
STATE OF MINNESOTA

PERPICH CENTER FOR ARTS EDUCATION

Affirmative Action Plan

August 2014 – August 2016

6125 Olson Memorial Highway

Golden Valley, MN 55422

This document can be made available upon request in alternative formats by contacting Kellie McNamara at kellie.mcnamara@crosswindsmn.org or 763-279-4260

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I. EXECUTIVE SUMMARY

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Review revealed underutilization of the following protected group(s) in the following job categories:

Table 1. Underutilization Analysis of Protected Groups

PROTECTED GROUPS			
Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators			X
Professionals		X	X
Protected Services: Non-sworn	X		
Office/Clerical			
Technicians	X		
Skilled Craft		X	
Service Maintenance	X	X	

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of Perpich Center for Arts Education commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

Affirmative Action Officer Signature: Kellie McNamara (electronic signature) Date: 8/22/2014

HR Director/Designee Signature: Kellie McNamara (electronic signature) Date: 8/22/2014

Commissioner/Agency Head Signature: Sue Mackert (electronic signature) Date: 8/22/2014

II. STATEMENT OF COMMITMENT

This statement reaffirms Perpich Center for Arts Education is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices or access to and participation in programs, services and activities with regard to race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, familial status, status with regard to public assistance or membership or activity in a local human rights commission.
- This agency is committed to the implementation of the affirmative action policies, programs and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

Commissioner/Agency Head Signature: _____

Date: _____

III. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. Commissioner or Agency Head Sue Mackert, Executive Director

Responsibilities:

The executive director is responsible for the establishment of an affirmative action plan that complies with all federal and state laws and regulations.

Duties:

The duties of the executive director shall include, but are not limited to the following:

- Appoint the affirmative action officer or designee and include accountability for the administration of the agency's affirmative action plan in his or her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure the affirmative action plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require all agency directors, managers and supervisors to include responsibility statements for supporting affirmative action, equal opportunity, diversity and/or cultural responsiveness in their position descriptions and annual objectives.

Accountability:

The executive director is accountable directly to Perpich Center for Arts Education Board and governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

B. Affirmative Action Officer or Designee Kellie McNamara, Human Resources Director

Responsibilities:

The affirmative action officer or designee is responsible for implementation of the agency's affirmative action and equal opportunity program, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

Duties:

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The duties of the affirmative action officer or designee shall include, but are not limited to the following:

- Prepare and oversee the affirmative action plan, including development and setting of agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the agency's executive director of progress in affirmative action and equal opportunity and report potential concerns;
- Review the affirmative action plan at least annually and provide updates as appropriate;
- Provide an agency-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation, technical guidance and/or training to directors, managers, supervisors and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations and other opportunities for improvement; and
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

Accountability:

The affirmative action officer is accountable directly to the executive director on matters pertaining to affirmative action and equal opportunity.

C. Americans with Disabilities Act Coordinator or Designee

Kellie McNamara, Human Resources Director

Responsibilities:

The Americans with Disabilities Act coordinator or designee is responsible for the oversight of the agency's compliance with the Americans with Disabilities Act Title I – Employment and Title

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II – Public Services, in accordance with the Americans with Disabilities Act - as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

Duties:

The duties of the Americans with Disabilities Act coordinator shall include, but is not limited to, the following:

- Provide guidance, coordination and direction to agency management with regard to the Americans with Disabilities Act in the development and implementation of the agency's policies, procedures, practices and programs to ensure they are accessible and nondiscriminatory;
- Provide consultation, technical guidance and/or training to directors, managers, supervisors and staff regarding best practices in recruitment, selection and retention of individuals with disabilities; provisions of reasonable accommodations for employees and applicants and other opportunities for improvement; and
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the agency's services and report reasonable accommodations annually to Minnesota Management and Budget.

Accountability:

The Americans with Disabilities Act coordinator reports directly to the executive director.

D. Human Resources Director or Designee

Kellie McNamara, Human Resources Director

Responsibilities:

The human resources director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the agency.

