



State of Minnesota

MNIT Services

July 1, 2020 – June 30, 2022 Affirmative Action Plan

Minnesota IT (MNIT) Services

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To request an alternative format of this document, please contact ADA.MNIT@state.mn.us.

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Statement of Commitment

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

This statement reaffirms Minnesota IT Services' (MNIT's) (hereafter "the agency") is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This 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 women, racial/ethnic minorities, and people 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 or Agency Head: Tarek Tomes: Signature on File Date Signed: 7/31/2020

Executive Summary

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

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

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

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

Table 1. Workforce Underutilization Analysis of Protected Groups

(Note: “X” indicates the job categories and protected groups that have underutilization.)

Job Categories	Women	Racial/Ethnic Minorities	People with Disabilities
Officials & Administrators			
Professionals		X	
Technicians		X	
Paraprofessionals			
Office/Clericals			

Once complete, information about how to obtain or access a copy of this Plan is provided to every employee of the agency. Our intention is to make every employee aware of MNIT’s commitments to affirmative action and equal employment opportunity. The completed Plan is also posted on the agency’s website and maintained in the Office of Equal Opportunity, Diversity, and Inclusion.

Affirmative Action Officer/Designee: Sarah Herder Lewis: Signature on File Date Signed: 7/31/2020

Human Resources Director/Designee: Chad Thuet: Signature on File Date Signed: 7/31/2020

Commissioner or Agency Head: Tarek Tomes: Signature on File Date Signed: 7/31/2020

Organizational Profile

Minnesota IT Services is the information technology agency for Minnesota's executive branch. Led by the state's Chief Information Officer, MNIT sets IT strategy, direction, policies, and standards for enterprise IT leadership and planning. We build, maintain, and secure the state's IT infrastructure, applications, projects, and services.

We deliver enterprise and local technology solutions for Minnesota state agencies that transform how government brings services to the people of Minnesota.

Mission

We partner to deliver secure, reliable technology solutions to improve the lives of all Minnesotans.

Vision

An innovative digital government that works for all.

Guiding Principles

- Practice servant leadership.
- Treat everyone with respect and dignity.
- Do the right thing, especially when it is difficult.
- Ask how your actions are reinforcing or removing structural inequity.
- Promote the common good over narrow special interests.
- Be accessible, transparent, and accountable.
- Include voices from communities who will be most impacted.

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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

A. Commissioner

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the Commissioner reports the agency's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB. The MMB Commissioner is responsible for reporting all agencies' progress to the Governor and the Legislature.

Duties

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

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

Accountability

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

Name of individual(s) responsible

Name: Tarek Tomes

Email: tarek.tomes@state.mn.us

Title: CIO and Commissioner

Phone: 651-556-8005

B. Affirmative Action Officer

Responsibilities

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

Duties

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

- Develop and administer the agency's Affirmative Action Plan.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Commissioner on progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the agency, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the agency. Develop training goals and content with internal and external resources.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the agency.
- Support and participate in the recruitment individuals of protected groups for employment, promotion, and training opportunities.
- Manage the agency's pre-hire review process.

- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected groups.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer (AAO) is accountable to MNIT’s Deputy Commissioner for program impacts and for ongoing program activities and direction. The AAO oversees the personnel and work of implementing the Americans with Disabilities Act (ADA) Titles I and II, Diversity and Inclusion, and all other equal opportunity-related work. In addition, the AAO ensures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with the Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Sarah Herder Lewis

Email: sarah.herder.lewis@state.mn.us

Title: Director of Equal Opportunity, Diversity, and Inclusion

Phone: 651-556-8025

C. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director or Designee is responsible for ensuring equitable and uniform administration of all personnel policies, in conjunction with the agency ADA Coordinator, to ensure timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the agency. HR Director or Designee is responsible for assisting managers and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the HR Director or Designee.

Duties

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

- Maintain effective working relationships with agency affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the creation of supported worker positions. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of people with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

HR staff are accountable to the HR Directors or Designees.

Name of individual(s) responsible

Name: Chad Thuet

Title: Human Resources Director

Email: chad.thuet@state.mn.us

Phone: 651-201-2281

D. Americans with Disabilities Act Title I Coordinator

Responsibilities

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

Duties:

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

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices for hiring and retaining people with disabilities, as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update HR Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator and the Regional Human Resources Director (RHRD) who also serves as the Regional ADA Coordinator, in consultation with the employee and supervisor, and other individuals involved must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and

- After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I Coordinator is accountable to Jon Eichten, MNIT's Deputy Commissioner.

Name of individual(s) responsible

Name: Sarah Herder Lewis

Email: sarah.herder.lewis@state.mn.us

Title: Director of Equal Opportunity,
Diversity, and Inclusion

Phone: 651-556-8025

E. Americans with Disabilities Act Title II Coordinator

Responsibilities

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

Duties:

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

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to the agency's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing agency services. Report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates and share practices on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering training for Agency employees assisting ADA modifications for the public.

- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II Coordinator will consult with the member of the public in need of a modification and:
 - Discuss the purpose and essential functions of the reasonable modification.
 - Identify the potential modifications and assess the effectiveness each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the agency.
 - Document this review and reported in the State ADA Annual Report.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title II Coordinator is accountable to Jon Eichten, MNIT’s Deputy Commissioner.

Name of individual(s) responsible

Name: Sarah Herder Lewis

Email: sarah.herder.lewis@state.mn.us

Title: Director of Equal Opportunity,
Diversity, and Inclusion

Phone: 651-556-8025

F. Recruitment Director

Responsibilities

The Recruitment Director is responsible for the implementation of the Diversity Recruitment Plan outlined in this document.

Duties

The diversity-related duties of the Recruitment Director include, but are not limited to:

- Identify high-need recruitment job areas within the agency.
- Communicate the strategic recruitment plan to HR, the executive team, management, and staff.
- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities toward attaining strategic diversity goals and objectives.
- Maintain relationships with agency executive teams, HR, and management to make decisions about the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the statewide recruiters' group.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

The Recruitment Director is accountable to the Assistant Director of Human Resources.

Name of individual(s) responsible

Name: David Berthiaume

Email: david.berthiaume@state.mn.us

Title: Recruitment Director

Phone: 651-201-1017

G. Senior Managers and Facility Executive Team Leaders

Responsibilities

Agency senior managers and executive team leaders are responsible for implementing all aspects of the agency Affirmative Action Plan and the agency's commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and facility executive team leaders include, but are limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the agency.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ensure the agency's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results, in addition to other job performance criteria.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner.

