## **METROPOLITAN COUNCIL**

### 1994 AFFIRMATIVE ACTION PLAN

This document will be made available in alternative format to people with disabilities upon request.

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#### I. TRANSMITTAL TO MINNESOTA DEPARTMENT OF EMPLOYEE RELATIONS

#### **METROPOLITAN COUNCIL**

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

| Job Group                      | Women      | People of Color | People with Disabilities |
|--------------------------------|------------|-----------------|--------------------------|
| Directors/Managers/Supervisors | 11.9 50 11 | ~1              | X                        |
| Planning Professionals         |            | x               |                          |
| Administrative Professionals   | x          | - 45            | 7                        |
| Paraprofessionals/Technicians  | ***        | 5 <u>-</u>      |                          |
| Administrative Support         |            | ,               |                          |

- B. Copies of the plan are available in the Council library, data center, administrative procedures manual and from the equal opportunity coordinator, 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 1994 hiring goals in the employee newsletter that will be published the week of March 21, 1994.

Elizabeth M. Selwberry 3-21-94
Equal Opportunity Coordinator 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.

Nottee Rector 3-21-94
Chair 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

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#### II. STATEMENT OF POLICY

The Metropolitan Council is committed to providing a workplace where diversity is valued, and providing services in a culturally inclusive manner. In 1994, staff will receive training on working effectively within a diverse work force and with the region's increasingly diverse population. An evaluation will be done on whether public services are delivered in a culturally inclusive manner.

The Council will not tolerate discrimination in its employment or business practices or its provision of public services, and will act to uncover any incidents of discrimination. The 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 in employment 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 or sexual orientation.

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.

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, age and all other bases prohibited by law or ordinance. Elizabeth Newberry is 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.

Jottie Katow January 12, 1994

Dottie Rietow, Chair

Metropolitan Council

#### 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.
- 2. 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:**

- 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.

#### **Duties:**

- Recommend affirmative action/equal opportunity policies to the chair and Council.
- Issue administrative procedures that implement Council affirmative action/equal opportunity policies.
- 3. Establish management/supervisory accountability for meeting affirmative action/equal opportunity objectives.
- Authorize hiring in accordance with affirmative action goals and equal employment opportunity principles.
- 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. <u>DIRECTOR OF ADMINISTRATION</u>

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

#### **Duties:**

- 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.

#### **Duties:**

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.

#### **Duties:**

- 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.
- 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.

- 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. DIVERSITY ACTION COMMITTEE

Responsibilities: Recommend and implement strategies to build agency understanding and valuing of diversity. Review and recommend to the Chair, Executive Director and Equal Opportunity Coordinator (EOC) policies, plans and programs that implement affirmative action and equal opportunity at the Council. Promote and support the AA/EO program among the staff at the Metropolitan Council.

#### **Duties:**

- 1. Recommend and undertake specific actions to foster a multicultural work environment at the Council.
- 2. Obtain feedback from staff (through research, surveys, one-on-one contact, etc.) and identify barriers to diversity, affirmative action and equal opportunity.

- Communicate with staff to build awareness of diversity, affirmative action and equal opportunity issues.
- 4. Assist EOC in the development of training and educational programs for the staff.
- 5. Increase knowledge within the committee on workplace diversity issues.
- Review and make recommendations on an annual AAP and administrative procedures to the EOC.
- 7. Monitor progress of affirmative action through reports.

#### J. LEGAL COUNSEL

**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.
- 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.
- 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

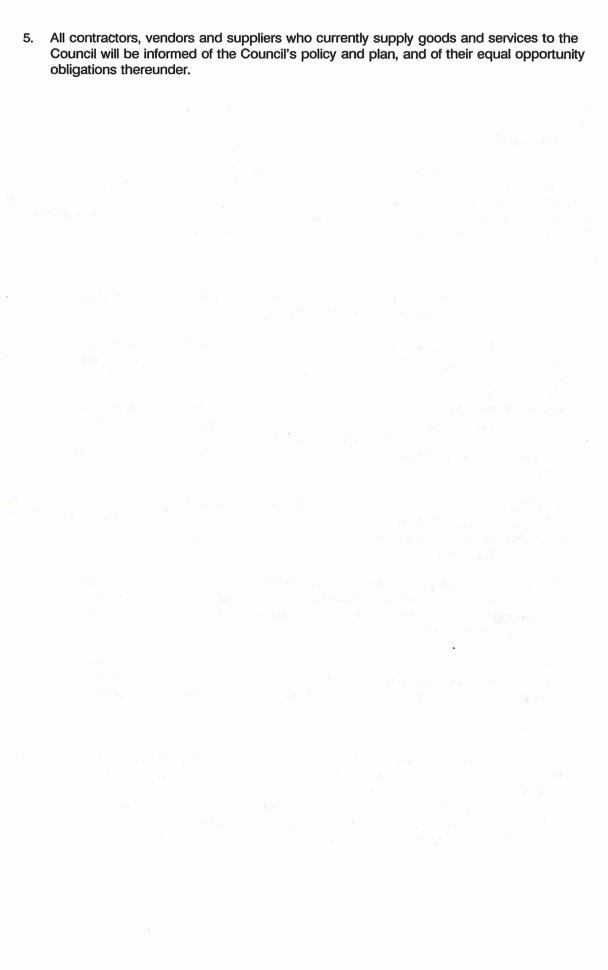
Dissemination of the Council's equal opportunity policy is essential to implementation of the program. The policy will be communicated both internally and externally as follows.

#### 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.
- 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.
- 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.

#### 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:

- Activities related to the employee's present job;
- 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.
- 3. 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. COMPENSATION

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. DIVERSITY ACTION COMMITTEE

The executive director shall appoint a nine-member staff Diversity Action Committee (DAC) whose purpose is to provide advice and assistance to the executive director, with direction from the EOC, in implementing the Council's diversity and affirmative action programs. To the extent possible, representation will include:

- 1. People of color and people with disabilities;
- 2. A balance of men and women;
- Representation from each of the Council's five job groups (directors/managers/supervisors, planning professionals, etc.);
- 4. Representation from each of the Council's major work units; and
- 5. Persons committed to and willing to contribute to the Council's diversity/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. Serve two consecutive two-year terms. Partial terms will not be counted towards the two-term limit.

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

#### 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 ACTION PROGRAM</u>

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.

#### S. SUPPORTED WORK PROGRAM

The Council has a "supported work program" in its central services (photocopying) unit that provides employment opportunities to persons with severe disabilities. The Council contracts with a day training and habilitation program that hires individuals with disabilities and trains them on the Council's premises to perform their job duties.

#### 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;
- By employees, interns and nonemployees who allege they are victims of discriminatory harassment.

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> GOALS AND TIMETABLES

A major staff reorganization was initiated in November 1993 and is still ongoing. The Council's department structure was eliminated and the supervisory/management staff reduced by nearly half. The reorganization involves layoffs, reassignment of substantial numbers of staff, and spinning off the Council's Aging Program as a separate agency. By February 1, 1994, nine of 12 anticipated layoffs had taken effect, and layoff notices were issued to three more employees as a result of more senior staff exercising union "bumping" rights. All staff reassignments under the new structure were made. The Aging Program is expected to separate from the Council in June 1994. The current work force analysis in this chapter includes the three staff who received layoff notices but who had not yet left the agency as of February 1. It also includes the Aging Program staff.

