORK FORCE ANALYSIS HUMAN SERVICES DEPARTMENT

AS OF DEC. 7, 1990

	All Employees				Minority Employees									
				Female	Male					Fen	Minority			
Job Group	Total	Male	Female	(%)	В	н	A	AI	В	Н	A	AI	(%)	
Directors/Managers/Supervisors	8	2	6	75.0%						1			12.5%	
Planning Professionals	14	2	12	85.7		1				-			7.1	
Administrative Professionals	2	2		0	1								50.0	
Paraprofessional/Technicians	22	4	18	81.8	1	1			2	1	1		27.3	
Office/Clerical	8		8	100.0					1	2			37.5	
TOTALS	54	10	44	81.5%	2	2		÷	3	4	1		22.2%	

AS OF DEC. 7, 1990

	All Employees												
						Ma	le			Minority			
Job Group	Total	Male	Female	(%)	В	н	A	AI	В	Н	A	ΑI	(%)
Directors/Managers/Supervisors	6	4	2	33.3%		1							16.7%
Planning Professionals	28	21	7	25.0	1	1							7.1
Administrative Professionals													
Paraprofessional/Technicians	5	2	3	40.0			1						20.0
Office/Clerical	5		5	100.0						1			20.0
TOTALS	44	27	17	38.6%	1	2	1			1			11.4%

AS OF DEC. 7, 1990

(Includes temporary and part-time employees.)

	AL	All Employees				Minority Employees								
						Ma	le			Minority				
Job Group	Total	Male	Female	(%)	В	Н	A	AI	В	Н	A	ΑI	(%)	
Directors/Managers/Supervisors	3	2	1	33.3%										
Planning Professionals	18	12	6	33.3	1								5.6%	
Administrative Professionals														
Paraprofessional/Technicians	3		3	100.0										
Office/Clerical	1		1	100.0										
TOTALS	25	14	11	44.0%	1								4.0%	

12.12.90 - BLM0034A

B-6

APPENDIX C

ADMINISTRATIVE PROCEDURE ON DISCRIMINATION COMPLAINTS

(See Administrative Procedure 3.2.1.)

Secti	ion _ 3 _ Page _ 3.2.1 _ Date Approved 12/28/88
Subject Discr	rimination Complaints Dept. Responsible Executive Director
Special Note	
PURPOSE:	The purpose of this procedure is to provide an internal process for investigating charges that the Metropolitan Council has illegally discriminated in Council employment, contracting or procurement practices, or has engaged in illegal discriminatory harassment in the provision of public services. This procedure provides for internal administrative remedy when a charge of discrimination is found through an investigation to be substantiated.
AUTHORITY:	This procedure is established pursuant to Minn. Stat. Sec. 473.143, subd. 2, which requires the Council to provide an internal procedure for processing complaints of alleged discrimination.
POLICY:	Equal Employment Opportunity
	It is the policy of the Council to provide equal opportunity in all areas of employment including recruitment, hiring, compensation, benefits, promotion, disciplinary action, demotion, transfer, layoff, termination and training. The Council shall not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, sex, Vietnam era veteran status, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, age, sexual or affectional preference, political affiliation, or on any other basis prohibited by federal, state or applicable local law.

Sexual, Racial and Disability Harassment

It is the policy of the Council to provide for its employees a work atmosphere free of sexual, racial and disability harassment, intimidation or coercion by other employees and by nonemployees. Sexual harassment, and harassment on the basis of race or disability constitute illegal discrimination. Employees are prohibited from engaging in harassment of other employees and nonemployees in the course of carrying out their job duties.

Equal Economic Opportunity

The Council shall not discriminate in the procurement of goods and services on the basis of race, color, creed, religion, national origin, sex, sexual or affectional preference, age,

political affiliation, marital status, status with regard to public assistance, or disability, or on any other basis prohibited by federal, state or local law.

Retaliation

An employee, manager or supervisor who engages in retaliation against an individual who has brought a discrimination complaint or who has cooperated in a complaint investigation, shall be subject to disciplinary action up to and including discharge.

SCOPE:

Complaints that the Metropolitan Council has engaged in discrimination prohibited under the above policies, may be brought under this procedure as follows:

- By employees, interns or nonemployees relating to Council employment practices;
- By nonemployees relating to the Council's procurement of goods and services;
- By employees, interns and nonemployees who are allegedly the victims of sexual harassment or harassment on the basis of race or disability. Complaints of harassment may be brought by: 1) Council employees, interns, members, and members of boards, commissions or committees established by the Council, who experienced alleged harassment as they fulfilled their Council responsibilities; and, 2) individuals who experienced alleged harassment by the Metropolitan Council as Metropolitan Council is defined under "Definitions" below.

Discrimination complaints relating to the Metropolitan Council Housing and Redevelopment Authority's (Metro HRA's) Section 8 rental assistance program may not be brought under this procedure, but should be brought under the Metro HRA's procedures for handling discrimination complaints related to the Section 8 program.

The use of this complaint procedure shall not limit the right of the charging party to file a complaint with a federal, state or local enforcement agency.

DEFINITIONS:

Charging Party The person alleging that the Metropolitan Council has engaged in a discriminatory act in violation of Council policy, or federal, state or local non discrimination laws.

Complainant The charging party.

Harassment Sexual harassment is defined as, but is not limited to:

- Sexually motivated physical contacts, sexually derogatory statements and verbal sexual advances; or

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Racial harassment is defined as an individual's verbal or physical conduct relating to another individual or group's race that is offensive, degrading or exploitive.

Disability harassment is derogatory, offensive or exploitive verbal or physical conduct relating to the disability of an individual or group. It includes behavior which maligns a reasonable accommodation provided by the Council to enable an individual with disabilities to compete for or perform Council jobs, or to utilize Council services. It covers actions such as tampering or interfering with assistive devices used by an individual to overcome the effects of their disability.

Such conduct or communication constitutes sexual, racial or disability harassment, and employees are prohibited from engaging in such conduct or communication when:

- 1. Submission to or tolerance of such conduct or communication is made either explicitly or implicitly a term or condition of another individual's employment or access to public services.
- 2. Submission to or rejection of such conduct or communication by an individual is used as a basis for decisions affecting that individual's employment or access to public services.
- 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or use of public services; or of creating an intimidating, hostile or offensive work environment or atmosphere in which public services are provided.