Name of individual(s) responsible

Name: Tarek Tomes

Email: tarek.tomes@state.mn.us

Title: CIO and Commissioner

Phone: 651-556-8005

Name: Jon Eichten

Email: jon.eichten@state.mn.us

Title: Deputy Commissioner

Phone: 651-556-8027

H. All Employees

Responsibilities

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

Duties:

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

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

Accountability:

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

Communication of the Affirmative Action Plan

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

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

Internal Methods of Communication

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action, will be sent from the agency's leadership or the Affirmative Action Officer, to all staff on an annual basis.
- **Intranet.** The agency's Affirmative Action Plan is available to all employees on the agency's internal website at <https://intranet.mnit.mn.gov/> and in print to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the Agency's Affirmative Action Plan is available to employees at the following address:

MNIT Services
658 Cedar Street
St. Paul, MN 55155
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** MNIT's Affirmative Action Plan is available on the agency's public website at <https://mn.gov/mnit/>. Printed copies are available to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Equal opportunity employer language.** MNIT's website homepage, letterhead, publications, and all job postings, includes the statement "MNIT Services is an equal opportunity employer." The agency will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of MNIT's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

MNIT Services
658 Cedar Street
St. Paul, MN 55155

Job Category Analysis

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

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

Following are MNIT’s demographic representation and unique job codes/titles for each EEO4 classification:

Officials and Administrators:

Table 2. Officials and Administrators by Protected Group

Women	Racial/Ethnic Minorities	People with Disabilities
33.33%	17.95%	15.38%

Officials and Administrators Job Titles:

- Admin Services Director
- Agency Chief Financial Officer
- Asst Commissioner
- Exec Assistant
- Human Resources Director 2
- Human Resources Director 4
- Information Management Services Division Director
- Information Syst Director
- Labor Relations Manager
- MNIT Division Manager 1
- MNIT Division Manager 2
- MNIT Executive Manager
- State Chief Information Officer
- State Prog Admin Manager Principal
- State Prog Admin Manager Sr

Professionals:

Table 3. Professionals by Protected Group

Women	Racial/Ethnic Minorities	People with Disabilities
35.72%	25.49%	8.54%

Professionals Job Titles:

- Accounting Officer
- Accounting Officer Principal
- Accounting Officer Senior
- Accounting Supervisor Principal
- Agency Policy Specialist
- Buyer 1
- Buyer 2
- Human Resources Consultant 1
- Human Resources Director 1
- Human Resources Specialist 1
- Human Resources Specialist 2
- Human Resources Specialist 3
- Information Officer 2
- Information Officer 3
- Information Officer 4
- Information Syst Manager
- Information Technology Spec 1 (ITS 1)
- Information Technology Spec 2 (ITS 2)
- Information Technology Spec 3 (ITS 3)
- Information Technology Spec 4 (ITS 4)
- Information Technology Spec 5 (ITS 5)
- Management Analyst 1
- Management Analyst 2
- Management Analyst 3
- Management Analyst 4
- Management Info Syst Cons Supervisor
- Planner Principal State
- Planning Director State
- Research Analysis Spec Sr
- Safety Administrator
- State Prog Admin Coordinator
- State Prog Admin Principal
- State Prog Admin Sr
- State Prog Admin Supervisor Sr
- Systems Analysis Unit Supervisor
- Systems Architect
- Systems Supervisor
- Training & Development Spec 1

Hiring Managers and Supervisors in Professionals Category (Combined Job Classifications)

Some of the job classifications within the EEO4 category of Professionals have the responsibility to hire other employees, thus creating a unique group of individuals with a greater impact on recruitment, hiring, and retention of employees. It is important that this layer of the workforce reflects the diversity of the entire agency.

To find out how MNIT is doing in this regard, an analysis was conducted of the demographic breakdown of people holding positions within the Professionals category with hiring and supervisory authority: Accounting Supervisor Principal, Human Resources Director 1, Information Systems Manager, Management Information Systems Cons Supervisor, State Program Administrator Supervisor Senior, Systems Analysis Unit Supervisor, and Systems Supervisor.

Table 4. Hiring Managers and Supervisors by Protected Group

Women	Racial/Ethnic Minorities	People with Disabilities
35.27%	12.95%	9.38%

Technicians:

Table 5. Technicians by Protected Group

Women	Racial/Ethnic Minorities	People with Disabilities
38.46%	15.38%	3.85%

Technicians Job Titles:

- Accounting Technician
- EDP Operations Technical Specialist
- EDP Operations Technician 3
- Electronic Technician Senior
- State Program Admin Tech Specialist

Paraprofessionals:

Table 6. Paraprofessionals by Protected Group

Women	Racial/Ethnic Minorities	People with Disabilities
50.00%	50.00%	0.00%

Paraprofessionals Job Titles:

- Human Resources Technician 1
- Human Resources Technician 2

- Student Worker Paraprofessional
- Student Worker Paraprofessional Sr

Office/Clerical:

Table 7. Office/Clerical by Protected Group

Women	Racial/Ethnic Minorities	People with Disabilities
100.00%	36.36%	18.18%

Office/Clerical Job Titles:

- Exec 2
- Office Services Supervisor 2
- Office & Admin Specialist
- Office & Admin Specialist Sr
- Office & Admin Specialist Principal

Determining Availability

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

For purposes of this Affirmative Action Plan, “availability” means an estimated percentage of qualified women, racial/ethnic minorities, or people with disabilities in the relevant labor market who are available for positions in each job category at a state agency.

External Availability

To determine external availability, MNIT used data from the United States Census Bureau’s 2014-2018 American Community Survey (ACS), which is the most current information available at the time of developing this Affirmative Action Plan.

Specifically, MNIT selected relevant census occupation codes from the Minneapolis-St. Paul-Bloomington Metropolitan Statistical Area data set, as less than 5% of jobs are located outside of this region.

Internal Availability

MNIT used feeder job statistics of employees for internal availability. For affirmative action purposes, “feeder job” means staffed positions within the agency that can be promoted and/or transferred into/within each EEO job category.