#### A. WORK FORCE AND JOB GROUP ANALYSIS

All Council job classes are assigned to five job groups based on Equal Employment Opportunity Commission (EEOC) guidelines: (1) directors/ managers/supervisors; (2) planning professionals; (3) administrative professionals; (4) paraprofessionals/technicians; and (5) administrative support. A list of job classes by job group and salary range, and the total number of incumbents identified by race and gender, appears in Appendix A. Affirmative action disparities for people of color, women, and people with disabilities are identified by job group. (See Chapter I, "Transmittal to Minnesota Department of Employee Relations", Section A where disparities are listed by job group.)

#### **B. AVAILABILITY ANALYSIS**

The Council's availability analysis for women and people of color was updated based on 1990 census unemployment, working age, work force and occupational data; and current data on the Council's staff composition. The unemployment factor for the availability analysis was weighted by 1992 Minnesota Department of Jobs and Training unemployment data.

Four factors were used to determine the availability of people of color for each job group: (1) percent unemployed in the labor/recruitment area; (2) percent work force age in the labor/recruitment area; (3) percent with requisite skills in the immediate labor area; and (4) percent promotable or transferable within the organization.

Four factors were used in determining the availability of women for each job group: (1) percent unemployed in the labor recruitment area; (2) percent in work force in the labor/recruitment area; (3) percent with requisite skills in the immediate labor/recruitment area; and, (4) percent promotable or transferable within the organization.

The **immediate labor/recruitment area** was defined as the seven-county area. Because of budget constraints, recruitment beyond the seven-county area is unlikely in 1994.

The Minnesota Department of Employee Relations has established the labor market availability of people with disabilities at 8.2 percent for all job groups.

#### C. <u>UTILIZATION ANALYSIS</u>

#### 1. People of Color

People of color compose over 12 percent of the Council staff. They are represented in four of the five Council job groups at rates above their labor market availability. People of color are concentrated in the paraprofessional/technician job group (23.5 percent of the job

group), and in the Metro Housing Redevelopment Authority (HRA) where 27 percent of the employees are people of color.

In 1993, the Council hired two people of color into unclassified positions, including a director.

There is a disparity for people of color in the planning professional job group (see Table 1). Three Council planners (5.2 percent) are people of color. This is a decrease from five (7.2 percent) at the start of 1993. The number of planners of color will drop to two when the Aging Program leaves the Council. The two planners who will remain are Hispanic. The estimated availability of people of color for planning positions is 7.2 percent.

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

The U.S. Department of Housing and Urban Development (HUD) in a fair housing audit conducted in 1987, recommended that the HRA act affirmatively to add a Native American and Southeast Asian to its staff. HUD wants the Council's HRA staff to reflect the diversity of the population the HRA serves. The Council hired a Southeast Asian in 1990. The employee was promoted to a planning professional position in 1992. The HRA is again without a Southeast Asian staff person. HUD reiterated its recommendation to hire a Native American in a subsequent audit in 1990. This has not been achieved.

#### 1. Women

Currently, women compose a majority of the Council staff (58.4 percent). There is a significant disparity for women in the administrative professional job group. Women now compose 30.3 percent of this job group; the estimated labor market availability for women is 41.4 percent. The proportion of women on staff meets or exceeds their market availability for the other four Council job groups. Concentrations of female employees exist in the paraprofessional/technician job group (88.2 percent of the job group) and among administrative support staff (95.7 percent).

There is no disparity for women in the planning professional job group. However, only 25 percent of the higher salaried planning positions are held by women.

#### 2. People with Disabilities

Employees with disabilities represent almost 12 percent of the Council's staff. There is a disparity for people with disabilities in one job group-directors/managers/supervisors--where there are no identified disabled employees. People with disabilities are represented in the Council's other four job groups at rates which exceed their labor market availability.

#### D. 1994 GOALS

Seven job openings are forecasted for 1994. Some of those positions may be restricted to internal recruitment to further the Council's objective to reduce the staff complement through attrition. Affirmative efforts will be made to correct disparities and meet affirmative action goals through internal promotion and transfer.

The following 1994 hiring goals are set to correct disparities in job groups:

**Planning** 

Professionals:

One person of color

Administrative

Professionals:

One woman

The utilization analysis of the current Council staff revealed other issues that do not result in a job group disparity. The following secondary goals are set to remedy these other issues. While the Council's first priority is to correct job group disparities, these other issues will be addressed when possible:

Council-wide

Hire a Native American.

**Planning** 

**Professionals** 

Hire one woman into a higher salaried position

Paraprofessionals/

Technicians:

Hire one Native American or Southeast Asian in HRA; or a person of color into a "feeder job" for planning professional positions. (The latter is a long-range strategy for increasing the applicant pool of people of color for planning professional jobs.)

Should additional job openings occur in 1994, affirmative action will be taken to correct disparities and meet goals.

#### Table 1 WORK FORCE ANALYSIS AND AFFIRMATIVE ACTION HIRING GOALS

(WORK FORCE ANALYSIS AS OF FEB. 1, 1994)1

|                                |               |          |        |      |      |     |   |    |        | Minority Employees |   |    |  |  |  |  |  |  |
|--------------------------------|---------------|----------|--------|------|------|-----|---|----|--------|--------------------|---|----|--|--|--|--|--|--|
|                                | All Employees |          |        |      | Male |     |   |    | Female |                    |   |    |  |  |  |  |  |  |
| Job Group                      | Total         | Male     | Female | Dis. | В    | Н   | A | AI | В      | Н                  | A | AI |  |  |  |  |  |  |
| Directors/Managers/Supervisors | 16            | 9        | 7      | 0    | 0    | 1   | 0 | 0  | 0      | 0                  | 1 | 0  |  |  |  |  |  |  |
| Planning Professionals         | 58            | 32       | 26     | 6    | 0    | 2   | 0 | 0  | 0      | 0                  | 1 | 0  |  |  |  |  |  |  |
| Administrative Professionals   | 30            | 21       | 9      | 3    | 2    | ã.1 | 1 | 0  | 1      | 0                  | 0 | 0  |  |  |  |  |  |  |
| Paraprofessionals/Technicians  | 34            | 4        | 30     | 6    | 1    | 0   | 1 | 0  | 3      | 3                  | 0 | 0  |  |  |  |  |  |  |
| Administrative Support         | 23            | <u> </u> | 22     | 4    | 0    | 0   | 0 | 0  | 0      | 2                  | 0 | C  |  |  |  |  |  |  |
| TOTALS                         | 161           | 67       | 94     | 19   | 3    | 4   | 2 | 0  | 4      | 5                  | 2 | 0  |  |  |  |  |  |  |