Duties:

The duties of the human resources director include, but are not limited to the following:

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that are objective, uniform and job-related;
- Initiate and report on specific program objectives contained in the affirmative action plan;

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- Ensure pre-hire review process is implemented and receives support from directors, managers and supervisors;
- Include the affirmative action officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination and department and division-wide classification studies;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups and notify directors, managers and supervisors of existing disparities;
- Make available to the affirmative action officer and Americans with Disabilities Act coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

Accountability:

The human resources director is directly accountable to the executive director.

E. Directors, Managers and Supervisors

Responsibilities:

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

Duties:

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

- Assist the affirmative action officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the agency's affirmative action policy to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis;

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- Include responsibility statements for supporting affirmative action, equal opportunity, diversity and/or cultural responsiveness in staff position descriptions and annual objectives;
- To provide a positive and inclusive work environment; and
- To refer complaints of discrimination and harassment to the appropriate parties.

Accountability:

Directors, managers and supervisors are accountable directly to their designated supervisor and indirectly to the agency's executive director.

F. All Employees

Responsibilities:

All employees are responsible for conducting themselves in accordance with the agency's equal opportunity and affirmative action plan and policies.

Duties:

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

- Exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public; and
- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, gender expression or membership or activity in a local human rights commission.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency's executive director.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The following information describes the methods that the agency takes to communicate the affirmative action plan to employees and the general public:

A. Internal Methods of Communication

- A memorandum detailing the location of the affirmative action plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency's leadership or alternatively, the affirmative action officer, to all staff on an annual basis.

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- The agency's affirmative action plan is available to all employees on the agency's internal website at <http://perpich.mn.gov/> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

B. External Methods of Communication

- The agency's affirmative action plan is available on the agency's external website at <http://perpich.mn.gov/> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications and all job postings, will include the statement "an equal opportunity employer."

Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal employment opportunity is the law, Employee rights under the Fair Labor Standards Act, and the Americans with Disabilities Act notice to the public.

V. POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT

It is the policy of the of the State of Minnesota to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights, disability, sexual orientation or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment.

Any employee subjected to such harassment should file a complaint internally with the agency's affirmative action officer or designee. If the employee chooses, a complaint can be filed externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the state affirmative action program coordinator in the Office of Equal Opportunity and Diversity at Minnesota Management and Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The affirmative action officer or designee will be expected to keep Perpich Center for Arts

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Education and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The affirmative action officer or designee is also responsible for:

Notifying all employees and applicants of this policy; and

Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions:

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur:

- Among peers or coworkers;
- Between managers and subordinates; or
- Between employees and members of the public.

Employees who experience discrimination or harassment should bring the matter to the attention of Perpich Center for Arts Education's affirmative action officer or designee. In fulfilling our obligation to maintain a positive and productive work environment, the affirmative action officer or designee and all employees are expected to address or report any suspected harassment or retaliation.

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Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Any employee or applicant who believes that they have experienced discrimination or harassment based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal complaint procedure included in this affirmative action plan.

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT

The Perpich Center for Arts Education has established the following discrimination/harassment complaint procedure to be used by all employees and applicants. Coercion, reprisal or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of employees:

All employees shall respond promptly to any and all requests by the affirmative action officer or designee for information and for access to data and records for the purpose of enabling the affirmative action officer or designee to carry out responsibilities under this complaint procedure.

Who may file:

Any employees or applicants who believes that they have been discriminated against or harassed by reason of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

Complaint procedure:

The internal complaint procedure provides a method for resolving complaints involving violations of this agency's policy prohibiting discrimination and harassment within the agency. Employees and applicants are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The affirmative action officer or designee may contact the Office of Diversity and Equal Opportunity if more information is needed about filing a complaint.