For example, MNIT anticipates that employees currently filling certain jobs in the Office/Clerical, Paraprofessionals, Technicians, and Professionals EEO4 categories could potentially fill positions within the Professionals group over the next two years. Therefore, MNIT used the demographics of employees occupying those specific job codes to determine the internal availability for Professionals.

(Please refer to “Appendix D. Feeder Jobs” for further details on each EEO4 category.)

Weight Ratio

These external and internal availability factors are weighted according to the agency’s hiring patterns over the past two years. Thus, if MNIT tended to hire significantly more individuals from outside of the organization in a given EEO4 category, the external availability would carry a heavier weight in order to obtain more accurate total availability statistics.

Table 8 includes the weights applied to each EEO4 category:

Table 8. Weighted Percentages for EEO4 Categories

EEO4 Category	External Weight	Internal Weight
Officials and Administrators	25%	75%
Professionals	60%	40%
Technicians	65%	35%
Paraprofessionals	95%	5%
Office/Clerical	60%	40%

As an example, 60% of all hires into the Professionals category were external hires, and 40% were internal hires, so the availability for this category is weighted 60/40. Thus, the demographic availability of the external marketplace will account for slightly more of the total availability for Professionals.

(Please refer to “Appendix D. Feeder Jobs” and “Appendix E. Determining Availability” for further details).

Utilization/Availability Analysis, Establishment of Goals, and Timetables

Minnesota Administrative Rules 3905.0400 Subp 1 Item G, Minnesota Administrative Rules 3905.0600 Subp 3, Minnesota Administrative Rules 3905.0600 Subp 4, Minnesota Administrative Rules 3905.0600 Subp 5, and Minnesota Administrative Rules 3905.0600 Subp 6.

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state. As explained in the previous section, “availability” means an estimated percentage of qualified women, racial/ethnic minorities, or people with disabilities in the relevant labor market who are available for positions in each job category at a state agency.

Through the utilization and availability analysis, the agency has determined which job categories are underutilized for women, racial/ethnic minorities, and people with disabilities in the agency and has set hiring goals for the next two years. Hiring goals are objective and used for making good faith efforts for all aspects of the affirmative action program. Effective hiring goals are strategic, actionable, and measurable efforts the agency is committed to pursuing and implementing in 2020-2022.

The goals are not quotas, nor do they require protected group status-based hiring preferences. They are goals set to ensure that the agency makes good faith efforts to remove barriers to equal employment opportunity.

MNIT used the whole person rule to establish a hiring goal. This means when the actual representation percentage of women, racial/ethnic minorities, or people with disabilities is less than reasonably would be expected given the workforce participation in the labor market area, and that difference is at least one whole person (more than 1), then a goal is established for that job category.

When a hiring goal for a job category is established, a percentage goal equal to the final availability percentage is calculated for women, racial/ethnic minorities, and people with disabilities in that job category.

“Table 9. Hiring Goals by Job Category and Protected Group” is a summary of hiring goals by job category and protected group.

Between 2020-2022, MNIT has a goal of hiring additional racial/ethnic minorities into the Professionals category for an overall makeup of 25.93% of this EEO4 group. At present with current data, that would be an additional ten FTEs. Based on recent hiring patterns, MNIT anticipates reaching this goal within six months after the statewide hiring freeze is lifted.

Within the Technicians category, MNIT is also underutilized in racial/ethnic minorities. The agency has set a goal to reach 26% racial/ethnic minorities in this EEO4 category by 2022. At present totals, this would be an additional two FTEs. Because there are far fewer total employees in this job group, MNIT expects this goal will prove more challenging. Nonetheless, the agency will strive to reach its goal through the actions described in the [Corrective Actions and Action-Oriented Programs](#) section of this Plan.

“Table 9. Hiring Goals by Job Category and Protected Group” also shows areas that need to be monitored. These represent areas in which MNIT’s demographics reflect, or are very close to, the availability of that protected class within the given job group.

Therefore, between 2020-2022, MNIT will monitor its representation of women in Officials and Administrators and Office/Clerical. It will also monitor the agency makeup of people with disabilities in the Technicians and Paraprofessionals EEO4 categories.

“Monitor” means that MNIT will proactively make good faith efforts to recruit external qualified protected groups. The agency will also train and retain employees in the job category to help prevent underutilization due to an employee move or attrition.

(Refer to “Appendix F. Utilization-Goals” for further details on underutilization and hiring goals.)

Table 9. Hiring Goals by Job Category and Protected Group

Job Categories	Women Establish Goals?	Women If Yes, Goals for FY 2020- 2022	Racial/ Ethnic Minorities Establish Goals?	Racial/ Ethnic Minorities If Yes, Goals for FY 2020- 2022	People with disabilities Establish Goals?	People with disabilities If Yes, Goals for FY 2020- 2022
Officials/ Administrators	Monitor					
Professionals			Yes	25.93%		
Technicians			Yes	26.00%	Monitor	
Paraprofessionals					Monitor	
Office/Clerical	Monitor					

Progress and Personnel Activity Reports

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

Progress Report

In keeping with its commitment to transparency and accountability, MNIT examined its progress on the hiring goals set forth in its previous Affirmative Action (AA) Plan spanning the years of 2018-2020.

In the 2018-2020 Plan, MNIT was underutilized in three areas: 1) Women in the Office/Clerical category; 2) Racial/Ethnic Minorities in the Officials/Administrators category; and 3) People with Disabilities in the Technicians category.

Women

While women represented 86% of staff in the Office/Clerical category at the time, the external availability reflected an even higher percentage of women, so the availability calculation turned up a hiring goal. Thus, MNIT set a goal to reach an overall composition of 91.75% women. MNIT did meet its goal and now has 100% women in this job category.

Racial/Ethnic Minorities

In 2018, MNIT had only 8.45% racial/ethnic minorities in its Officials/Administrators category and thus set a goal of 10.09% representation by 2020. Fortunately, MNIT met and exceeded this goal. Presently, this leadership group is comprised of 17.95% racial/ethnic minorities, which is closer to the overall agency representation of 25.36% racial/ethnic minorities.

People with Disabilities

The only AA Plan goal not met was within the Technicians category, where MNIT hoped to add to its representation of people with disabilities. In 2018, MNIT had only 4% persons with disabilities within the Technicians group. The agency set an aspirational goal of 7%, which it did not meet. Presently, MNIT still has 3.85% persons with a disability within this EEO4 job category.

There are relatively few positions within the Technicians group, and the agency was not able to reach its 2018 goal.