| 1                              |                    |       | Table                | (cont.) |       |         |                       |      |           | - 2    |
|--------------------------------|--------------------|-------|----------------------|---------|-------|---------|-----------------------|------|-----------|--------|
| 4 - 4 - 3 - 3 - 3              | Current Percentage |       | Percent Availability |         |       | Antici- | Numerical Goals       |      |           |        |
| Job Group                      | Min.               | Fem.  | Dis.                 | Min.    | Fem.  | Dis.    | pated Job<br>Openings | Min. | Fem.      | W/Dis. |
| Directors/Managers/Supervisors | 12.5%              | 43.8% | 0.0%                 | 8.6%    | 41.7% | 8.2%    | 02                    | ğ    | 3         |        |
| Planning Professionals         | 5.2                | 44.8  | 10.3                 | 7.2     | 43.8  | 8.2     | 3                     | 1    | 13        | 3      |
| Administrative Professionals   | 16.7               | 30.3  | 10.0                 | 9.4     | 41.4  | 8.2     | 1                     | Ş    | <u> 1</u> | e      |
| Paraprofessionals/Technicians  | 23.5               | 88.2  | 17.6                 | 12.2    | 64.9  | 8.2     | 2                     | 14   | Ų3        | ģ      |
| Administrative Support         | 8.7                | 95.7  | 17.4                 | 7.6     | 76.0  | 8.2     | 1                     |      |           |        |
| TOTALS                         | 12.4%              | 58.4% | 11.8%                | 8.9%    | 52.3% | 8.2%    | 7                     | 2    | 2         |        |

Current work force analysis includes part-time employees.

No openings are forecasted. However, if an opening occurs, priority will be placed on correcting the disparity for people with disabilities.

Women are concentrated in lower paid planning professional jobs. Should a higher paid planning professional job (senior planner or planning analyst) be recruited, first priority will be placed on correcting the agency-wide disparity for people of color. A secondary goal of hiring women (into higher paid jobs) is set. There is no agency-wide disparity. Goal is to add an Native American or Southeast Asian to the HRA staff, and/or to hire a minority into a planning technician, planning assistant or grants assistant position.

#### VIII. PROGRAM OBJECTIVES - 1994

A. OBJECTIVE:

Create a work environment that is supportive of staff diversity.

ACTIONS/PERSONS

**RESPONSIBLE/DATE:** 

Conduct information session for staff on the Americans with Disabilities Act - EOC, DAC - March.

Develop recommendations for ensuring diversity on work teams - DAC - April.

Conduct new employee anti-harassment training - EOC - May.

Display elementary school artwork on diversity - DAC - June.

Conduct managers and all-staff training on racial/ethnic diversity - EOC, DAC - by September.

Conduct all-staff diversity training on sexual/affectional orientation - EOC - by September.

Develop information on cultural diversity for new employee orientation - EOC, DAC - October.

Plan and participate in cultural conference sponsored by metro agencies - EOC, DAC - November.

Develop recommendations on using employee training funds for diversity education - DAC - December.

B. OBJECTIVE:

Deliver Council services in a culturally inclusive manner.

ACTIONS/PERSONS RESPONSIBLE/DATE:

Hold brown bag lunches on diversity topics - DAC, EOC - February, May, August, November.

Display Hmong storycloth on waste management in Council offices - DAC - June.

Prepare issues paper evaluating cultural inclusiveness at the Council-DAC, EOC - by December.

Develop recommendations on promoting employee volunteerism with organizations that serve people of color. - DAC - December.

C. OBJECTIVE:

Maintain an affirmative action plan which is up-to-date and addresses current problem areas.

ACTIONS/PERSONS RESPONSIBLE/DATE:

Revise discrimination complaint procedure - EOC, DAC, executive

director - April.

Revised affirmative action plan - EOC, executive director, DAC, MIAC, Metropolitan Council - December.

#### 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. <u>SEPARATIONS</u>

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:

- 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.
- 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 to enable that individual to perform their Council job or to compete on an equal basis for a Council job opening.

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 may request accommodations needed in the interview or testing process at the time they are contacted for an interview.

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. DISCRIMINATORY HARASSMENT

It is the policy of the Council to provide for its employees a work atmosphere free of harassment, intimidation or coercion. It is also the Council's policy to provide public services in a harassment-free manner.

Council members and the management/supervisory staff shall maintain a workplace climate which encourages employees to communicate questions or concerns regarding this policy. Council members and management/supervisory staff are expected to take prompt and appropriate action whenever they become aware of discriminatory harassment taking place or receive a complaint of discriminatory harassment.

Employees, Council members, Parks and Open Space Commission members, and advisory committee and task force members are prohibited from engaging in harassment of others in the performance of Council-related business or while on Council premises. Retaliation against an individual because of reporting a suspected incident of harassment, or cooperating in an investigation, is prohibited.

Harassment in the employment setting on the basis of race, color, creed, religion, national origin, sex, marital status, sexual orientation, status with regard to public assistance, disability, age, or membership or activity in a local human rights commission is discrimination and will not be tolerated.

Harassment in the provision of public services on the basis of race, color, creed, religion, national origin, sex, disability, sexual orientation or public assistance status is discrimination and will not be tolerated.

Verbal or physical conduct or communication constitutes discriminatory harassment when the conduct or communication is unwelcome, **AND** occurs on the basis of characteristics identified in law or Council policy as improper bases for discrimination, **AND EITHER** 

- Submission to such conduct or communication is made either explicitly or implicitly a term or condition of an individual's employment or access to public services; OR
- 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; OR
- 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.

**Sexual harassment** includes sexually motivated physical contacts, sexually derogatory statements, physical and verbal sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

**Gender-based harassment** includes verbal or physical conduct or communication relating to another individual or group's gender that is hostile, derogatory, offensive or exploitive, but is not of a sexual nature.

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

Harassment on the basis of **national origin** includes 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** includes hostile, derogatory, offensive or exploitive verbal or physical conduct or communication relating to the disability of an individual or group. It includes behavior that 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.

Age harassment includes insulting, intimidating or demeaning verbal or physical conduct or communication relating to the age of an individual or group. It includes negative characterizations or stereotypes of an individual or group based on age.

Any individual who believes that he or she has been subjected to or witnessed discriminatory harassment is encouraged to report this information. Individuals may bring informal complaints of harassment by reporting the alleged behavior to the equal opportunity coordinator; executive director; any Council department director, manager or supervisor; or the Council chair. Individuals 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 discriminatory harassment shall be investigated in a timely, thorough and impartial manner. The investigation will proceed as discreetly as possible. Information gathered will be disclosed to the complainant, person accused of harassment, or potential witnesses only as necessary to conduct the investigation, and to others with a business need-to-know.

An employee shall be subject to disciplinary action up to and including discharge if:

- 1. An employee is found, through an investigation, to have engaged in discriminatory harassment of another individual in the performance of the employee's job.
- 2. The Council determines, through an investigation, that an employee has falsely denied, lied about, covered up or attempted to cover up incidents of discriminatory harassment.
- 3. The Council determines, through an investigation, that an employee has intentionally filed a false complaint.

#### 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> PARTICIPATION IN PROGRAM PLANNING

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.