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Filing Procedures:

1. The employee or applicant completes the “Complaint of Discrimination/Harassment Form” provided by the affirmative action officer or designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve discrimination or harassment. The affirmative action officer or designee will, if requested, provide assistance in filling out the form.
2. The affirmative action officer or designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation or age; or if the complaint is of a general personnel concern. The affirmative action officer or designee shall also discuss other options for resolution, such as workplace mediation.
 - If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the affirmative action officer designee will inform the complainant, in writing, within ten (10) working days.
 - If the complaint is related to discrimination, the affirmative action officer or designee will, within ten (10) working days, contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The affirmative action officer or designee shall then investigate the complaint. At the conclusion of the investigation, the affirmative action officer or designee shall notify the complainants and respondents that the investigation is completed. The affirmative action officer or designee shall then review the findings of the investigation.
 - If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - If insufficient evidence exists to support the complaint, a letter will be sent to the complainants and the respondents dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaint is filed. The complainants will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Disposition of the complaint will be filed with the Commissioner of the Minnesota Management and Budget within thirty (30) days after the final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the

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complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

7. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
 - Interviews or written interrogatories with all parties involved in the complaint, i.e., complainants, respondents and their respective witnesses; officials having pertinent records or files, etc.; and
 - All records pertaining to the case i.e., written, recorded, filmed or in any other form.
8. The affirmative action officer or designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

VII. REASONABLE ACCOMMODATION POLICY

The State of Minnesota is committed to the fair and equal employment of individuals with disabilities. Reasonable accommodation is the key to this nondiscrimination policy. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the accommodation process. It is the policy of Perpich Center for Arts Education to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship.

In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, as amended, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees and employees seeking promotional opportunities.

Definitions:

Disability: For purposes of determining eligibility for a reasonable accommodation, an individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities; or a record of such an impairment; or being regarded as having such an impairment.

Reasonable accommodation: A reasonable accommodation is a modification or adjustment to a job, an employment practice or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices, modifying training materials, making facilities readily accessible, modifying work schedules and reassignment to a vacant position.

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Reasonable accommodation applies to three (3) aspects of employment:

- To assure equal opportunity in the employment process;
- To enable a qualified individual with a disability to perform the essential functions of a job; and
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Undue hardship: An undue hardship is an action that is unduly costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of this agency.

Procedure for Current Employees and Employees Seeking Accommodation:

1. This agency will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA coordinator or designee of the need for an accommodation.
3. The ADA coordinator or designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary;
 - Determine the precise job-related limitation;
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
 - Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the agency is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA coordinator or designee will work with the employee to obtain technical assistance, as needed.

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6. The ADA coordinator or designee will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA coordinator or designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure for Job Applicants:

1. The job applicant shall inform the ADA coordinator or designee of the need for an accommodation. The ADA coordinator or designee will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator or designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations:

Funding must be approved by this agency for accommodations that do not cause an undue hardship.

Procedure for Determining Undue Hardship:

In determining whether or not providing a reasonable accommodation would impose an undue hardship, the agency will consider at least the following factors:

- Overall size of the program (i.e., number and type of facilities, size of budget);
- Type of the operation, including the composition and structure of the work force;
- Nature and cost of the accommodation needed;
- Reasonable ability to finance the accommodation; and
- Documented good-faith efforts to explore less restrictive or less expensive alternatives, including consultation with the individual with the disability or with knowledgeable individuals with disabilities or organizations.

The ADA coordinator or designee will provide a decision to the employee.

Appeals:

Employees or applicants who are dissatisfied with the decisions pertaining to an accommodation request may file an appeal with the Commissioner or agency head, within a reasonable period of time, for a final decision.

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If the individual believes the decision is based on discriminatory reasons, they may then file a complaint internally through the agency's complaint procedure as outlined in this plan.

Supported Work:

This agency will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, the agency will work with the ADA coordinator or designee and organizations that provide employment services to individuals with disabilities to recruit and hire individuals for supported employment if such a position is created.