Council

Metropolitan For the pupose of the scope of this procedure, includes Metropolitan Council members, Council employees and interns, and members of boards and committees established by the Council or whose staffing and administrative services are provided directly by the Council. In the case of harassment, complaints may be brought under this procedure regarding acts of harassment committed by a Council consultant contractor in the performance of its Council contract obligations against individuals other the the consultant's own employees.

Respondent

The person or persons who the charging party alleges engaged in a discriminatory act.

MAJOR AREAS OF RESPONSIBILITY:

Equal Opportunity (EOC)

Coordinator Provides information to staff and nonemployees on laws, regulations and Council policy on equal opportunity, and on internal and external avenues for bringing a discrimination complaint.

In the informal step, advises managers and supervisors on standards for determining whether a claim of discrimination, including harassment, is substantiated, and advises the manager/supervisor on possible alternative resolutions of an informal complaint. Trains managers/supervisors on investigative techniques which are appropriate to informal complaints.

Investigates and attempts to conciliate informal complaints of discrimination initiated with the EOC.

Investigates formal complaints of discrimination and reports findings to the executive director.

Managers/ Supervisors

Maintain a work atmosphere that is free of discrimination, including harassment.

Respond to informal complaints of discrimination initiated with them.

Take immediate and appropriate action when they become aware of a incident of potential harassment.

Notify EOC of all informal complaints of discrimination, and knowledge of incidents of potential harassment whether that knowledge was obtained through an informal complaint or by other means. Document in a memorandum to the EOC the preliminary investigation and disposition of informal complaints of discrimination handled by them.

Cooperate in investigations of discrimination complaints.

Administer disciplinary action to supervisees who have been found to have engaged in a discriminatory act, when discipline is warranted.

Executive Director

Maintains a work atmosphere that is free of discrimination, including harassment.

Makes final determinations on formal complaints of discrimination or when appropriate, recommends Council action. Communicates final determinations to the charging party.

Establishes organizational and managerial/supervisory accountability for conducting Council operations in a manner, and fostering a work environment, free of discrimination.

Council

Provides a work environment free of discrimination, including harassment.

When appropriate, makes the final determination on formal complaints of discrimination.

Employee Relations (ER) Manager

Administers the employee relations function so as to promote equal opportunity and prevent discrimination.

Advises management/supervisory staff and the EOC on Council personnel policies and procedures.

Advises management/supervisory staff on appropriate disciplinary action when the findings made in a complaint investigation indicate that discipline is warranted.

Chief Counsel

Advises the Council, its committees, chair and management staff on the requirements of federal and state law and the application of those laws to alleged claims of discrimination.

OPERATING PRINCIPLES:

Complainants are encouraged to use the informal step before initiating a formal complaint under this procedure. However, use of the informal step prior to initiation of a formal complaint is optional.

If an informal complaint is initiated with a manager/supervisor, it is the manager/supervisor's responsibility to inform the complainant of who will respond to the complaint. The manager/supervisor shall inform the EOC of receipt of the complaint and shall confer with the EOC on how to handle the complaint.

Informal complaints shall be addressed as expeditiously as possible, given such contraints as the schedule and availability of the involved parties.

Any supervisor or manager, or the EOC, who has knowledge of a incident of potential harassment (sexual, racial or disability), is obligated to ensure that an investigation appropriate to the information possessed is immediately conducted. They are further obligated to take measures to end harassment and to safeguard the workplace from future harassment. A supervisor, manager or the EOC incurs this obligation whether information about potential harassment is obtained through a complaint brought under this procedure, or through some other means.

If an interview with a union employee conducted as part of a discrimination complaint investigation may lead to discipline of that employee, the employee shall be offered the opportunity to have union representation during the interview.

The time limits set forth in the formal step of this procedure may be extended by mutual written agreement of the complainant and the executive director.

An employee, manager or supervisor found through an investigation to have acted in a discriminatory manner may be subject to disciplinary action up to and including discharge.

The formulation and administration of disciplinary action in accordance with this procedure is a management/supervisory responsibility, and is not the responsibility of the EOC.

If the respondent in a harassment complaint is the EOC, the executive director or the executive director's designee shall fulfill the responsibilities assigned to the EOC under this procedure. If the respondent in a harassment complaint is the executive director, the chair or the chair's designee shall fulfill the responsibilities of the executive director under this procedure.

Information gathered in the investigation of a complaint will be handled confidentially to the degree possible and in accordance with the Minnesota Government Data Practices Act. Complainants, witnesses and repondents who are asked to provide private or confidential information in an investigation shall be informed of the purpose and intended use of the information, whether the individual may refuse or is legally required to supply the requested information, any known consequences of supplying or refusing to supply any known information, and whom is authorized by federal or state statute or rule to receive the information.

The EOC shall maintain records of all formal complaints of discrimination brought under this procedure.

If an employee brings a discrimination complaint under this procedure and a grievance under the union contract or Supervisory/Confidential Plan relating to the same personnel action, the investigation conducted under this procedure should be coordinated to the extent possible and prudent with the processing of the grievance.

An employee may not initiate a complaint under this procedure relating to a personnel action after the employee has appealed to the third step of the grievance procedure under the union contract or Supervisory/Confidential Plan.

PROCEDURE:

I. Informal Step (Optional)

- A. Informal Complaints by Employees and Interns Alleging
 Discrimination Other Than Harassment
 - 1. The complainant informs their immediate supervisor, the manager or supervisor who took the action giving rise to the complaint, or the EOC of the alleged discrimination within 90 calendar days of the allegedly discriminatory act, or within 90 calendar

days of when the complainant could reasonably have been expected to know of the action. The complainant describes the allegedly discriminatory act(s) and states on what basis prohibited by law or Council policy (race, sex, disability, etc.) they believe discrimination has occurred. The complainant states she/he is initiating the informal step of the discrimination complaint process. (If it is unclear whether the informal step is being initiated, the manager/supervisor or EOC shall ask the complainant whether the informal step is being initiated.)