It is worthy of note that a new availability calculation did not show an underutilization for the upcoming two years. MNIT will still do what it can to ensure equal opportunity for all candidates applying to Technicians jobs and will strive to recruit and retain people with disabilities into this and each EEO4 job category. MNIT, like all Executive Branch agencies, is ultimately trying to achieve 10% representation of people with disabilities overall within the agency to meet Governor Walz's goal.

(Please refer to "Appendix A. Progress Report" for additional details on progress toward previous AA Plan goals.)

Separation Report

MNIT analyzed separation patterns over the past two years in order to identify potential area(s) requiring retention strategies or other corrective actions for its 2020-2022 Affirmative Action Plan.

As part of its evaluation, MNIT reviewed separation types for all protected groups within each EEO4 category. Most separation types within a specific EEO4 tier, such as Paraprofessionals, contain totals too small to break down without revealing private data. Therefore, a full agency breakdown is provided in "Table 10. Total Separations by Protected Group," and a general breakdown for each EEO4 group is provided in "Table 11. Separations by EEO4 Category and Protected Group." (Please refer to "Appendix B. Separation Analysis" for further details.)

Total Agency Separations by Protected Group

Table 10. Total Separations by Protected Group

Separation Type	Total %	Women %	Racial/Ethnic Minority %	People with Disabilities %
Dismissal or Non-Certification	4%	38%	31%	13%
Resignations	28%	34%	33%	8%
Enhanced Separation*	n/a	n/a	n/a	n/a
Retirement	39%	53%	3%	11%
Death*	2%	n/a	n/a	n/a
Layoff*	n/a	n/a	n/a	n/a
Termination without Rights	27%	41%	40%	8%
Total Separations	100%	44%	23%	10%

*Statistics suppressed in accordance with data privacy laws are denoted with “n/a.”

Total Workforce

As seen in Table 10, retirements made up 39% of all separations from the agency. MNIT, as with many public and private organizations, has experienced higher levels of retirements in recent years due to demographic trends. Employees ages 50-59 make up the largest age demographic in the agency.

The next highest level of separations came in the form of resignations (28%), followed by terminations without rights (27%). The phrase “terminations without rights” means that employees are not entitled to seniority or layoff provisions of the collective bargaining agreements and plans, which is true of employees in temporary/unclassified positions. Thus, terminations without rights is the designation assigned to temporary/unclassified positions for which employees either resign or their temporary appointment ends.

With that consideration, it is also helpful to compare the percentage of total employees in the separation category “terminations without rights” (27%) with the percentage of employees hired into temporary/unclassified jobs at MNIT over the past two years, which is 24%, indicating relatively close alignment.

Remaining separations included dismissals or non-certifications (4%) and deaths (2%). The number and percentage of enhanced separations and layoffs have been suppressed for data privacy.

Women

Employees who self-identify as women currently represent 36% of MNIT’s workforce. Women are overrepresented in total separations, making up 44% of all those who have left the agency over the past two years. The most significant area of overrepresentation is in retirements, with women comprising over half (53%) of employees leaving through retirements.

Women are also overrepresented in terminations without rights when compared to women in the agency overall, making up 41% of this group of separations. Because this designation reflects

temporary/unclassified positions, it should also be compared to the percentage of women who fill those positions. Women comprise exactly 41% of all temporary/unclassified hires over the past two years, and 44% at this static point in time.¹ Thus, the real takeaway is that there may be a disparity in the number of temporary/unclassified positions that women fill. These positions do not hold the same level of security as classified positions, so this is an area for further research and potential action.

Women were slightly underrepresented in resignations, making up 34% of that group.

Finally, women accounted for 37.5% of dismissals or non-certifications, making them slightly overrepresented in that leave category.

Racial/Ethnic Minorities

At present, 25.4% of MNIT's workforce self-identifies as a racial/ethnic minority: American Indian/Alaska Native, Asian, Black/African American, Hispanic/Latino, or Two or More Races. This compares to 70.2% employees who self-identify as white, and 4.5% of employees who have not reported a race/ethnicity.

MNIT's racial/ethnic minorities are slightly underrepresented in total separations, comprising 23% of employees who have left the agency. This difference can likely be attributed to the fact that retirements were the primary type of separation, and there are dramatically fewer racial/ethnic minorities in the retiring demographic. In fact, racial minorities comprised only 3.3% of all retirements.

Between 2018-2020, racial/ethnic minorities were most likely to separate through terminations without rights, making up 40.2% of those employees ending temporary/unclassified positions. They are thus overrepresented when looking at their overall agency representation of 25.4%. To look more closely at this number, we can also examine the proportion of racial minorities within temporary/unclassified positions, which has been 40.2% of all hires in the past two years, and is 42.3% at the current time.²

One-third (33.3%) of all resignations were racial/ethnic minorities, and 31.3% of all dismissals or non-certifications were racial/ethnic minorities. This marks significant overrepresentation in both leave categories.

The overrepresentation of racial/ethnic minorities in temporary/unclassified positions, resignations, and dismissals or non-certifications are areas for potential corrective action.

People with Disabilities

MNIT's overall workforce includes 8.7% of people who self-identify as having a disability. This compares to 83.9% who indicate they do not have a disability and 7.4% who opted not to report a disability status.

People with disabilities represent 10% of all separations, indicating this group is leaving MNIT at a slightly disproportionately higher rate.

People with disabilities were more likely than others to retire, comprising 10.5% of those departing at the end of their careers. The retirement statistic makes logical sense, as age and disability are positively correlated.

¹ Data reflects employee counts as of 7/22/20.

² Data reflects employee counts as of 7/22/20.

However, people with disabilities were also overrepresented in dismissals or non-certifications, making up 12.5% of this type of separation. This is also noted as an area of potential corrective action.

People with disabilities were underrepresented in two other leave categories: resignations (at 8.3%) and terminations without rights (8.4%).

Taking a deeper look at the terminations without rights statistic, we find that 7% of all temporary/unclassified hires over the past two years were people with disabilities, and people with disabilities also represent 7% of all current temporary/unclassified employees.³ In that analysis, the leave statistic appears to track representation fairly closely.

Separations by Specific EEO4 Category and Protected Group

In order to provide a more detailed breakdown of separations and look for patterns within specific EEO4 categories (Officials/Administrators, Professionals, Technicians, Paraprofessionals, and Office/Clerical), this section reviews the representation of women, racial/ethnic minorities, and people with disabilities in those job groupings.