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# APPENDIX A METROPOLITAN COUNCIL WORK FORCE UTILIZATION ANALYSIS

# METROPOLITAN COUNCIL WORK FORCE UTILIZATION ANALYSIS FEB. 1, 1994

#### (Includes part-time employees.)

| 1994 Salary Range                             | Class Title   | Total         | Male          | Female        | Minority | People with<br>Disabilities | Vietnam<br>Veterans |
|---|---|---------------|---------------|---------------|----------|-----------------------------|---------------------|
| DIRECTORS/MANAGERS/SUPE                       | RVISORS   |               |               | i             |          |                             | ,                   |
| 9 \$42,016 - \$58,822*                        | Supervisor*   | 3             | 1             | 2             |          |                             |                     |
| 10 \$46,386 - \$69,579*                       | Manager*  | 7             | 4             | 3             | 1        |                             |                     |
| 11 \$53,360 - \$80,040*                       | Director*<br>General Counsel*<br>Subtotal   | 4<br>1<br>5   | 2<br>1<br>3   | 2 2           | 1        |                             |                     |
| 12 Set by Council*                            | Executive Director*   | 1             | 1             |               |          |                             |                     |
| TOTAL   | The second second second  | 16            | 9             | 7             | 2        |                             | 1                   |
| 5 \$26,112 - \$36,557                         | Associate Planner   | 3             | 1             | 2             |          |                             |                     |
| PLANNING PROFESSIONALS                        | 1004  |               |               | 1             | 1        | I                           |                     |
| 6 \$28,963 - \$40,548                         | Referrals Coordinator   | 1             |               | 1             |          |                             |                     |
| 7 \$33,284 - \$46,598                         | Planner<br>Grants Administrator<br>Subtotal   | 24<br>2<br>26 | 10<br>10      | 14<br>2<br>16 | 2        |                             |                     |
| 8 \$38,342 - \$53,679                         | Senior Planner<br>Transportation Forecast/Analyst<br>Subtotal                                 | 21<br>1<br>22 | 16<br>1<br>17 | 5             | 1        |                             |                     |
| 9 \$44,133 - \$61,786<br>\$42,016 - \$58,822* | Planning Coordinator<br>MPOSC (Parks) Coordinator*<br>Transportation Coordinator*<br>Subtotal | 1 1 2         | 1 1           | 1             |          | -                           |                     |
| 10 \$47,443 - \$66,420<br>(NEW)               | Planning Analyst  | 4             | 3             | 1             |          |                             |                     |
| 10 \$48,723 - \$73,085                        | Principal Planner   |               |               |               |          |                             |                     |
| TOTAL   |   | 58            | 32            | 26            | 3        | 6                           | 3                   |

| 1994 Salary Range                             | Class Title  | Total                                     | Male                       | Female                | Minority | People with<br>Disabilities | Vietnam<br>Veterans |  |  |  |
|---|--|---|----------------------------|-----------------------|----------|-----------------------------|---------------------|--|--|--|
| ADMINISTRATIVE PROFESSIONALS                  |  |   |                            |                       |          |                             |                     |  |  |  |
| 5 \$26,112 - \$36,557                         | HRA Housing Inspector<br>HRA Claims Inspector<br>HRA EEO Specialist<br>Subtotal  | 1<br>1<br>2                               | 1<br>1<br>2                |                       |          |                             | 1                   |  |  |  |
| 6 \$28,963 - \$40,548                         | Accountant Facilities Coordinator Grants Specialist HRA Rehab Coordinator Editor-Writer I Graphic Arts Specialist HRA EEO/Training Specialist Subtotal   | 1<br>1<br>1<br>1<br>1                     | 1<br>1<br>1<br>3           | 1 1 2                 | 1        |                             |                     |  |  |  |
| 7 \$33,284 - \$46,598<br>\$31,687 - \$44,362* | Senior Accountant Librarian Editor-Writer II Purchasing/Contract Coordinator Purchasing Officer Human Resources Representative* Subtotal   | 1 1 1 1 1 4                               | 1 1 1 3                    | 1                     | 1        |                             |                     |  |  |  |
| 8 \$38,342 - \$53,679<br>\$36,502 - \$51,103* | Systems Analyst/Programmer II Senior Systems Analyst/Programmer Investment Accountant Editor-Writer III Principal Accountant Budget Analyst Assistant Counsel I* Special Assistant to Chair I* Equal Opportunity Coordinator* Subtotal | 4<br>1<br>2<br>1<br>1<br>2<br>1<br>2<br>1 | 3<br>1<br>2<br>1<br>1<br>1 | 1<br>1<br>1<br>1<br>4 | 1 1 1 3  |                             |                     |  |  |  |
| 9 \$44,133 - \$61,786<br>\$42,016 - \$58,822* | GIS Coordinator<br>Media Coordinator<br>Assistant Counsel II*<br>Internal Auditor*<br>Media Relations Coordinator*<br>Subtotal   | 1<br>1<br>1<br>1<br>1<br>1<br>5           | 1<br>1<br>1                | 1<br>1<br>2           |          |                             |                     |  |  |  |
| 10 \$46,386 - \$69,579*                       | Special Assistant to Chair II*<br>Assistant Counsel III*<br>Subtotal   | . 1                                       | 1 1                        |                       |          |                             |                     |  |  |  |
| TOTAL   |  | 30  | 21                         | 9                     | 5        | 3                           | 2                   |  |  |  |

| 1994 Salary Range                             | Class Title  | Total                           | Male | Female                     | Minority | People with<br>Disabilities | Vietnam<br>Veterans |  |  |  |
|---|--|---------------------------------|------|----------------------------|----------|-----------------------------|---------------------|--|--|--|
| PARAPROFESSIONALS/TECHNICIANS                 |  |                                 |      |                            |          |                             |                     |  |  |  |
| 2 \$19,401 - \$27,161                         | HRA Administrative Assistant   | 2                               |      | 2                          | 2        |                             |                     |  |  |  |
| 4 \$23,447 - \$32,826                         | Computer Operator<br>Planning Assistant<br>GBF Specialist<br>Grants Assistant<br>Subtotal  | 1<br>3<br>1<br>1<br>6           | 1    | 1<br>2<br>1<br>1<br>5      | 1        |                             |                     |  |  |  |
| 5 \$26,112 - \$36,557<br>\$24,859 - \$34,803* | Planning Technician Library Assistant Public Information Assistant I HRA Specialist Computer Operator/Telephone Tech. HRA Client Services Advisor I Facilities Clerk Printing Buyer/Typesetter Referrals Assistant II Telephone Technician HRA Training Specialist Human Resources Assistant* Subtotal | 5<br>1<br>1<br>3<br>1<br>2<br>1 | 1 3  | 3<br>1<br>1<br>3<br>1<br>2 | 1 1 1    |                             |                     |  |  |  |
| 6 \$28,963 - \$40,548                         | Public Information Assistant II<br>HRA Client Services Advisor II<br>HRA Information Management Specialist<br>Word Processing Coordinator<br>Subtotal  | 1<br>8<br>1<br>1                |      | 1<br>8<br>1<br>1           | 2        |                             |                     |  |  |  |
| 7 \$33,284 - \$46,598<br>TOTAL                | Systems Analyst/Programmer I   | 34                              | 4    | 30                         | . 8      | 6                           |                     |  |  |  |