- 2. If the informal step is initiated with a manager/ supervisor, the manager/supervisor notifies the EOC of receipt of the informal complaint, and confers with the EOC on equal opportunity principles and Council policy, what type of preliminary investigation is appropriate, and possible resolutions of the informal complaint. The EOC may seek advice from legal staff and/or the ER manager. The manager/supervisor then meets with the complainant within five working days of initiation of the informal step, and informs the complainant of the intended course of action and timeframe for responding to the complaint. The manager/supervisor documents the response(s) made to the complainant in a memorandum to the EOC.
- 3. If the informal step is initiated with the EOC, the EOC meets with the complainant (with or without the other parties involved, as appropriate) within five working days of initiation of the complaint, and informs the complainant of the intended course of action and timeframe for responding to the complaint.
- B. <u>Informal Complaints by Job Applicants and Nonemployees</u>
 Alleging Discrimination Other Than Harassment

The complainant informs the EOC of the alleged discrimination within 90 calendar days of when the allegedly discriminatory act occurred, or within 90 calendar days of when the complainant could reasonably have been expected to know of the action. The EOC interviews the party(ies) named as engaging in the allegedly discriminatory act, conducts a preliminary investigation, and may seek advice from legal staff, and/or the ER manager. The EOC discusses the complaint with the complainant in a meeting or by phone within five working days of initiation of the complaint, informs the complainant of the intended course of action and timeframe for responding to the complaint.

- C. <u>Informal Complaints of Harassment by Employees, Interns</u> and Nonemployees
 - 1. The complainant informs the EOC or any Council manager or supervisor of the alleged harassment within 90 calendar days of the alleged harassment incident. If the informal complaint is brought to a supervisor or manager, the supervisor or manager informs the EOC of the complaint. The EOC advises the supervisor or manager on the appropriate way to investigate and respond to the complaint.
 - 2. Within three working days of receipt of the complaint, the manager, supervisor or EOC (the individual with whom the complaint was initiated) informs the complainant of the intended course of action and timeframe for responding to the complaint.
 - 3. If the informal complaint is initiated with the manager/supervisor of the respondent, the manager/supervisor conducts an investigation that is appropriate to the amount of information provided by the complainant. The manager/supervisor shall inform the EOC of the information uncovered during the investigation, and the EOC shall advise the manager/supervisor of standards for determining whether the evidence supports a claim of harassment. The EOC may seek advice from legal staff. If the claim of harassment is substantiated, the manager/supervisor shall formulate a plan for remedying the harassment and safeguarding the workplace from future harassment. This plan may include disciplinary action against the respondent. The manager/supervisor may confer with the ER manager on determining appropriate discipline. The manager/ supervisor shall document information gathered in the preliminary investigation, and the response(s) made to the complainant in a memorandum to the EOC.
 - 4. If the complaint is initiated with a manager/
 supervisor who does not supervise the respondent, the
 manager/supervisor may investigate the complaint
 her/himself, ask the respondent's supervisor to do
 it, or request the assistance of the EOC. The
 investigating manager/supervisor shall follow the
 procedures outlined in Step 2 above. If the claim of
 harassment is substantiated, the respondent's
 supervisor shall formulate a plan to remedy the
 harassment. The respondent's supervisor may confer
 with the ER manager on determining appropriate
 discipline.
 - 5. If the complaint is initiated with the EOC, the EOC

informs the complainant within three working days of receipt of the complaint, of the intended course of action and timeframe for responding to the complaint. The EOC shall conduct an appropriate investigation of the complaint. If the harassment claim is substantiated, the respondent's supervisor shall formulate a plan to remedy the harassment.

6. If the complaint is substantiated through the investigation, the investigator or a designee shall inform the complainant of steps taken to remedy the harassment and/or prevent future harassment.

II. Formal Process - All Complaints (including Harassment)

- A. Within 90 calendar days of the allegedly discriminatory act, or within 90 calendar days of when the complainant could reasonably have been expected to know of the act, the complainant completes the discrimination complaint form and submits it to the EOC.
- B. The EOC acknowledges in writing to the complainant receipt of the complaint. Within three working days of receipt of the complaint, the EOC interviews the complainant, and determines whether the complaint is properly one of discrimination. This determination is not a judgment on the merits of the charge, but is a determination that the issue raised is one of discrimination and falls within the purview of this procedure. The EOC shall notify the complainant in writing of whether the complaint has been accepted as a proper complaint of discrimination. If rejected, the EOC shall state in writing to the complainant the reasons for rejection.
- C. If the complaint is accepted, the EOC conducts an investigation into the charge(s), which investigation may include but shall not be limited to:
 - 1. Interviewing and/or obtaining written statements from the complainant;
 - 2. Interviewing and/or obtaining written statements from the individuals who engaged in the allegedly discriminatory act;
 - 3. Interviewing and/or obtaining written statements from witnesses;
 - 4. Reviewing relevant Council personnel policies, procedures, practices and records;
 - 5. Reviewing federal, state and local equal opportunity laws, regulations and ordinances, and Council policy on equal opportunity; and

6. Gathering information on relevant case law and administrative decisions by federal, state and local human rights commissions.

The EOC may seek advice/information from legal staff and the ER manager.

- D. Within 15 working days of initiation of the formal complaint, the EOC submits a written report to the executive director, summarizing the facts of the complaint and the EOC's findings.
- E. Within 10 working days of receipt of the EOC's report, the executive director makes a determination on the complaint, or if Council action is appropriate, develops a recommendation for Council action. The executive director notifies the charging party, management/supervisory staff who need to know, and the EOC in writing within that 10 working day period of the executive director's determination or intended recommendation to the Council. If Council action is appropriate, the executive director shall place his/her recommendation on the agenda of the next Management Committee meeting.

DATA PRACTICES ACT NOTICE

FOR INTERNAL INVESTIGATION OF DISCRIMINATION COMPLAINTS

The Minnesota Government Data Practices Act requires you to be informed that certain information that you are asked to provide on the attached Discrimination Complaint Form is classified as PRIVATE or CONFIDENTIAL.

Private data is data that is available only to the individual data subject or the data subject's representative, to persons within the Metropolitan Council whose work assignments reasonably require access, and to other entities and agencies who are authorized by state statute or federal law or rule to gain access to the data. All of the information you are asked to provide in the attached form and in the investigation to be conducted is classified as private during the investigation process.

Occasionally the classification may change to confidential, if the Metropolitan Council's Chief Counsel determines that a civil legal action is pending. A pending civil legal action may include administrative hearings or arbitration proceedings. Confidential information is available only to persons within the Metropolitan Council whose work assignments reasonably require access, and to other entities and agencies who are authorized by state statute or federal law to gain access to the data.