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

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

<http://perpich.mn.gov/>

Weather Emergencies and Evacuation

Action to take at work (during business hours):

Notice of weather-related threats; e.g. tornadoes, severe storms or blizzards will usually be initiated by the National Weather Service (NWS). Both the NWS and local radio broadcasts are monitored by Capitol Complex Security and the Building Emergency Coordinators. The "News" for Perpich employees regarding winter weather emergencies is posted on bulletin boards located in the west and east wings, central section, and in the Gaia Building at the Perpich Center for Arts Education. In the event the building becomes endangered by a storm, the building emergency coordinator will issue relocation orders via the building PA system.

When the relocation order is given, the building emergency coordinator will:

- Direct employees and any visitors to move away from windows and move to the assigned safe areas. If no safe area has been assigned, move to the center of the building.
- Remind individuals assigned as evacuation assistants and mobility-impaired employees to meet in their pre-determined area and relocate to their pre-assigned safe area.

Once relocated, the building emergency coordinator will:

- Conduct a head count, **if requested**, and resolve the whereabouts of all employees assigned to your division and report the status of your division to the building emergency coordinator.
- Keep employees informed on the status of the emergency.
- Announce the "All Clear", when authorized by the building emergency coordinator.

Action to take at home (during non-business hours):

In the case of severe weather emergencies, all employees are asked to monitor local radio and television stations. The closure of state offices will be announced by Minnesota Management and

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Budget on the radio prior to shift start times. In addition, the information will also be posted on the Minnesota Management and Budget home page under the “Featured Links” section. Closure after the start of the shift will be announced by the building emergency coordinator or Perpich security. Supervisors should ensure that their hearing impaired employees are made aware of the closure of state offices (e.g., ensure that employees have made arrangements with their supervisors, relatives or friends to be contacted through the use of the Minnesota Relay Service or some other means).

Severe Weather Evacuation Options:

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

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

IX. GOALS AND TIMETABLES

Through the utilization analysis, the agency has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the agency and has set the following hiring goals for the next two years (Reference Table 2).

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Table 2. Underutilization Analysis and Hiring Goals for 2014-2016

	UNDERUTILIZATION – # OF INDIVIDUALS			HIRING GOALS FOR 2014-2016		
Job Categories	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Women	Racial/ Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	0	0	1			0
Professionals	0	2	2		2	1
Protected Services: Non-sworn	1	0	0	0		
Office/Clerical	0	0	0			
Technicians	1	0	0	0		
Skilled Craft	0	1	0		0	
Service Maintenance	2	2	0	1	1	

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Availability:

The agency determined the recruitment area to be metropolitan availability because most agency hires are from the metro area. In conducting its underutilization analysis, the agency used the two factor analysis. The agency determined it was best to use this type of analysis to factor in the internal availability of staff for promotion, transfer and other types of internal change/movement.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

Women:

At the agency, the population of women has not been underutilized in the following job categories: officials and administrators, professionals, office/clerical, and skilled craft and has not improved in the following job categories: protective services – non-sworn, technicians and service maintenance. The addition of Crosswinds Arts and Science School and budget constraints are possible factors contributing to having no improvement in these categories. Vacant security positions were not filled behind in the 2012-2014 plan year, and there are no anticipated hiring needs in this category. The agency's number of employees increased with the addition of Crosswinds Arts and Science school. Underutilization was difficult to manage for two reasons. First, all employees of Crosswinds Arts and Science school were offered jobs during the transitioning of management from East Metro Integration District to Perpich. Protected group status was not a factor in offering those jobs. Secondly, hiring behind staff that did not remain at Crosswinds occurred in August and the pool of applicants who were qualified and available was very small. It is typical in school districts to have staff hired by May for the following school year. Budget will remain a major constraint for the 2014-2016 plan year. Vacancies occurring throughout the next two years may go unfilled. The agency will strive to address these constraints by beginning the hiring process for teachers sooner to increase the pool of applicants.