| 1994 Salary Range                             | Class Title   | Total            | Male | Female           | Minority | People with<br>Disabilities | Vietnam<br>Veterans |
|---|---|------------------|------|------------------|----------|-----------------------------|---------------------|
| ADMINISTRATIVE SUPPORT                        |   |                  |      |                  |          |                             |                     |
| 1 \$17,563 - \$24,588                         | File Clerk  | 1                |      | 1                | 1        |                             |                     |
| 2 \$19,401 - \$27,161                         | Office Clerk Account Clerk Central Services Clerk Switchboard/Receptionist Secretary Mail/Supply Clerk Referrals Assistant I Subtotal | 1<br>1<br>1<br>1 |      | 1 1 1 1          | 1        |                             |                     |
| 4 \$23,447 - \$32,826<br>\$22,321 - \$31,249* | Senior Account Clerk<br>Senior Secretary<br>Central Services Coordinator<br>Senior Secretary*<br>Subtotal                             | 3<br>6<br>1<br>1 | 1    | 2<br>6<br>1<br>1 |          |                             | 1                   |
| 5 \$26,112 - \$36,557<br>\$24,859 - \$34,803* | Principal Account Clerk Department Secretary Department Secretary* Subtotal   | 4                |      | 4                |          |                             |                     |
| 6 \$27,573 - \$38,602*                        | Legal Secretary* Secretary to Chair/Executive Director* Subtotal  | 1<br>2<br>3      |      | 1<br>2<br>3      |          |                             |                     |
| TOTAL   |   | 23               | 1    | 22               | 2        | 4                           | 1                   |
| GRAND TOTAL                                   |   | 161              | 67   | 94               | 20       | 19                          | 7                   |

<sup>\*</sup>Supervisory/confidential staff (all others are bargaining unit).

# APPENDIX B

# ADMINISTRATIVE PROCEDURE ON DISCRIMINATION COMPLAINTS

(Administrative Procedure 3.2.1.)

| •       | Secti | lon3       | Page _     | 3. | 2.1   | Date A    | Approved  |       | 12/28/88 |   |
|---------|-------|------------|------------|----|-------|-----------|-----------|-------|----------|---|
| Subject | Discr | rimination | Complaints |    | Dept. | Responsib | ole Execu | ıtive | Director | • |
| Special | - 55  | - 230      |            | 10 |       | -         |           |       |          |   |
|         |       |            |            |    |       |           |           |       |          |   |

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:

- 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.

### Metropolitan Council

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
Coordinator
(EOC)

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
  - 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.
  - 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. 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. 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 ECC 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;
  - Interviewing and/or obtaining written statements from the individuals who engaged in the allegedly discriminatory act;
  - 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
U.S. Department of Housing
and Urban Development

### 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.

| Ci mantima |  |
|------------|--|
| Signature: |  |
|            |  |
|            |  |

# 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  |

08.14.88 discri/3

# APPENDIX C

# ADMINISTRATIVE PROCEDURE ON HIRING

(Administrative Procedure 7.3.1.)



### ADMINISTRATIVE PROCEDURES MANUAL

| Section      | 7                   | Page                  | 7.3.1        | Date Approve      | d5/1/86              |
|--------------|---------------------|-----------------------|--------------|-------------------|----------------------|
| Subject      | HIRING PROCEDURES   | Dept. Respon          | sibleA       | dministration     |                      |
| Special Note |                     |                       |              | * - , *           |                      |
| PURPOSE:     | The purpose of this | s administrative memo | randum is to | set forth a clear | procedure for use by |

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.

|                     |                                   | ADMINIST  | RATIVE PR  | OCEDUR                        | ES MANUAL   | of the Sec           |                                      |  |
|---------------------|-----------------------------------|---|--|-------------------------------|---|----------------------|--------------------------------------|--|
| Section             |                                   | 7   | Page   | 7.3.2                         | Date Appro  | ved                  | 5/1/86                               |  |
| Subject H           | RING PRO                          | CEDURES   | Dept. Resp   | onsible                       | Administration  |                      |                                      |  |
| Special Note        |                                   |   |  |                               |   |                      |                                      |  |
|                     | COLLEC                            | TIVE BARGAINING   | AGREEMENT  |                               |   |                      |                                      |  |
|                     | ARTICLE                           | XXII JOB POSTIN   | G  |                               |   |                      |                                      |  |
|                     | 22.1                              | All vacancies for days.   | permanent job  | o openings v                  | will be posted for a p  | eriod of             | ten (10) working                     |  |
|                     | 22.2                              | for such posted employees making  | positions shall<br>ng such applica<br>oyees shall be | l do so with<br>ation shall b | ary employees interest<br>ain the ten (10) day p<br>ne considered and into<br>apply for posted po | osted pe<br>erviewed | eriod. All eligible for the vacancy. |  |
|                     | 22.3                              | The EMPLOYER v  | vill fill vacancie                                   | s with the b                  | est qualified applicant.  |                      |                                      |  |
|                     | EQUAL                             | EQUAL OPPORTUNITY POLICY  |  |                               |   |                      |                                      |  |
|                     | marital                           | erson or organization shallon the basis of race, color, creed, religion, national origin, sell status, disability, status with regard to public assistance, age, or political affiliationbeded from participation in, be deprived of the benefits of, or be subjected to discrimination bouncil.  |  |                               |   |                      |                                      |  |
| DEFINITIONS:        |                                   |   |  |                               |   |                      |                                      |  |
| Affirmative Reco    | The me                            | ethod of eliminating by selecting qualification   | ng the effects<br>ed protected g                     | of historic<br>roup membe     | discrimination agains<br>ers to fill job openings   | t membe              | ers of protected                     |  |
| Protected Group     |                                   | ne following groups   | : minorities, w                                      | omen, disabl                  | ed people, Vietnam er   | a veteran            | 15.                                  |  |
| Disparity           | planning<br>identifie<br>the labo | under-representation of a protected group in a Council job group (managers/supervisonning professionals, administrative professionals, paraprofessionals/technicians, office/clerical tified by comparing the representation of the protected group in the Council job group, will labor market availability of the protected group members for the job group as determined ually in the Council's Affirmative Action Plan. |  |                               |   |                      |                                      |  |
| Hiring Goal         | A nume<br>group m                 | A numerical goal established as part of the Council's Affirmative Action Plan for hiring of protecte group members within job groups as well as Council departments.  |  |                               |   |                      |                                      |  |
| Class Specification | <b>N</b> D                        |   |  |                               |   |                      |                                      |  |