Entities that may be authorized by state statute or federal law or rule to gain access to information provided on this complaint form or during an investigation are:

Federal

U.S. Department of Labor
U.S. Department of Justice
Equal Employment
Opportunity Commission

State and Local

Minnesota Attorney General
Minnesota Department of Human Rights
Minnesota Department
of Employee Relations
Minneapolis Civil Rights Department
St. Paul Human Rights Department

The information will be provided to state and local agencies only pursuant to a court order.

If disciplinary action occurs as a result of an investigation of the complaint, the final disposition of any disciplinary action and supporting documentation become public information, unless the Metropolitan Council's Chief Counsel determines that a civil legal action is pending.

The purpose and use of the data is to investigate a complaint of discrimination pursuant to the Council's internal procedures.

You have the right to refuse to give any information requested. However, if you refuse to give information, it will impair the Council's ability to investigate the discrimination complaint fully and accurately.

Please sign this statement below as acknowledgement that you have read and understood this statement. A copy is available upon your request.

Signature:		
ranacar c.		

METROPOLITAN COUNCIL Mears Park Centre, 230 E. 5th St., St. Paul, MN 55101 (612) 291-6359

DISCRIMINATION COMPLAINT FORM

Name:
State basis on which you believe you were discriminated (race, sex, age, disability, etc.):
Describe action(s) that you believe were/are discriminatoryinclude names(s) of person(s) who engaged in action, date and time of incident(s). (Attach another sheet if needed):
Names of witnesses; actions they witnessed. (Attach another sheet if needed):
Signature of complainant:
Name Date
Submit this form to: Equal Opportunity Coordinator, Metropolitan Council, Mears Park Centre, 230 E. 5th St., St. Paul, MN 55101; phone: (612) 291-6575.
Received by:
Equal Opportunity Coordinator Date

APPENDIX D ADMINISTRATIVE PROCEDURE ON HIRING

(See Administrative Procedure 7.3.1.)



Section	7	Page	7.3.1	Date Approved	5/1/86
Subject	HIRING PROCEDURES	Dept. Respons	ibleAdn	ninistration	
Special Note					

PURPOSE:

The purpose of this administrative memorandum is to set forth a clear procedure for use by management in implementing the Metropolitan Council's hiring policies; to provide a methodology that ensures consistent application of the principles and practices of hiring; to set forth a hiring process that is understandable by all Council staff; and to develop an effective program for achieving the Council's affirmative action goals.

POLICY:

Applicable Council policies governing the hiring process include the following:

PERSONNEL CODE

- 3.1 Equal Employment Opportunity. Equal employment opportunities shall be provided all qualified applicants and all employees with respect to initial appointment, promotion, transfer and general working conditions without regard to age, race, creed, color, sex, national origin or any other category protected by applicable local, state or federal law.
- 3.2 Affirmative Action. The Council shall adopt and implement an affirmative action plan composed of elements required by the personnel guidelines and will undertake a progressive program of affirmative and positive action to ensure that equal employment opportunities are provided to all people on the basis of individual qualifications and to encourage all persons to seek employment with the Council and to strive for advancement on this basis.
- 5.4 Recruitment. In accordance with the authorized complement, the executive director may authorize the commencement of recruitment to fill a vacant position following the receipt of a request for the same and assurance that the Council's annual fiscal capacity is adequate to pay for the filled position. The executive director, with the concurrence of the chair, shall establish recruitment rules which shall be based upon affirmative action and merit principles. Every reasonable effort shall be made to publicize job openings so that all interested persons are informed. Requirements and limitations with regard to the scope of recruitment, minimum job-relevant qualifications, class and salary range shall be established simultaneously with recruitment authorization or by rule. To ensure advancement opportunity and continuity of employment, internal recruitment shall, to the extent practicable, be given preference over external recruitment. Internal and external recruitment may be commenced and undertaken separately, exclusively or jointly. The executive director may delay recruitment for a position, or suspend recruitment or selection once begun in accordance with established rules. The executive director may expedite recruitment in unusual circumstances when the Council work program would be hindered by the length of the normal recruitment process.
- 5.5 Selection. Specific objective criteria relating to the activities, duties and responsibilities of a position shall be established prior to the commencement of any recruitment. The means for evaluating and selecting candidates, both internal and external, shall be relevant to the criteria and may include without limitation oral and written examinations, performance tests, structured interviews, ratings of qualifying education, training and/or work or other experience, or ratings based on job elements, or any combination of the same. The means for evaluation and selection to be utilized shall be applied uniformly to all candidates.

The best qualified candidate shall be selected for appointment on the basis of the established criteria and means utilized. The employee relations manager, department director and/or division manager shall participate in and supervise the selection process; and to the extent practicable, more than one person shall participate in any selection decision.

Section	7	Page	7.3.2		Date Approved	5/1/86	
Subject	HIRING PROCEDURES	Dept. Res	ponsible	Admin	istration		
Special Note							

COLLECTIVE BARGAINING AGREEMENT

ARTICLE XXII JOB POSTING

- 22.1 All vacancies for permanent job openings will be posted for a period of ten (10) working days.
- Permanent employees and eligible temporary employees interested in making application for such posted positions shall do so within the ten (10) day posted period. All eligible employees making such application shall be considered and interviewed for the vacancy. Temporary employees shall be eligible to apply for posted positions only under rules established by the EMPLOYER.
- 22.3 The EMPLOYER will fill vacancies with the best qualified applicant.

EQUAL OPPORTUNITY POLICY

No person or organization shall--on the basis of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, age, or political affiliation--be excluded from participation in, be deprived of the benefits of, or be subjected to discrimination by the Council.

DEFINITIONS:

Affirmative Record

The method of eliminating the effects of historic discrimination against members of protected classes by selecting qualified protected group members to fill job openings.

Protected Group

All of the following groups: minorities, women, disabled people, Vietnam era veterans.

Disparity

The under-representation of a protected group in a Council job group (managers/supervisors, planning professionals, administrative professionals, paraprofessionals/technicians, office/clerical) identified by comparing the representation of the protected group in the Council job group, with the labor market availability of the protected group members for the job group as determined annually in the Council's Affirmative Action Plan.

Hiring Goal

A numerical goal established as part of the Council's Affirmative Action Plan for hiring of protected group members within job groups as well as Council departments.

Class Specification

A general, broad definition of a similar level of work--including a grouping of positions having related characteristics and types of duties; and requiring the same level of knowledge, skills and abilities.