Table 11 “Separations by EEO4 Category and Protected Group” gives a snapshot of this data. Readers will note that the categories of Technicians and Office/Clerical had less than ten total separations over the past two years, and thus those groupings cannot be broken down further by protected group due to data privacy issues.

Table 11. Separations by EEO4 Category and Protected Group

Job Categories	% of Separations Women	% of Separations Racial/ Ethnic Minorities	% of Separations People with Disabilities
Officials/ Administrators	36.84%	0%	10.53%
Professionals	44.41%	24.07%	9.46%
Technicians	n/a	n/a	n/a
Paraprofessionals	27.78%	33.33%	16.67%
Office/Clerical	n/a	n/a	n/a

*Statistics suppressed in accordance with data privacy laws are denoted with “n/a.”

³ Data reflects employee counts as of 7/22/20.

Separation of Women by EEO4 Category

Women were overrepresented in separations in Officials and Administrators, comprising 33.3% of this group, but 36.8% of those who separated from it over the past two years.

Women were also overrepresented among Professionals, making up 35.7% of this EEO4 group, but 44.4% of those who separated from it.

In contrast, women were underrepresented in Paraprofessionals leaving the organization. While they make up 50% of this group overall, they were only 28% of those who left.

This is just another way of looking at the data, but it confirms the need for retention strategies for women, with a special emphasis in women in the Officials and Administrators and Professionals groups.

Separation of Racial/Ethnic Minorities by EEO4 Category

Racial/ethnic minorities are underrepresented in those leaving the leadership group of Officials and Administrators, making up 0% of those leaving, but 18% of this EEO4 category overall.

Racial/ethnic minorities were just slightly underrepresented in the Professionals category, with 24.1% leaving as compared to the 25.5% makeup of the group.

Finally, in the Paraprofessionals category, where 50% of employees are racial/ethnic minorities, only 33.3% of the group's separations were from this demographic group. Thus, racial/ethnic minorities are underrepresented in this third category, as well.

Separation of People with Disabilities by EEO4 Category

People with disabilities make up 15.4% of the Officials and Administrators EEO4 category, yet comprise only 10.5% of those who left over the past two years, yielding an underrepresentation in separations.

However, in the Professionals category, people with disabilities make up 8.5% of staff, but were 9.5% of separations over this timeframe, showing a slight overrepresentation in this EEO4 category.

Something rather unusual happened in the Paraprofessionals category. All of the employees with a disability separated, so people with disabilities comprised 16.7% of departures from this area as compared to 0% people with disabilities currently in this group. So, people with disabilities are certainly overrepresented in separations here. This is also an area indicated in MNIT's utilization analysis as one to continue monitoring.

Identification of Areas for Further Monitoring

Minnesota Administrative Rules 3905.0400 Subp. 1 Item H and I

Monitoring personnel activity helps agencies monitor progress in meeting hiring goals. Data from the previous plan period can help indicate when changes to program efforts are appropriate.

Workforce Snapshot

“Appendix F. the Utilization Goals worksheet” indicates if a job category by protected group is underutilized.

Areas in MNIT’s workforce that require further monitoring appear in the “Establish Goals?” column as:

- “Yes”: there is underutilization.
- “Monitor”: the agency needs to monitor the job, as it may become underutilized when employee movement occurs.

MNIT will set and carry out [Corrective Actions and Action-Oriented Programs](#) for all categories marked as “Yes” or “Monitor.”

As noted above, these categories include:

- Racial/ethnic minorities in the Professionals and Technicians categories (underutilized);
- Women in the Officials/Administrators and Office/Clerical categories (need to monitor); and
- People with disabilities in the Technicians and Paraprofessional categories (need to monitor).

Personnel Activities

Progress Reports

“**Appendix A. Progress Report**” includes data for those job categories that were underutilized and had corresponding hiring goals established in the prior Affirmative Action Plan (2018-2020). The Progress Report evaluates whether MNIT attained its hiring goals.

In the “Goal Met?” column is either:

- “Yes,” indicating MNIT met the goal established in the prior Affirmative Action Plan.
- “No,” indicating MNIT did not attain the goal established in the prior Affirmative Action Plan.

The only area where MNIT had been underutilized and did not meet its goal was in the Technicians category, and this is currently an area MNIT needs to monitor, so it will be included in [Corrective Actions and Action-Oriented Programs](#).

Separations

“Appendix B. Separation Analysis” shows the results by separation type and the protected group during the prior Affirmative Action Plan period. The separation percentages were derived within the separation type by protected group to identify impact on protected group members. There are two examinations in this worksheet:

1. The total percentage indicates the percentage by separation type. By way of example, if there were 15 separations in total, and of those, 10 employees separated due to dismissal or non-certification, the dismissal or non-certification percentage is 66.67% (10 divided by 15).
2. The “percentage type” in “Appendix B. Separation Analysis” indicates percentages by protected group within a separation type. To continue with the example above, if there were 10 separations by dismissal or non-certification, and of those, eight were women, the rate of dismissal or non-certification separation for women is 80% (8 divided by 10).

[Corrective Actions and Action-Oriented Programs](#) will be implemented for the following areas identified in the separation analysis as needing further evaluation and consideration:

- The overrepresentation of women in temporary/unclassified positions, which do not hold the same level of security as classified positions.
- The retention of women in the Officials and Administrators category and the Professionals category.
- The overrepresentation of racial/ethnic minorities in temporary/unclassified positions, resignations, and dismissals or non-certifications.
- The overrepresentation of people with disabilities in dismissals or non-certifications.

Corrective Actions and Action-Oriented Programs

Minnesota Administrative Rules 3905.0400 Subp 1 Item H

The agency’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, section 43A.191 Subdivision 2. These Action-Oriented Programs are carried out throughout this Affirmative Action Plan period.

Corrective Actions

This section identifies ways in which MNIT Services will eliminate barriers, provide corrective actions, and make good faith efforts toward the affirmative action goals for underutilized protected groups (broken down by specific job categories).

MNIT developed the below action-oriented programs specific to the job category/protected group(s) identified in the “Identification of Areas for Further Monitoring” section supported by the “Utilization /Availability Analysis, Establishment of Statement of Goals, and Timetable” and “Progress Reports and Personnel Analyses sections.”