Minorities:

At the agency, the population of minorities has not been underutilized based on availability data in the following job categories: officials and administrators, office/clerical, protective services – non-sworn, and technicians and has not improved in the following job categories: professionals, skilled craft and service maintenance. The addition of Crosswinds Arts and Science School and budget constraints are possible factors contributing to the no improvement in these categories. The agency's number of employees increased with the addition of Crosswinds Arts and Science school. Underutilization was difficult to manage for two reasons. First, all employees of Crosswinds Arts and Science school were offered jobs during the transitioning of management from East Metro Integration District to Perpich. Protected group status was not a factor in offering those jobs. Secondly, hiring behind staff that did not remain at Crosswinds occurred in August and the pool of applicants who were qualified and available was very small. It is typical in school districts to have staff hired by May for the following school year. Budget will remain a major constraint for the 2014-2016 plan year. Vacancies occurring throughout the next two years may go unfilled. The agency will strive to address these constraints by beginning the hiring process for teachers sooner to increase the pool of applicants.

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Individuals with Disabilities:

At the agency, the population of individuals with disabilities remained the same in all categories. The agency is underutilized in the officials/administrators and professional categories for this protected group status. The addition of Crosswinds Arts and Science School and budget constraints are possible factors contributing to no improvement in these categories. The agency's number of employees increased with the addition of Crosswinds Arts and Science school. Underutilization was difficult to manage for two reasons. First, all employees of Crosswinds Arts and Science school were offered jobs during the transitioning of management from East Metro Integration District to Perpich. Protected group status was not a factor in offering those jobs. Secondly, hiring behind staff that did not remain at Crosswinds occurred in August and the pool of applicants who were qualified and available was very small. It is typical in school districts to have staff hired by May for the following school year. Budget will remain a major constraint for the 2014-2016 plan year. Vacancies occurring throughout the next two years may go unfilled. The agency will strive to address these constraints by beginning the hiring process for teachers sooner to increase the pool of applicants. The agency will also request employees to optionally report disability status through Employee Self Service to determine if there are employees in this class who have not already reported being part of this protected group.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In pursuing the agency's commitment to affirmative action, the agency will take the following actions during 2014-2016:

Objective #1: To actively monitor and measure progress toward affirmative action plan hiring goals and ensure compliance with state affirmative action statute and Minnesota and Management and Budget affirmative action reporting requirements.

Action Steps:

1. Review job qualifications to ensure job relatedness.
2. Develop a structured vacancy filling process and checklist for supervisors and managers which includes steps for the affirmative action officer to monitor protected class status in the selection of interview candidates and before a job offer is made to a final candidate.
3. "Monitoring the hiring process" form is completed for each new hire.
4. Quarterly affirmative action reports on submitted to MMB.

Evaluation: This is always an ongoing objective in every affirmative action plan and a necessary objective to monitor in order to reduce the underutilization and meet the goals in this plan.

Objective #2: Devise a plan for recruiting and attracting minority populations to apply for vacancies at the agency.

Action Steps:

1. Affirmative action officer participates in MMB's statewide recruiter's network sessions.

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2. Collaborate with the state's multi-cultural councils such as the Council on Black Minnesotans, the Chicano Latino Affairs Council, Indian Affairs Council and the Asian Pacific Affairs Council to develop minority recruitment networks.
3. Find and collaborate with local community organizations and groups supporting the employment of minority populations.
4. Develop a list of publications and other sources frequented by minority populations to advertise agency vacancies.

Evaluation: The 2012-2014 plan did not show any underutilization in this category. The underutilization numbers are small (2 or less in the underutilized categories). With Crosswinds Arts & Science School being an integration school it will be important to have minority populations representative among the staff. We will make a good faith effort to hire two (2) in the professional category and one (1) in the service maintenance category.

Objective #3: Build support mechanisms for managers and supervisors to promote and manage to equal employment opportunity and affirmative action goals.

Action Steps:

1. Distribute sample affirmative action responsibility statement to supervisors/managers with instructions to include it in their position description.
2. Provide training to supervisor and managers on Title 1 (Employment) of the Americans with Disabilities Act (ADA) to ensure that supervisors are aware of and able to implement requirements of Title I (Employment) of the Americans with Disabilities Act (ADA).
3. Develop a process for distributing affirmative action-related policies to new hires during orientation and current employees at the beginning of each school year.