Position Description

A specific definition of a particular job assignment within a classification, listing more detailed duties and responsibilities and precise requirements for knowledge, skills and abilities necessary to perform the duties. A position description in terms of the level and general type of duties as well as the qualifications required.

MAJOR AREAS OF RESPONSIBILITY:

Employee Relations Manager -

Monitors and maintains a centralized hiring process to ensure compliance with policies and procedures, consistency across the organization, timeliness in terms of filling positions and handling applicants and control of the Council's staffing complement.

Section	7	Page 7.3.3	Date Approved	5 1 86
SubjectHII	RING PROCEDURES	Dept. Responsible	Administration	
Special Note				
	- Ensures that the hiring affirmative action goals.		achievement of Council equa	l opportunity and
	 Advises managers on a establishing job require documentation. 	ispects of the process i ments, determination of	including development of pos recruiting mechanisms, interv	sition descriptions. iewing and proper
	 Maintains classification specifications. 	system, reviewing all p	position descriptions for cons	istency with class
	 Ensures that the interr facilitate the hiring proc 		ne employee relations division	n are followed to
	- Monitors timeliness of	process to ensure applica	ants are notified in a reasonabl	le time frame.
Equal Opportuni (EO) Coordinato		nagers about areas wher	e adopted goals and disparitie	s exist.
	- Establishes a recruitmer	nt process to attract prot	ected group members.	
	 Serves as a resource to department. 	o managers in developi	ng a recruitment plan for pos	sitions within their
	 Monitors aspects of the action. 	e hiring and selection pro	ocess to ensure nondiscriminat	ion and affirmative
Department Dire		and budget control withi	n the department.	
	 Ensures all applicable phiring process. 	policies and procedures	are followed by department st	aff involved in the
	 Ensures compliance w including recruitment e 	ith affirmative action p fforts for positions with	rogram to meet Council goa a disparity or hiring goal within	ls and objectives, the department.
Division Manage		procedures involved in	filling job vacancies.	
			ts to develop pool of candida	tes and to achieve
Executive Direc		cil compliance with polic	cies, procedures, affirmative act	tion objectives and
OPERATING PRINCIPLES:	This process is designed t	o move as quickly as r	possible to avoid delays in fill	ling vacancies and
			e process. Every effort is to be	
	Internal job notices shall o	learly state that position	is open internally, externally	or both; and shall

Internal job notices shall clearly state that position is open internally, externally or both; and shall indicate if an affirmative action hiring goal or disparity has been identified for the position.

Position descriptions shall be consistent with class specifications; shall contain only job-relevant requirements; and shall state the minimum level of knowledge, skills and abilities for successful entry to the position.

Specific objective criteria is to be developed from the position description at the outset of the hiring process which will serve as the essential qualifications for the position and are to be applied consistently throughout.

		ADMINIS	STRATIVE PR	OCEDURE	S MANUAL				
Section		7	Page	7.3.4	Date Approved	5 1 86			
Subject	HIRING F	PROCEDURES	Dept. Resp	onsible	Administration				
Special Note	·	-							
		view and selection ed, and the criteria m			the job-relevant qualification all applicants.	ns that have been			
	Inte	Interviews are to be held as soon as possible following the closing date of a posting.							
		The best qualified candidate shall be selected for appointment on the basis of the established criteria, the Council's affirmative action program and internal advancement objectives.							
	Арр	licants are to be noti	ified as soon as p	oossible rega	rding the status of the hiring	process.			
		official notification re he employee relation		is of the pro	cess including the final job o	offer shall be made			
	inte	determining the need for external recruitment, consideration is to be given to qualified and or erested internal candidates, previous response to internal posting of the same position, critical ing in filling a vacancy and achievement of affirmative action objectives.							
		nagers and department directors are responsible for developing an affirmative action recruitment for all external recruitment.							
	ope	rmative action will be taken in the recruitment and selection process for all Council job enings. However, when a goal or disparity exists for a particular position, emphasis will be placed taking the necessary action to hire affirmatively to meet the goal or correct the disparity.							
PROCEDU	RE:								
Division Ma	•	Initiates personnel r	requisition for job	Nacancy					
	1. 2.	Reviews position de	escription for acc	uracy, prepai	ring or updating where nece e appropriate and consiste	essary, ensuring job nt with the class			
	3.	Lists on the requisi	tion the specific	objective cri	teria, i.e., essential qualificat	ions which will be			
	4.	internally and exter	h employee rela nally at the same	time. If pos	ger, determines if position sition is to be recruited exte				
	5.	EO coordinator and Signs requisition an		mative action	recruitment pian.				
Departmen	t Director								
	6. 7.	Approves requisition Initiates personnel 2, 3 and 4 under di	requisition for p	complement ositions repo	control and compliance with rting directly to department	n policy. director (see Steps			
	8.	Signs requisition an							
Budget Adı	9.	Verifies allowance is Signs requisition an		eed with filli	ng position.				
		J							

Employee Relations

Manager

- 11. Reviews position description for consistency with class specification.
- 12. Checks job relevance of knowledge, skills and abilities and essential criteria.13. Reviews determination to post internally, externally or both.
- 14. Monitors overall Council complement control.
- 15. Signs requisition and forwards.

EO Coordinator

- 16. Reviews job relevance of knowledge, skills and abilities and essential criteria.
- 17. Determines if a disparity or hiring goal exists, communicates this to division manager or department director, and assists them in developing a recruitment plan for protected group applicants.
- 18. Reviews decision to recruit internally, or both internally and externally.
- 19. Signs requisition and forwards.