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                     | ion           |  | Page 7.3.3   | Date Approved 5/1/86  |
|-----------------------------|---------------|--|--|---|
| Subject                     | HIRING        | PROCEDURES   | Dept. Responsible                                      | Administration  |
| Special Note                |               |  | Colorege to at   |   |
|                             |               | Ensures that the hir affirmative action goa              |  | achievement of Council equal opportunity and  |
|                             | •<br>• ,      | Advises managers or establishing job requ documentation. | a aspects of the process<br>irements, determination of | including development of position descriptions, of recruiting mechanisms, interviewing and proper |
|                             | · · · · · · · | Maintains classifications.                               | on system, reviewing all                               | position descriptions for consistency with class  |
|                             | . Way to      | Ensures that the int facilitate the hiring po            |  | the employee relations division are followed to   |
|                             |               | Monitors timeliness of                                   | of process to ensure appli                             | cants are notified in a reasonable time frame.  |
| Equal Oppor<br>(EO) Coordin |               | Communicates with r                                      | managers about areas who                               | ere adopted goals and disparities exist.  |
|                             | . , •         | Establishes a recruitm                                   | nent process to attract pro                            | otected group members.  |
|                             |               | Serves as a resource department.                         | to managers in develop                                 | oing a recruitment plan for positions within their  |
|                             | - 41 T        | Monitors aspects of taction.                             | the hiring and selection p                             | rocess to ensure nondiscrimination and affirmative  |
| Department                  | Director      | *  | A conditional control condi                            | on the demonstration of the district  |
|                             | •             | Monitors complemen                                       | t and budget control with                              | nin the department.   |
|                             | •             | Ensures all applicable hiring process.                   | e policies and procedures                              | are followed by department staff involved in the  |
| en la                       |               | Ensures compliance including recruitment                 | with affirmative action efforts for positions with     | program to meet Council goals and objectives, a disparity or hiring goal within the department.   |
| Division Man                | nager         |  |  |   |
|                             | 10-1          | Follows all policies ar                                  | nd procedures involved in                              | filling job vacancies.  |
|                             |               | Participates in affirmation objectives.                  | ative action recruiting effo                           | orts to develop pool of candidates and to achieve   |
| Executive Dir               | rector        |  |  |   |
| Laguer Laguer               |               | Oversees overall Coucomplement control.                  |  | icies, procedures, affirmative action objectives and  |
|                             |               |  | *  | et grand and  |

keeping candidates informed about the status of the process. Every effort is to be made to facilitate this process.

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.

### ADMINISTRATIVE PROCEDURES MANUAL

| Section          |   | 7  | Page   | 7.3.4                          | Date Approved  | 5/1/86                                   |
|------------------|---|--|--|--------------------------------|--|--|
| Subject HII      | RING  | PROCEDURES   | _  | onsible                        | Administration   | (  |
| Special Note     |   |  |  |                                |  |  |
|                  | lnt   | and salaction cr   | itaria must ha                                   | based on                       | the job-relevant qualification   |  |
|                  | sta   | ted, and the criteria mus  | t be applied c                                   | onsistently                    | to all applicants.   | s that have been                         |
|                  | Int   | erviews are to be held as  | s soon as poss                                   | sible followi                  | ng the closing date of a postir  | ng.                                      |
|                  | The crit  | e best qualified candida<br>eria, the Council's affirm   | ite shall be s<br>ative action pi                | elected for<br>rogram and      | appointment on the basis of internal advancement objective                                       | of the established es.                   |
|                  | App   | olicants are to be notifie   | d as soon as p                                   | oossible reg                   | arding the status of the hiring  | process.                                 |
|                  |   | official notification regar<br>the employee relations of   |  | s of the pro                   | ocess including the final job o  | ffer shall be made                       |
|                  | inte  |  | tes, previous                                    | response to                    | consideration is to be given to internal posting of the same ative action objectives.            |  |
|                  |   | nagers and department<br>n for all external recruitn   |  | esponsible                     | for developing an affirmative  | action recruitment                       |
|                  | Affirmative action will be taken in the recruitment and selection process for all Council job openings. However, when a goal or disparity exists for a particular position, emphasis will be placed on taking the necessary action to hire affirmatively to meet the goal or correct the disparity. |  |  |                                |  |  |
| PROCEDURE:       |   |  |  |                                |  |  |
| Division Manager |   | 1.22.  |  |                                |  |  |
|                  | 1.<br>2.  | Initiates personnel requirements position described duties and knowledge specification.  | iption for acc                                   | uracy, prepa                   | aring or updating where necester appropriate and consister                                       | ssary, ensuring job<br>it with the class |
|                  | 3.  | Lists on the requisition   | the specific                                     | objective c                    | riteria, i.e., essential qualificati   | ons which will be                        |
|                  | 4.  | used to make the hirin<br>In consultation with e<br>internally and externall<br>EO coordinator and de<br>Signs requisition and fo  | employee rela<br>y at the same<br>velop an affim | time. If po<br>native action   | ger, determines if position i<br>sition is to be recruited exter<br>n recruitment plan.          | s to be recruited nally, consult with    |
| D 4 4 D'         | ٥.  | signs requisition and it   | orwarus.   |                                |  |  |
| Department Dire  | 6.<br>7.  | Initiates personnel request, 3 and 4 under division  | uisition for po<br>on manager).                  |                                | t control and compliance with<br>orting directly to department o                                 |  |
|                  | 8.  | Signs requisition and fo   | orwards.   |                                |  |  |
| Budget Administr | 9.  | Verifies allowance in be<br>Signs requisition and fo   | udget to proce                                   | ed with fill                   | ing position.  |  |
| Employee Relatio | ns  |  |  |                                |  |  |
| Manager          | 11.<br>12.<br>13.<br>14.  | Reviews position descricted for the characteristics of the characteristis of the characteristics of the characteristics of the characteri | if knowledge,<br>to post intern<br>il complemen  | skills and al<br>ally, externa | oilities and essential criteria.   |  |
| FO Coardinata    |   | Grie requision and re  |  |                                |  |  |
| EO Coordinator   |   | Determines if a dispa  | rity or hiring                                   | goal exist                     | bilities and essential criteria.<br>s, communicates this to div<br>loping a recruitment plan for |  |

18. Reviews decision to recruit internally, or both internally and externally.

19. Signs requisition and forwards.

applicants.