Evaluation: This objective has been included in previous affirmative action plans. Some of the steps are new such as providing supervisors and managers with affirmative action responsibility statements to include in their position descriptions.

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS

A. Pre-Employment Review Procedure/Monitoring the Hiring Process

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

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Any time the agency cannot justify a hire, the agency reports a missed opportunity. Agency leadership will be asked to authorize the missed opportunity. The agency will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation for individuals with disabilities to allow the candidate equal opportunity to participate in the interview process. For example, describe if interview questions are offered ahead of time or what technology may be used during the interview process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

All personnel involved in the selection process will be trained and accountable for the agency's commitment to equal opportunity and the affirmative action program and its implementation.

B. Pre-Review Procedure for Layoff Decisions

The affirmative action officer, shall be responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

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

C. Other Methods of Program Evaluation

The agency submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly "monitoring the hiring process" reports;
- Biannual affirmative action plan;
- Annual Americans with Disabilities Act report;
- Annual internal complaint report; and
- Disposition of internal complaint (within 30 days of final disposition).
- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions and terminations) by job category to determine if there is adverse impact;

- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems and websites and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure the agency's recruitment programs are publicly marketed, attract and obtain qualified applicants, enhance the image of state employment and assist in meeting the affirmative action goals to achieve a diverse workforce.

Recruitment costs incurred during the 2012-2014 plan year total: No data available

Below are various recruitment methods or strategies utilized by the agency during the past year and plans for the upcoming plan years 2014-2016.

A. Advertising sources

The agency uses St. Cloud State's EdPost and Minnesota Association of School Administrators site to post teaching and educational-related services positions. Vacancies are also posted through the Department of Employment and Economic Security Job Board and advertised through MN Management and Budget's Workforce Diversity list serv. During the upcoming plan years, the agency will continue to use this recruitment methods and will also use Springboard for the Arts for arts-related vacancies.

B. Job and community fairs

The agency has not used job and community fairs as recruitment events. Due to limited staffing resources and limited number of vacancies at the time of these fairs, this will most likely not be a method of advertising used by the agency.

C. College and university recruitment events

The agency has not used college and university recruitment events to advertise. Due to limited staffing resources and limited number of vacancies at the time of these fairs, this will most likely not be a method of advertising used by the agency.

D. Recruitment for individuals with disabilities

- 1) Review of job postings for physical and sensory requirements and ensure that qualifications in job postings are inclusive and do not pose any unnecessary barriers.
 - a. Our agency will review all job postings for physical and sensory requirements and determine if the qualifications for the position are job-related and consistent with

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business necessity. Additionally, our agency will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.

2) Self-identification

- a. At the time of application and once a year, our agency will communicate to our employees that we collect summary data related to the number of individuals who have applied for positions and who are in our workforce. We will inform employees that we collect this summary data to make determinations about where we need to improve in terms of recruitment, selection or retention of individuals with disabilities.

3) Accessibility Matters campaign

- a. Our agency will distribute marketing material and resources to our staff to remind them to create accessible electronic documents and systems so that employees with disabilities coming into the workforce can contribute to the workforce and will be able to access similar information and resources as other employees.

4) Reasonable accommodations

- a. We will prominently display on our career site that we will provide reasonable accommodation to any qualified individual with a disability who applies for our positions where needed. Once hired, we will educate employees, supervisors and managers on accommodating employees in the workplace.

5) Self-analysis

- a. Our agency will conduct periodic self-checks to determine if our systems or documents are accessible, language in our job postings is inclusive and reasonable accommodations have been provided and staff have been trained on how to provide reasonable accommodations.

6) Reporting

- a. Our agency will conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of individuals with disabilities hired.

E. Relationship Building and Outreach

The agency's Legacy and Professional Development Resource divisions provide outreach services to school administrators, teachers and school communities throughout the state of Minnesota. In addition, Crosswinds Arts and Science School is building a teacher effectiveness program. The objective of these programs is to build strong arts and arts integration programs throughout the state and may indirectly be a way to market the agency as a place to work.