Section _		7	Page	7.3.5	Date Approved	5 1 86	
Subject _	HIRING PROCEDURES		Dept. Resp	onsible	Administration		
Special No	te						
Executive	20.	Reviews process to t Signs requisition and			th all applicable procedures. ons.		
Employee	Relations						
Division	22. 23. 24. 25.	Prepares and posts internal job vacancy announcement. If applicable, prepares outside job ad; determining appropriate posting period. Sends job notice to identified recruiting sources. Accepts applications until closing date, sending confirmations with application and flow reto all outside candidates. Compiles applicant flow record for the vacancy and sends copy to EO coordinator. Screens applications for those candidates who meet the stated essential criteria. Notifies division manager/department director of recommended qualified candidates interview, including identification of protected group members; and requests memo includinal list of interviewees, desired schedule for interviews, and written interview questions. Scopy of memo to EO coordinator.					
Division A Departme	Manager/ nt Director						
	30.	above in Step 28. Se When protected grade selected for interviewant of the candidatemployee relations of the	nds copy to EO oup candidates w, the manager tes from the ir nanager. w participants a	coordinato who apply must obtain iterview pro and prepare	d, and notifies employee rela r. r who meet the essential cr r a verbal waiver from EO coordicess. The EO coordinator with s interview questions. Submits with copy to EO coordinator.	iteria but are no dinator to exclude Il then notify the	
EO Coord		. Reviews interview qu	uestions for non	discriminato	ry factors.		
Employee Division		. Arranges interviews. . Reviews interview qu		ropriateness	and job relevance.		
	ent Director 35	 Conducts interviews manager, department Documentation is to NOTE: Reference of employee relations Prepares hiring reconstruction of a division manager 	ent director of the beginning to hecks are option manager. All quo mmendation, do er, the recomme	or employed the the hiring the second but made stions in the ocumenting endation is second to the second the s	rence checks may be conduct erelations manager using recommendation. The properties of the department of the reasons for the person selubmitted to the department detively or if no protected grounds.	approved form. rtment director or mployee relations. ected. (In the case irector.)	
		interviewed, pr	oceed to Step 3	9.	n identified for the position an		

EO Coordinator

37. The EO coordinator agrees or disagrees with the rationale and makes a recommendation to the employee relations manager.

contact the EO coordinator and discuss the rationale for the person selected.

- 38. Employee relations manager analyzes the facts presented, discussing them with the EO coordinator and department director.
- 39. If agreement is reached, the procedure continues as follows:

the rationale for the person selected.

- a. Employee relations prepares an employee appointment form.
- b. Division manager/department director and employee relations manager determine appropriate starting salary and starting date.

applicants who would meet that goal were interviewed but not selected, the manager must

If no hiring goal has been identified for the position but protected group applicants were interviewed but not selected, the manager must contact the EO coordinator and discuss

Section		7	Page _	7.3.6	Date Approved	5, 1, 86
Subject	HIRING	PROCEDURES	Dept. Re	sponsible	Administration	
Special Not	e					
Division Ma Department						
		d. When complet employee relat Specific question referred to the e. All other applic.	ed form is a constant of the c	eturned to fill contact the erns about the otified by the	nits the employee appointmer employee relations, a represented candidate to more position expressed by the employee relations office, a filling of the position are to the position are the position a	sentative from the ake the job offer candidate will be
	40.	agreement on the h	iring recomme	ndation, the	manager and EO coordinator department director may requ following information to the	est an exception to
		b. A statement abc. Information cord. Information abo	out the depart ncerning a qua out any other	ment's overa lified internal extenuating c	alifications of the nonprotected I affirmative action hiring reconstitution candidate and the opportunite ircumstances impacting the hirundertaken for the position.	ord. y for advancement.
Employee F Manager	telations					
Mallager	41.	The request will be coordinator. If appro			e relations manager in consu	Itation with the EO
Departmen		If the request is de executive director.	nied, the dep	artment direc	tor may submit the request fo	or exception to the
Executive D	irector			*!		

for all hiring decisions.
44. Final hiring decision follows Step 39.

43. Considers all of the information submitted in the request as well as the recommendation of the employee relations manager and EO coordinator. The executive director has the final authority

APPENDIX E

ADMINISTRATIVE PROCEDURE ON REASONABLE ACCOMMODATION

(See Administrative Procedure 3.3.1.)

Sect	ion _ 3 Page _ 3.3.1 Date Approved _ 12/20/88
Subject Reas	onable Accommodation Dept. Responsible Executive Director
Special Note	
PURPOSE:	This document sets forth a process to be used by employees, interns and job applicants with disabilities who require the Council to make reasonable accommodation to their disability, to enable the individual to perform their job or compete for a Council job opening on an equal basis. This procedure is established pursuant to Minnesota Statutes 363, and the federal Rehabilitation Act of 1973 and implementing regulations 41 CFR, Part 60-741.
SCOPE:	This procedure applies to all regular and temporary full-time and part-time employees, paid interns, and applicants for Council jobs and paid internships.
POLICIES:	The Council shall not discriminate against any employee, intern or applicant for employment because of a physical, sensory or mental disability in regard to any position for which the employee or applicant is qualified. The Council shall take affirmative action to employ, advance in employment, and otherwise treat individuals with disabilities who are qualified to perform the essential functions of the job in question, without discrimination based on their disability, in all employment practices including the following: employment, promotion, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeships.
	The Council shall make reasonable accommodations to the known physical, sensory and mental disabilities of a qualified employee, intern or applicant who has identified him/herself as having a disability to enable that individual to perform their Council job or to compete on an equal basis for a Council job opening, unless such an accommodation would impose an undue hardship on the Council.

DEFINITIONS:

Individual with a Disability

A person who meets any of the following definitions:

1. Has a physical, sensory or mental impairment that substantially limits one or more of that person's major life activities.

- 2. Has a record (history) of such an impairment. This definition is meant to cover persons who previously had such impairments (such as a heart attack or cancer), who are concerned that the attitudes of supervisors or coworkers towards that previous impairment may affect their ability to obtain a job or promotion.
- 3. Is regarded as having such an impairment. An example would be a severe disfigurement which would not impair the individual's ability to perform a major life activity, but might be perceived by others as a disability.

Major Life Activities

Include seeing, walking, speaking, hearing, breathing, personal self-care, learning, performing manual tasks, and working.

Qualified Applicant with a Disability

Means an applicant who has a disability, who appears in the initial screening of the application to meet the essential qualifications for the job opening, and is invited for a job interview.

Qualified Individual with a Disability

Means an individual with a disability who, with reasonable accommodation, can perform the essential functions required for the job in question.

Reasonable

Accommodation Adjustments made for the physical, sensory or mental impairment of an employee, intern or applicant, to the job, terms of employment, or work environment, that will enable the individual to perform the essential functions of the job. Reasonable accommodations may include, but are not limited to, making facilities accessible, providing assistive devices or equipment, and modifying job functions, work schedules or work sites.

Substantially

Limits

Means that the individual with a disability is likely to experience difficulty in securing, retaining, or advancing in employment because of their disability.