Table 12. Areas of Further Monitoring and Corrective Actions by EEO4 Classification

Areas for Further Monitoring	Corrective Actions
Officials/Administrators	
1) Need to “monitor” representation of women, because underutilization may occur by employee movement.	<ul style="list-style-type: none"> • Regularly review the representation of women in Officials/Administrators category. If representation drops, determine if additional actions are necessary to maintain diversity. • Evaluate whether women are underutilized in any particular area of the agency and work with hiring managers to see if there are specific barriers or ideas for improving diversity.
2) Data shows need for focus on retention of women.	<ul style="list-style-type: none"> • Solicit feedback from Women in IT ERG to include in MNIT’s Equity and Inclusion Plan. • Conduct stay interviews with willing women employees. • Implement MNIT’s Tactical Plan, particularly Tactic #2: “Include Connected Culture as a dedicated agenda item for all MNIT leadership meetings.” • Ensure adequate representation of women when developing MNIT’s Equity and Inclusion Plan.

Areas for Further Monitoring	Corrective Actions
Professionals	
1) Underutilized in racial/ethnic minorities.	<ul style="list-style-type: none"> • Ensure the percentage of qualified applicants in the pool who identify with that protected class matches the percentage interviewed. (Ex: If 20% of qualified applicants are racial minorities, 20% of interviewees must be racial minorities.) • Implement new diversity recruitment tactics. • Encourage diverse interview panels. • Evaluate whether racial/ethnic minorities are underutilized in any particular area of the agency and work with hiring managers to see if there are specific barriers or ideas for improving diversity.
2) Data shows need for focus on retention of women.	<ul style="list-style-type: none"> • Solicit feedback from Women in IT ERG to include in MNIT’s Equity and Inclusion Plan. • Conduct stay interviews with willing women employees. • Implement MNIT’s Tactical Plan, particularly Tactic #4: “Implement recommendations from the Employee Engagement Team” and Tactic #6: “Provide organizational training on effective collaboration and how to effectively share and work together.” • Ensure adequate representation of women when developing MNIT’s Equity and Inclusion Plan.
Technicians	
1) Underutilized in racial/ethnic minorities.	<ul style="list-style-type: none"> • Ensure the percentage of qualified applicants in the pool who identify with that protected class matches the percentage interviewed. (Ex: If 20% of qualified applicants are racial minorities, 20% of interviewees must be racial minorities.) • Implement new diversity recruitment tactics. • Encourage diverse interview panels.

Areas for Further Monitoring	Corrective Actions
2) Need to “monitor” representation of people with disabilities, because underutilization may occur by employee movement.	<ul style="list-style-type: none"> • Regularly review the representation of people with disabilities in the Technicians category. If representation drops, determine if additional actions are necessary to maintain diversity. • Evaluate whether people with disabilities are underutilized in any particular area of the agency and work with hiring managers to see if there are specific barriers or ideas for improving diversity. • Solicit feedback and best practices in retaining employees with disabilities from the Office of Accessibility.
Paraprofessionals	
1) Need to “monitor” representation of people with disabilities, because underutilization may occur by employee movement.	Regularly review the representation of people with disabilities in the Paraprofessionals category. If representation drops, determine if additional actions are necessary to maintain diversity.
Office/Clerical	
1) Need to “monitor” representation of women, because underutilization may occur by employee movement.	Regularly review the representation of women in Office/Clerical category. If representation drops, determine if additional actions are necessary to maintain diversity.

Table 13. Areas of Further Monitoring and Corrective Actions by Protected Class

Areas for Further Monitoring	Corrective Actions
Women	
1) Women are overrepresented in temporary/unclassified positions, which do not hold the same level of security as classified positions.	<ul style="list-style-type: none"> • Determine where temporary/unclassified positions are located within the agency, and if women are disproportionately hired or not hired in any given area. • Evaluate applicant pools to determine if women are overrepresented in qualified applicants or only in hires. If the latter, take appropriate action.
Racial/Ethnic Minorities	

Areas for Further Monitoring	Corrective Actions
<p>1) Racial/ethnic minorities are overrepresented in temporary/unclassified positions, which do not hold the same level of security as classified positions.</p>	<ul style="list-style-type: none"> • Determine where temporary/unclassified positions are located within the agency, and if racial/ethnic minorities are disproportionately hired or not hired in any given area. • Evaluate applicant pools to determine if racial/ethnic minorities are overrepresented in qualified applicants or only in hires. If the latter, take appropriate action.
<p>2) Racial/ethnic minorities are overrepresented in resignations.</p>	<ul style="list-style-type: none"> • Conduct an analysis of Employee Engagement survey by demographics to look for trends and areas of particular concern. • Review exit data by demographics to look for areas of improvement. • Administer and then evaluate responses from the Equity and Inclusion survey. • Implement MNIT’s Tactical Plan, particularly Tactic #4: “Implement recommendations from the Employee Engagement Team” and Tactic #6: “Provide organizational training on effective collaboration and how to effectively share and work together.” • Ensure adequate representation of racial/ethnic minorities when developing MNIT’s Equity and Inclusion Plan.
<p>3) Racial/ethnic minorities are overrepresented in dismissals or non-certifications.</p>	<ul style="list-style-type: none"> • Analyze all discipline data by protected class to look for patterns. If there are disparities for racial/ethnic minorities, work with leadership, HR, hiring managers, the union, and representative groups to examine opportunities for improvement. • Ensure adequate representation of racial/ethnic minorities when developing MNIT’s Equity and Inclusion Plan.
People with Disabilities	
<p>1) People with disabilities are overrepresented in dismissals or non-certifications.</p>	<ul style="list-style-type: none"> • Analyze all discipline data by protected class to look for patterns. If there are disparities for people with disabilities, work with leadership, HR, hiring managers, the union, and representative groups to examine opportunities for improvement. • Ensure adequate representation of people with disabilities when developing MNIT’s Equity and Inclusion Plan.

Other Action-Oriented Programs

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

Barriers

Following are some of the barriers that MNIT anticipates having to address or overcome in order to reach its goals and carry out the corrective action items in Table 12 and Table 13.