|                        |                   | ADMINIS                  | IKATIVE       | PROCEDUR         | ES MANUAL                       |                          |
|------------------------|-------------------|--------------------------|---------------|------------------|---------------------------------|--------------------------|
| Section                |                   | 7                        | Page _        | 7.3.5            | Date Approved _                 | 5/1/86                   |
| Subject H              | HIRING PROCEDURES |                          |               | esponsible       | Administration                  |                          |
| Special Note _         |                   |                          |               |                  |                                 | · .                      |
| Executive Direct       | tor               |                          |               |                  |                                 |                          |
|                        |                   | Reviews process to the   | nis point for | compliance wi    | th all applicable procedures.   |                          |
|                        | 21.               | Signs requisition and    | returns to e  | mployee relation | ons.                            |                          |
| <b>Employee Relati</b> | ons               |                          |               |                  |                                 |                          |
| Division               |                   | Prepares and posts in    | temal job v   | acancy annound   | cement.                         |                          |
|                        |                   |                          |               |                  | ng appropriate posting period   | ł.                       |
|                        |                   | Sends job notice to i    |               |                  |                                 |                          |
|                        |                   |                          |               |                  | confirmations with application  | on and flow record       |
|                        |                   | to all outside candida   | ites          | s auto, contains | communications with appropri    |                          |
|                        | 26                |                          |               | or the vacancy   | and sends copy to EO coordi     | nator                    |
|                        |                   |                          |               |                  | neet the stated essential crite |                          |
|                        | 20                | Notifies division m      | anager/dena   | tment directo    | r of recommended qualifi        | na.<br>ed candidates for |
|                        | 20.               | intension including i    | dontification | of protected     | group members; and reques       | te mama including        |
|                        |                   | final list of intentions | dentincation  | schodule for in  | group members, and reques       | us memo menuanig         |
|                        |                   |                          |               |                  | iterviews, and written intervie | w questions, senas       |
|                        |                   | copy of memo to EO       | coordinato    |                  |                                 |                          |
|                        | 1                 |                          |               |                  |                                 |                          |
| Division Manage        |                   |                          |               |                  |                                 |                          |
| Department Dir         |                   | Determines final com     | مه معهدان     | ha intensiona    | l and notifica ampleuse rel     | -+i-mifi-d               |
|                        | 29.               |                          |               |                  | l, and notifies employee rel    | ations as specified      |
|                        | 20                | above in Step 28. Ser    |               |                  |                                 |                          |
|                        | 30.               | vvnen protected gro      | up candida    | tes who apply    | who meet the essential o        | riteria but are not      |
|                        |                   | selected for interview   | , the manag   | ger must obtain  | a verbal waiver from EO coo     | ordinator to exclude     |
|                        |                   |                          |               | interview pro    | cess. The EO coordinator v      | viii then notily the     |
|                        | 24                | employee relations m     |               |                  |                                 |                          |
|                        | 31.               |                          |               |                  | interview questions. Submi      |                          |
|                        |                   | and participants to er   | nployee rela  | itions manager   | with copy to EO coordinator.    |                          |
| O Coordinator          |                   |                          |               |                  |                                 |                          |
| .o coordinator         |                   | Reviews interview que    | estions for r | ondiscriminato   | ry factors.                     |                          |
|                        | J.                | nervers interver qu      |               |                  | .,                              |                          |
| Employee Relati        | ons               |                          |               |                  |                                 |                          |
| Division               |                   | Arranges interviews.     |               |                  |                                 |                          |
| 717131011              |                   | Reviews interview que    | estions for a | ppropriateness   | and job relevance.              |                          |
|                        | 540               | Keviews interview qu     | 2300113 101 2 | рргорпассиезз    | und job relevance.              |                          |
| Division Manage        | <b>P</b> /        |                          |               |                  |                                 |                          |
| Department Dir         |                   |                          |               |                  |                                 |                          |
| separtiment Bir        |                   | Conducts interviews      | Following i   | nterviews refer  | ence checks may be conduc       | ted by the division      |
|                        | 55.               |                          |               |                  | e relations manager using       |                          |
|                        |                   | Documentation is to      |               |                  |                                 | g approved romm          |
|                        |                   |                          |               |                  | y be requested by the dep       | artment director or      |
|                        |                   |                          |               |                  | is area should be referred to   |                          |
|                        | 26                |                          |               |                  |                                 |                          |
|                        | 30.               |                          |               |                  | the reasons for the person se   |                          |
|                        |                   | or a division manager    | , the recom   | mendation is s   | ubmitted to the department      | יוו ככנטו.)              |
|                        |                   | . 16 46                  | d_tin !- +    | - him -4:        | inch or if no protected         | un applicante usa        |
|                        |                   | a. If the recomme        | nuation is t  | o nire animat    | ively or if no protected gro    | ab applicants were       |
|                        |                   | interviewed, pro         | ceed to Step  | 7.39             | n identified for the position a | nd protected accord      |
|                        |                   | b. If an affirmative     | would mast    | that goal ware   | intentioned but not selected    | the manager much         |
|                        |                   | applicants who v         | vouia meet    | mat goal were    | interviewed but not selected    | , the manager must       |

### **EO** Coordinator

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

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

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.