Undue Hardship

May be demonstrated based on consideration of the following factors:

- 1. The size of the Council in terms of the number of employees and its budget;
- The type of operation at the Council, including the composition and structure of the work force:

- 3. The nature and cost of the needed accommodation;
- 4. The Council's reasonable ability to finance the accommodation; and
- 5. Good faith efforts made by the Council to explore less restrictive or less expensive alternatives, including consultation with the individual with a disability or with knowledgeable persons or organizations.

GUIDELINES:

The Council shall provide reasonable accommodations to qualified employees, interns and job applicants with disabilities, when such accommodations are directly related to performing a Council job (including an internship) or to competing for a Council job on an equal basis. In order to receive an accommodation, the individual with a disability must request accommodations in accordance with these procedures. Requests for accommodations shall be evaluated on the basis of whether the accommodation will enable the individual to perform or compete for a job in the most cost effective manner and in the most integrated setting possible, and whether the accommodation would impose an undue hardship on the Council.

Accommodations will not be made for non-job related personal needs.

Job applicants shall be provided an opportunity to request an accommodation for the interview and/or any testing process. The Council shall not initiate inquiries into any accommodations needed by an applicant with a disability to perform a job until after a job offer conditioned on the individual's ability to meet the physical and mental requirements of the job is made.

Consistent with state law, the Council may require an employee, intern, or job applicant to whom a job offer has been made, who asks the Council to make a reasonable accommodation, to provide a doctor's medical statement regarding their disability. A medical statement may be required for the purposes of determining an individual's capability to perform the job, determining their need for accommodations, and/or identifying reasonable accommodations that can be made to enable the individual to perform the job. The Council reserves the right to require the individual requesting the accommodation to be examined for these purposes by a Council-selected physician. A job applicant who has requested an accommodation for the interview or testing process, shall not be asked to submit a doctor's statement in order to obtain accommodations for the interview or test.

The Council maintains the right to choose the specific accommodations to be provided to a qualified person with a disability. The person requesting accommodations shall suggest appropriate accommodations. The Council may provide other accommodations, if they are reasonable, that are equal or superior to the one(s) proposed by the requestor in effectiveness, practicality or cost savings.

All personal property purchased by the Council in order to provide accommodations, shall be the property of the Council and shall be used only for job-related functions. Projected maintenance costs will be a factor in the initial decision on whether the accommodation is reasonable.

Up to \$400 of the cost of reasonable accommodations to be provided to an individual shall be paid from the budget of the department in which the individual is employed, or if an applicant, would be employed. The executive director shall appropriate additional funds to cover the cost of any reasonable accommodations provided to an individual which exceed \$400.

A reasonable accommodation agreement and any accommodations provided in the interview and/or testing process, shall apply only to the specific job for which the individual has requested the accommodation(s). Should the essential functions of a job change, the Council may re-evaluate and make a new determination on the reasonableness of a needed accommodation. If the individual changes jobs or applies for another job and requires accommodations, he/she must initiate another Request for Accommodation. If the request is granted, a new Reasonable Accommodation Agreement will be entered into.

Individuals may provide accommodations to their disabilities for themselves by written agreement with the Council, when provision of the accommodation(s) by the Council would impose an undue hardship on the Council. Accommodations provided by the individual must enable them to perform their essential job functions or to compete equally for a Council job opening.

The time limits set forth in this procedure for requests from employees and interns may be extended by mutual written agreement of the individual requesting the accommodation and the executive director or his/her designee.

PROCEDURE: EMPLOYEES AND INTERNS

- 1. The individual with a disability notifies their supervisor of their need for an accomodation. The individual and their supervisor meet and discuss the need for accommodations, and alternatives such as job site modification, assistive devices, work schedule modification, elimination of non-essential job functions, etc.
- 2. The individual completes a Request for Reasonable
 Accommodation and submits it to their supervisor. The
 supervisor transmits the request to the EOC within two
 working days of receipt of the request. Upon transmittal, if
 the supervisor or EOC feels there is a need to obtain a
 doctor's medical statement regarding the accommodation
 request, the EOC and the supervisor discuss whether a medical
 statement is needed. The executive director shall resolve
 any disagreements between the EOC and the supervisor over

whether a medical statement is needed. The EOC shall be responsible for requesting needed medical statements from employees and interns.

- 3. The EOC notifies the employee or intern of receipt of the Request for Reasonable Accommodation. The EOC consults with the individual and their supervisor, and gathers information regarding possible accommodations—their availability and costs.
- 4. If an accommodation requested or being considered involves modification or elimination of any job duties, the EOC consults with the employee relations (ER) manager and the employee or intern's immediate supervisor on whether the accommodation would eliminate or unreasonably alter an essential job function. If an accommodation requested or being considered relates to written Council work rules, the EOC also confers with the ER manager.
- 5. The EOC reports in writing to the executive director or his/her designee (sending a copy to the requesting individual's supervisor) with information gathered and a recommendation on the request for reasonable accommodation within 15 working days of receipt of the request form, or if a doctor's medical statement is required, within 15 working days of receipt of the doctor's statement. The supervisor of the individual with a disability may comment to the executive director on the EOC's report and recommendation. The executive director or his/her designee considers the information gathered by and the recommendation of the EOC, and the comments of the supervisor (if any), and within seven working days of receipt of the EOC's written report, decides whether or not to provide accommodations, and what accommodations will be made. The executive director or his/her designee notifies the requesting party with a disability, their supervisor, and the EOC of the decision in writing.
- 6. The EOC prepares a Reasonable Accommodation Agreement within five working days of the executive director's decision, which shall be signed by the requesting party with a disability, their supervisor, the EOC and executive director or his/her designee, indicating their agreement to the accommodation(s) to be provided. The Reasonable Accommodation Agreement shall be kept in a file maintained by the employee relations division. The EOC shall have access to the Reasonable Accommodation Agreement.
- 7. The EOC shall be responsible immediately after the Reasonable Accommodation Agreement is signed by all parties for requisitioning accommodations which require the purchase of personal property, modification of property, or purchase of services.

8. If the decision is to deny the accommodation, the executive director or his/her designee advises the requesting individual in writing of their right to file a complaint of discrimination under Council administrative procedures, or with the Minnesota Department of Human Rights.