- Current hiring freeze in response to budgetary constraints imposed by the pandemic.
- Limited staff in the Equal Opportunity office.
- Some lack of compliance among hiring managers and supervisors in taking the required "Ensuring Equal Opportunity in the Hiring Process" training.
- Much anticipated work with upcoming MNIT Tactical Plan and Equity and Inclusion Plan. Need to prioritize, plan, and have clear responsible parties and follow-up mechanisms in place.
- Staying responsive to the pandemic situation and current events while making progress on these goals and with other plans.
- Remaining apprehension or unwillingness of employees to self-identify into protected groups. This can prevent accurate data analyses and prevent MNIT from focusing efforts on those areas of true underutilization and greatest need.

Recruitment and Processes

Ongoing Activities

Following are the actions MNIT Services will *continue* to take to improve recruitment and increase the number of qualified women, racial/ethnic minorities, people with disabilities, and veterans in the applicant pool:

- Utilize the **Diversity Recruitment Director** at MMB for all positions 18M and above. (MMB's contacts are currently Cyndi Camarillo, Terri Wheeler, and Kimberly Roan.)
- Participate in the state's **Accessibility Matters** Campaign (as able with consideration of social distancing in the current pandemic).
- Use a combination of paid and unpaid **advertising** to attract diverse talent. Currently, the Minnesota Careers Page, the Internet Job Board, and the MNIT Website are the top three contributors to recruitment efforts. MNIT will continue to analyze data about how applicants find us.
- Send **MNIT Hot Jobs** email via GovDelivery twice per month containing links to all open MNIT positions.
- Maintain working relationships with **academic institutions**. This includes participation as presenters or panelists and attending recruiting events (as able with consideration of social

distancing in the current pandemic), including Prime Digital Academy's Career Event, the Software Guild's Interviewing Event, the University of Minnesota's Job and Internship Fair, and the Advance IT Security Boot Camp's IT Security Careers in Government Event.

- Participate in numerous **job and community fairs** (as able with consideration of social distancing in the current pandemic), including community presentations, events focused on veterans, general job-seeker events, specialty skill events, the State Fair, the People of Color Career Fair, and the Statewide Career Fair.
 - Provide **internships, student worker, and work trainee** opportunities as possible through participation in the Scholarship for Service (SFS) program; the IT Trainee Program, which prepares new IT talent for entry-level positions (ITS 1) at MNIT; and statewide internship opportunities, such as Right Track, Step Up, Urban Scholar, and Star of the North Fellows.
- Review job postings to ensure **inclusive language**.
 - Examine **physical and sensory requirements** to determine whether qualifications are consistent with business necessity to ensure equal opportunity for people with disabilities.
- Build and maintain relationships with **community partners**, such as Avivo and HIRED.
- Provide **informational interviews** to clients of Vocational Rehab Services (VRS) at DEED and other organizations providing job coaching.
- Take full advantage of the **Connect 700 Program**, which allows qualified applicants up to 700 hours to demonstrate competency on the job. At the end of the pre-probationary period, MNIT can hire the individual.
- Review vacant positions for **supported worker eligibility**.
- Ensure the **EEO tag line** is used on all job postings and advertisements.

New Activities

Following are additional, targeted diversity-focused recruitment strategies MNIT will **begin** to engage in in 2020-2022:

- Increase participation in **virtual career fairs**, both during and after the current pandemic. Virtual career fairs are an alternate means of participating for individuals who may find it difficult to attend an in-person career fair. It also allows us to reach individuals who may not be actively looking, but who may participate due to ease of access.
 - Examples of groups MNIT will look to partner with for participation in virtual career fairs include, but are not limited to: Twin Cities Blacks in Technology, MN Women in Tech, Tech Latino, Twin Cities Geek (to reach the LGBTQ community), and Vets in Tech.
 - MNIT will also research options to participate in national IT recruitment events that are now being hosted online during the pandemic. Examples include, but are not limited to, the National Center for Women in Information Technology Conference and the Latino Tech Summit, etc.

- Finally, MNIT will explore the option of hosting its own virtual MNIT Career Fair and will encourage participation from groups representing diverse IT talent.
- Promote MNIT as a **diverse employer** on the intranet and internet, providing comparative statistics to the private sector. This will include images of MNIT’s diverse staff, a diversity value statement, and profiles or videos of diverse employees speaking about their experiences and successes in IT. This effort should also include written, downloadable recruitment materials and talking points for recruitment events.
- Establish connections to post jobs on **alumni job boards at HBCUs, HSIs, TCUs, and other MSIs** with IT programs. Utilize marketing materials described above, where possible.
- Solicit feedback from **Employee Resource Groups (ERGs) and MNIT’s Inclusion Committee** to find community connections and find out if there are gaps in recruitment efforts to certain communities.
- Connect with groups on LinkedIn and other **social media** platforms who are committed to representing groups typically underrepresented in IT. (Examples: Women Leading in IT (WLIT), TC Blacks in Technology, MN Women in Tech, Tech Latino, Twin Cities Geek (LGBTQ community), Vets in Tech, VRS, etc.)
- Reach out to all members included in the **online directory of diverse media** and post jobs in targeted online, on air, and print media with readership and representation from diverse communities. Also ensure press releases go to these media outlets, including announcements of career fairs. (Examples: LaPrensa (Hispanic/Latino), Spokesman-Recorder (African American), The Circle (American Indian), Hmong Times, Lavender Magazine (LGBTQ), etc.)
- Consider opportunities to post vacancies as available for **remote workers**, which has the potential to expand talent pools and reduce barriers for employment.

Persons Responsible:

- Dave Berthume
- Sarah Herder Lewis

Retention

Ongoing Activities

MNIT Services will *continue* the following activities to improve retention of women, racial/ethnic minorities, and people with disabilities:

- Ensure **equal opportunity** laws are consistently and effectively adhered to in the workplace.
- Promote participation in the Women in IT Changemakers **Employee Resource Group (ERG)**, the **Inclusion Team**, and statewide ERGs.
- Engage employees in the **Tribal-State Relations Committee** and work to advance Executive Order 19-24 relating to this work.
- Promote and facilitate the MNIT **Mentorship Program**.

- Promote the statewide **Emerging Leaders Institute (ELI)** and **Senior Leadership Institute (SLI)**.
- Encourage participation in, and analyze data from, **Employee Engagement surveys** and take appropriate action based on the results.
- Promote and support the work of MNIT's **Office of Accessibility**.
- Make **accommodations** wherever possible for people with disabilities, pregnant women and new mothers, and people following religious practices.