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

| Section 7 Page 7.3.6 Date Approved 5/1/86  Subject HIRING PROCEDURES Dept. Responsible Administration  Special Note  Division Manager/ Department Director  c. Division manager/department director submits the employee appointment form for sign off d. When completed form is returned to employee relations, a representative from the employee relations office will contact the selected candidate to make the job offer Specific questions and concerns about the position expressed by the candidate will be referred to the manager.  e. All other applicants will be notified by the employee relations office.  f. All material and documents related to the filling of the position are to be forwarded to employee relations.  40. If the department director, employee relations manager and EO coordinator are unable to reach agreement on the hiring recommendation, the department director may request an exception to the affirmative action policy by submitting the following information to the employee relations manager:  a. A statement explaining the exceptional qualifications of the nonprotected group candidate. b. A statement about the department's overall affirmative action hiring record.  c. Information concerning a qualified internal candidate and the opportunity for advancement. d. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstan |            |                    | ADMII   | NISTRATIVE PR  | OCEDUR  | ES MANUAL   |                                     |   |
|--|------------|--------------------|---|--|---|---|-------------------------------------|---|
| Division Manager/ Department Director  c. Division manager/department director submits the employee appointment form for sign off d. When completed form is returned to employee relations, a representative from the employee relations office will contact the selected candidate to make the job offer Specific questions and concerns about the position expressed by the candidate will be referred to the manager.  e. All other applicants will be notified by the employee relations office.  f. All material and documents related to the filling of the position are to be forwarded to employee relations.  40. If the department director, employee relations manager and EO coordinator are unable to reach agreement on the hiring recommendation, the department director may request an exception to the affirmative action policy by submitting the following information to the employee relations manager:  a. A statement explaining the exceptional qualifications of the nonprotected group candidate. b. A statement about the department's overall affirmative action hiring record.  c. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about the recruitment efforts undertaken for the position.  Employee Relations  Manager  41. The request will be evaluated by the employee relations manager in consultation with the EC coordinator. If approved, follow Step 39.  Department Director  42. If the request is denied, the department director may submit the request for exception to the executive director.  Executive Director  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 for all hiring decisions.  | Section _  |                    | 7   | Page   | 7.3.6   | Date Appro  | oved                                | 5/1/86  |
| Division Manager/ Department Director  c. Division manager/department director submits the employee appointment form for sign off. d. When completed form is returned to employee relations, a representative from the employee relations office will contact the selected candidate to make the job offer Specific questions and concerns about the position expressed by the candidate will be referred to the manager.  e. All other applicants will be notified by the employee relations office. f. All material and documents related to the filling of the position are to be forwarded to employee relations.  40. If the department director, employee relations manager and EO coordinator are unable to reach agreement on the hiring recommendation, the department director may request an exception to the affirmative action policy by submitting the following information to the employee relations manager:  a. A statement explaining the exceptional qualifications of the nonprotected group candidate. b. A statement about the department's overall affirmative action hiring record. c. Information about any other extenuating circumstances impacting the hiring decision. e. Information about the recruitment efforts undertaken for the position.  Employee Relations  Manager  41. The request will be evaluated by the employee relations manager in consultation with the EC coordinator. If approved, follow Step 39.  Department Director  42. If the request is denied, the department director may submit the request for exception to the executive director.  Executive Director  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 for all hiring decisions.   | Subject    | HIRING             | PROCEDURES  | Dept. Resp   | onsible   | Administration  |                                     |   |
| c. Division manager/department director submits the employee appointment form for sign off d. When completed form is returned to employee relations, a representative from the employee relations office will contact the selected candidate to make the job offer Specific questions and concerns about the position expressed by the candidate will be referred to the manager.  e. All other applicants will be notified by the employee relations office.  f. All material and documents related to the filling of the position are to be forwarded to employee relations.  40. If the department director, employee relations manager and EO coordinator are unable to reach agreement on the hiring recommendation, the department director may request an exception to the affirmative action policy by submitting the following information to the employee relations manager:  a. A statement explaining the exceptional qualifications of the nonprotected group candidate.  b. A statement about the department's overall affirmative action bring record.  c. Information concerning a qualified internal candidate and the opportunity for advancement.  d. Information about any other extenuating circumstances impacting the hiring decision.  e. Information about the recruitment efforts undertaken for the position.  Employee Relations  Manager  41. The request will be evaluated by the employee relations manager in consultation with the EC coordinator. If approved, follow Step 39.  Department Director  42. If the request is denied, the department director may submit the request for exception to the executive director.  Executive Director  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 for all hiring decisions.   | Special No | ote                |   |  |   |   |                                     |   |
| agreement on the hiring recommendation, the department director may request an exception to the affirmative action policy by submitting the following information to the employee relations manager:  a. A statement explaining the exceptional qualifications of the nonprotected group candidate. b. A statement about the department's overall affirmative action hiring record. c. Information concerning a qualified internal candidate and the opportunity for advancement. d. Information about any other extenuating circumstances impacting the hiring decision. e. Information about the recruitment efforts undertaken for the position.  Employee Relations  Manager  41. The request will be evaluated by the employee relations manager in consultation with the EC coordinator. If approved, follow Step 39.  Department Director  42. If the request is denied, the department director may submit the request for exception to the executive director.  Executive Director  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 for all hiring decisions.  |            |                    | d. When comemployee respectific quereferred to the All other apf. All material        | pleted form is reti-<br>elations office will<br>estions and concernation<br>the manager.<br>plicants will be notifiand documents rel | urned to en<br>contact the<br>is about the<br>fied by the e                               | mployee relations, a<br>selected candidate<br>position expressed<br>mployee relations offi                                    | representa<br>to make<br>by the car | ative from the<br>the job offer<br>ndidate will be    |
| e. Information about the recruitment efforts undertaken for the position.  Employee Relations  Manager  41. The request will be evaluated by the employee relations manager in consultation with the EC coordinator. If approved, follow Step 39.  Department Director  42. If the request is denied, the department director may submit the request for exception to the executive director.  Executive Director  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 for all hiring decisions.  |            | 40.                | agreement on the affirmative armanager:  a. A statement b. A statement c. Information | e hiring recommend<br>ction policy by sub-<br>explaining the exce<br>about the departme<br>concerning a qualifi                      | lation, the denitting the formal quali-<br>entional quali-<br>ent's overalled internal of | epartment director ma<br>ollowing information<br>fications of the nonpol<br>affirmative action hiring<br>andidate and the opp | rotected grong record.              | an exception to<br>ployee relations<br>oup candidate. |
| 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 for all hiring decisions.   |            |                    | e. Information  | about the recruitme  | nt efforts un   | dertaken for the posi   | tion.                               |   |
| <ul> <li>42. If the request is denied, the department director may submit the request for exception to the executive director.</li> <li>Executive Director</li> <li>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 for all hiring decisions.</li> </ul>  |            |                    |   |  |   |   |                                     |   |
| 43. Considers all of the information submitted in the request as well as the recommendation of the<br>employee relations manager and EO coordinator. The executive director has the final authority<br>for all hiring decisions.   | Departmen  | nt Director<br>42. |   |  | ment directo  | r may submit the rec  | quest for ex                        | cception to the                                       |
|  | Executive  | 43.                | employee relation for all hiring deci   | ns manager and EC isions.  | ) coordinato  | e request as well as the recutive direct  | ne recomme<br>tor has the           | endation of the<br>final authority                    |

# APPENDIX D

# ADMINISTRATIVE PROCEDURE ON REASONABLE ACCOMMODATION

(Administrative Procedure 3.3.1.)

### ADMINISTRATIVE PROCEDURES MANUAL

| 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. |
| = 81         | 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: |   |

A person who meets any of the following definitions:

Individual with a Disability

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;
- 2. 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.
- 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. 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.
- 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.

# REQUEST FOR REASONABLE ACCOMMODATION

| (PL | (PLEASE PRINT OR TYPE.)   |   |  |
|-----|---|---|--|
| Nam | Name: Date of Request:  | Date of Request:                        |  |
| Job | Job Title: Department/Divis   | ion:                                    |  |
|     | Statement of Disability (Attach medical statement if reques coordinator.)   | ted by equal opportunity                |  |
|     |   |   |  |
| (AT | (ATTACH ADDITIONAL SHEETS FOR QUESTIONS BELOW IF NECESSARY.)  |   |  |
| 1.  | 1. Accommodations requested to perform essential function: accommodations you know of that would enable you to perf |   |  |
|     |   |   |  |
| 2.  | Which essential function(s) of your job will the request<br>perform?  | ed accommodation allow you to           |  |
|     |   |   |  |
| 3•  | 3. Why is the requested accommodation necessary to perform function(s)?   | the essential job                       |  |
| 18  |   |   |  |
| 4.  | 4. How will the requested accommodation enable you to perfo<br>function(s)?   | rm the essential job                    |  |
|     |   |   |  |
| 5•  | 5. Additional comments:   |   |  |
|     |   |   |  |
|     |   |   |  |
|     |   |   |  |
| Emp | Employee/Intern Applicant's Signature Date  | AND |  |

| IF APPLICATION IS MADE BY AN EMPLOYEE O | 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  |

# REASONABLE ACCOMMODATION AGREEMENT

| Employee/Intern's Name:   |   |
|---|---|
| Job Title:  |   |
| Department/Division:  |   |
|   |   |
| Specific accommodations to be made:   |   |
| •   |   |
| Describe terms, conditions, duration of provis  | ion of accommodations (if applicable):  |
|   |   |
|   |   |
| Cost estimate:  |   |
|   |   |
| All property purchased by the Council in order property of the Council and shall be used only essential functions of a job change, the Counc determination on the reasonableness of a needed disabilities who change jobs at the Council and must initiate another Request for Reasonable A | for job-related functions. Should the il may re-evaluate and make a new ad accommodation. Employees with de 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  |