APPLICANTS FOR COUNCIL JOBS AND INTERNSHIPS

- 1. Job or internship applicants who require accommodations to their disabilities for the interview or testing process shall state the accommodations needed on the employment information sheet which is sent out with the job application.
- 2. When the employee relations division notifies the division manager/department director of recommended qualified candidates for interview, the ER division shall notify the EOC of the accommodations requested by any applicants recommended for an interview.
- 3. Within five working days of receipt of notification, the EOC determines after consultation with the ER manager, whether the accommodations requested are reasonable, and what accommodations, if any, will be made. The EOC shall make arrangements for the accommodations to be made for applicants who are selected for interview and testing. When contacting the applicant to schedule the interview, the ER division shall inform the applicant of what accommodations will be made in the interview or testing process.

APPLICANTS SELECTED FOR COUNCIL JOBS/INTERNSHIPS

- 1. The ER division notifies the applicant with a disability that the Council would like to offer them the job, contingent on the individual's ability to perform the job with reasonable accommodation (if needed). The ER division asks the applicant if accommodations are needed to enable the individual to perform the job. If accommodations are needed, the ER division asks the applicant to complete and submit a Request for Reasonable Accommodation to the ER division. The ER division informs the applicant that a formal job offer cannot be made until the Council has made a determination that the accommodations requested are reasonable.
- 2. The ER division notifies the applicant that it has received the request and transmits the request to the EOC. The EOC consults with the supervisor, and with the individual if necessary, and gathers information regarding possible accommodations, their availability and cost.
- 3. The Request for Reasonable Accommodation is processed in accordance with steps 4 through 8 of the procedure for employees and interns with the following exeception: The ER division shall notify the applicant of the executive director's decision in writing, and if the request is denied, of the applicant's avenues for making a complaint.

DATA PRACTICES ACT NOTICE ON

REQUEST FOR REASONABLE ACCOMODATION

The Minnesota Government Data Practices Act requires you to be informed that certain information that you are asked to provide on the attached Request for Reasonable Accomodation is classified as PRIVATE DATA. Private data is data that is available only to you or your representative, to persons within the Metropolitan Council whose work assignments reasonably require access, and to other entities and agencies who are authorized by state statute or federal law to gain access to the data.

The following data you are asked to provide in the attached Request for Reasonable Accomodation is private data:

- Your disability.
- Medical.documentation of your disability (if requested).
- Accommodations you request the Council to make to your disability.

The purpose and use of the data is to enable the Council to evaluate your need for reasonable accommodations, and to provide reasonable accommodations to your disability to enable you to perform your Council job.

Completion of the Request for Reasonable Accommodation is voluntary. However, if you do not provide the information solicited on the request form, the Council may not be able to provide reasonable accommodations to your disability.

From time to time, the Council may be required to provide the information requested in this survey to the following entities:

Federal

U.S. Department of Labor
U.S. Department of Justice
Equal Employment
Opportunity Commission

State and Local

Minnesota Attorney General
Minnesota Department of Human Rights
Minnesota Department
of Employee Relations
Minneapolis Civil Rights Department
St. Paul Human Rights Department

The Council will provide the information to these entities only pursuant to a court order or administrative subpoena, as appropriate.

Certain individuals within the Council may have access to the data if their work assignments reasonably require access.

Please sign this statement below as acknowledgement that you have read and understood this statement. A copy is available upon your request.

Signature	
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REQUEST FOR REASONABLE ACCOMMODATION

Name	me:Da	te of Request:
Job	b Title: De	partment/Division:
	atement of Disability (Attach medical state ordinator.)	
(AT'	TTACH ADDITIONAL SHEETS FOR QUESTIONS BELOW	IF NECESSARY.)
1.	Accommodations requested to perform essent accommodations you know of that would enable	ial function: (Please list alternative ple you to perform essential job functions.)
2.	Which essential function(s) of your job wiperform?	.ll the requested accommodation allow you to
3.	Why is the requested accommodation necessare function(s)?	ary to perform the essential job
4.	. How will the requested accommodation enable function(s)?	le you to perform the essential job
		•
5.	. Additional comments:	
		·
Fm	mployee/Intern Applicant's Signature	Date

IF APPLICATION IS MADE BY AN EMPLOYEE (OR INTERN:
The above employee/intern and I have me	et to discuss the requested accommodation.
Supervisor's Signature	Date
Request received on:	Equal Opportunity Coordinator's Signature

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REASONABLE ACCOMMODATION AGREEMENT

Employee/Intern's Name:	
Job Title:	
Department/Division:	
Specific accommodations to be made:	
Describe terms, conditions, duration of provisio	n of accommodations (if applicable):
Cost estimate:	
All property purchased by the Council in order to property of the Council and shall be used only for essential functions of a job change, the Council determination on the reasonableness of a needed disabilities who change jobs at the Council and must initiate another Request for Reasonable Accounts.	For job-related functions. Should the may re-evaluate and make a new accommodation. Employees with require accommodations in the new job
Employee's Signature	Date
Supervisor's Signature	Date
Equal Opportunity Coordinator's Signature	Date
Executive Director's Signature	Date

Appendix F

AVAILABILITY ANALYSIS FOR RACIAL/ETHNIC MINORITIES

Occupational availability data for racial/ethnic minorities was obtained from the 1980 **Special Equal Employment Opportunity File** generated by the Minnesota Department of Economic Security from 1980 census data. The occupational availability was calculated by selecting those occupations that correlate to Council job classes, obtaining the seven-county availabilities for those occupations and prorating them by the number of Council jobs in those occupations to obtain a single availability figure for the job group.

This figure was then compared to the percentage that minorities comprise of the seven-county working age population (people between the ages of 18 and 64). The larger of these two figures was selected as the availability for the job group. The results of this analysis follow:

A. DIRECTORS/MANAGERS/SUPERVISORS

Occupational availability: 1.9 percent Working age population: 4.8 percent

Availability: 4.8 percent

B. PLANNING PROFESSIONALS

Occupational availability: 8.8 percent
Working age population: 4.8 percent
Availability: 8.8 percent

C. ADMINISTRATIVE PROFESSIONALS

Occupational availability: 3.5 percent Working age population: 4.8 percent Availability: 4.8 percent

D. PARAPROFESSIONALS/TECHNICIANS

Occupational availability: 5.2 percent
Working age population: 4.8 percent
Availability: 5.2 percent

E. OFFICE/CLERICAL

Occupational availability: 3.9 percent
Working age population: 4.8 percent
Availability: 4.8 percent

11.27.90 - BLM0033B