F. Internships

Perpich has entered into a partnership with St. Scholastica College to provide student teaching opportunities. The agency will continue to build partnerships with other schools to provide opportunities for students to complete student teaching with our schools.

G. Supported Employment (M.S. 43A.191, Subd. 2(d))

The agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

XIII. RETENTION PLAN

The agency is committed to not just the recruitment of women, minorities, individuals with disabilities and veterans, but also to the retention of these protected groups.

A. Individual(s) Responsible for the Agency's Retention Program/Activities

Kellie McNamara, HR Director

763-279-4163

Kellie.mcnamara@crosswindsmn.org

B. Separation Analysis by Protected Groups

The separation analysis showed that 55% of the agency separations were women, 22% were minorities and there was no separations of employees with disabilities. The separation analysis shows the protected groups are leaving at equal or lower numbers than other groups. The data doesn't raise any red flags, but the agency will continue to monitor separations for an increase in the rate of separations by protected class.

C. Methods of Retention of Protected Groups

APPENDIX

A. Complaint of Discrimination/Harassment Form

COMPLAINT OF DISCRIMINATION/HARASSMENT FORM

Perpich Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, MN 55422
763-279-4163

PLEASE READ BEFORE COMPLETION OF FORM

Any complaint of discrimination/harassment is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether discrimination/harassment has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the affirmative action officer or designee, the complainant, the respondent and appropriate personnel.

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone
Agency	Division	Manager/Supervisor's Name

Respondent (Individual Who Discriminated Against/Harassed You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone

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Respondent (Individual Who Discriminated Against/Harassed You)		
Agency	Division	Manager/Supervisor's Name

The Complaint		
Basis of Complaint (Place an "X" in the box for all that apply):		
<input type="checkbox"/> Race	<input type="checkbox"/> Disability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Sex (Gender)	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Status with Regard to Public Assistance
<input type="checkbox"/> Age	<input type="checkbox"/> Familial Status	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion
<input type="checkbox"/> Creed		

Date most recent act of discrimination or harassment took place:

If you filed this complaint with another agency, give the name of that agency:

Describe how you believe that you have been discriminated against or harassed (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

Information on Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone
1.		
2.		
3.		

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

This complaint is being filed on my honest believe that the State of Minnesota has discriminated against or harassed me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Signatures	
Complainant Signature	Date
Affirmative Action Officer Signature	Date

B. Employee/Applicant Request for ADA Reasonable Accommodation Form



STATE OF MINNESOTA – PERPICH CENTER FOR ARTS EDUCATION

EMPLOYEE/APPLICANT REQUEST FOR ADA REASONABLE ACCOMMODATION FORM

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

Employee/Applicant Name:	Job Title:
Work Location:	Phone Number:

Data Privacy Statement: This information may be used by your agency human resources representative, ADA coordinator or designee, your agency legal counsel or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?
 - a. If yes, please explain.

Questions to document the reason for the accommodation request *(please attach additional pages if necessary).*

1. What, if any job function, are you having difficulty performing?

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**State of Minnesota – Perpich Center for Arts Education
Reasonable Accommodation Request Form, Page 2**

2. What, if any employment benefit, are you having difficulty accessing?

3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?

4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

Information Pertaining to Medical Documentation

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to his or her medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature:	Date:
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C. Agency Profile and Organizational Chart

(Attach a description of the work your agency does and a high-level organizational chart, in particular noting where the affirmative action/ADA functions reside.)

D. Underutilization Analysis Worksheets

(Attach all underutilization worksheets here, including one-, two-, or multiple-factor analysis worksheets.)

E. Separation Analysis by Protected Groups Worksheets

(Attach the separation analysis by protected groups worksheets here. Add a narrative section about your separation analysis by protected groups under your Retention Plan.)

F. Other Relevant Agency Information, Policies, or Documents

(Attach these items here.)