New Activities

MNIT will also *begin* the following inclusion-focused activities to improve retention among protected groups in years 2020-2022:

- Administer the **Equity and Inclusion survey** to MNIT staff and take action based on the results.
- Write an **Equity and Inclusion Plan** that utilizes the Global D&I Benchmarks after taking input from several stakeholder groups across the agency.
- Implement new employee **onboarding** program.
- Better communicate **career pathways** for improved employee understanding.
- Improve **intranet resources** and offer increased communications on topics relating to equal opportunity, diversity, and inclusion.
- Gather insights and input from **ERGs** when developing the 2022-2024 Affirmative Action Plan.
- Carry out items in **MNIT's Tactical Plan** that relate to retention and align with MNIT's [Strategic Plan](#). Specific tactics include:
 - #2. Include "connected culture" as a dedicated agenda item for all MNIT leadership meetings.
 - #4. Implement recommendations from the Employee Engagement Team.
 - #6. Provide organizational training on effective collaboration across our organization, discussing how to effectively share and work together.
 - #7. Increase essential skill competencies and adjust supervisor/manager position descriptions to include managing team dynamics and collaboration.
 - #8. Establish a new training framework, which will, among other things, provide inclusion education.
 - #9. Create a policy that carves out intentional time for staff to focus on development and collaboration.
 - #13. Adopt Governor Walz's Guiding Principles, with the addition of three distinct MNIT principles. This effort will include training for supervisors and managers.
 - #15. Align organizational model with mission, vision, and values.
 - #29. Increase the usage of strategic analytics tools and technologies to visualize meaningful and actionable data.

Persons Responsible:

- Sarah Herder Lewis
- Kirsten Henry
- Tactical Plan owners
- Chad Thuet
- Michelle Klatt
- Heidi Pierce
- Dave Berthiume
- Emily Shimkus
- Others

Training

Ongoing Activities

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

- Offer **respect trainings** upon request for supervisors and managers and facilitate in-person training by Organization Health for all staff.
- Require all managers and supervisors take the “**Preventing Sexual Harassment**” compliance training (currently done every 2 years, in addition to new supervisors receiving the training during Supervisor Core).
- Require all managers and supervisors to take MNIT’s “**Ensuring Equal Opportunity in the Hiring Process**” training (offered continuously to new managers and supervisors).
- Require all managers and supervisors to go through **MNKIT**, which includes information on equal opportunity, affirmative action, diversity, and inclusion (offered twice a year).
- Provide an all-day **New Employee Orientation** for onboarding purposes and to share MNIT’s vision and values around connected culture, diversity, and inclusion (offered on a quarterly basis).
- Offer **lunch and learns** on a variety of inclusion topics. MNIT’s Inclusion Team will be brought into this effort to be able to offer them on a quarterly basis.

New Activities

New training-related activities to promote diversity and inclusion at MNIT Services during this Plan’s timeframe include:

- Offer trainings on **unconscious bias**, stereotypes, and microaggressions to all staff (only managers have received unconscious bias training to date).

- Encourage managers and supervisors to use **Individualized Development Plans** (IDPs) so staff are planning and taking advantage of professional development opportunities.
- Require all staff to spend a set number of hours on **inclusion training** annually.

Persons Responsible:

- Heidi Pierce
- Sarah Herder Lewis
- Chad Thuet or Assistant HR Director

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

MNIT Services will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, racial/ethnic minorities, or people with disabilities.

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 are carried out.

MNIT will continue its practice of requiring hiring managers to submit interview questions and scoring criteria to their HR Staffing Representative in advance of an interview to ensure that questions and scoring are tied to qualifications of the position. By establishing strong scoring criteria and connecting questions to qualifications, hiring managers are able to mitigate the effects of unconscious bias and get the most qualified candidate. To assist managers with this task, MNIT provides hiring managers with a large bank of interview questions and scoring criteria on its intranet.

When candidates are invited to participate in the selection process, employees scheduling the interviews will describe the process to the candidate (e.g., interview process, testing process). All candidates are provided information regarding the procedure to request reasonable accommodations, if necessary, to allow candidates with disabilities equal opportunity to participate in the selection process. For example, MNIT will let candidates know if interview questions are offered ahead of time or what technology may be used during a test. This allows people with a disability to determine if they need a reasonable accommodation in advance of the interview.

An agency that does not meet its hiring goals for competitive appointments, and noncompetitive appointments under MS 43A.08, subd. 1(9), (11) and (16), and 43A.15, subd. 3, 10, 12, and 13, must justify its non-affirmative action hires. Thus, directors, managers, and supervisors must document their hiring decisions in MNIT's Pre-Hire Review form for any hire in an underutilized area. Equal Opportunity (EO) Staff will review the documented justification for potential bias and to ensure all laws and policies are being followed.

The agency will use the Monitoring the Hiring Process form for every hire in an underutilized area to track the number of women, racial/ethnic minorities, and people with disabilities in each stage of the selection process.

MNIT will not accept missed opportunities in keeping with the affirmative action statute that was amended in 2019. The agency will also continue to report the number of affirmative and non-affirmative hires in any underutilized area to MMB on a quarterly basis.

All employees involved in the selection process are trained and accountable for the agency’s commitment to equal opportunity and the affirmative action program and its implementation.

Further information about MNIT’s hiring process can be found in Table 14 below.

Table 14: Hiring Process Action Steps and Responsible Parties

ACTION STEPS	RESPONSIBLE PARTY
Human Resources screens and forwards all applicants meeting the minimum qualifications for the position to the hiring manager/supervisor.	HR Staffing Representative
Human Resources notifies all applicants who did not meet minimum qualifications.	HR Staffing Representative
Hiring manager/supervisor screens qualified applicant pool and selects candidates for interviews.	Hiring Manager/Supervisor
Hiring manager/supervisor submits their list of interview selectees to their HR Staffing Representative before scheduling any interviews.	Hiring Manager/Supervisor
HR Staffing Representatives send hiring managers/supervisors instructions to either proceed with the interview process, as planned, or to add candidates to the interview pool.	HR Staffing Representative
Hiring managers/supervisors submit the names of any candidates that were added to the interview pool before scheduling any interviews.	Hiring Manager/Supervisor
Hiring manager/supervisor submits interview questions and scoring criteria to HR Staffing Representatives and waits for approval before interviewing.	Hiring Manager/Supervisor

HR Staffing Representative reviews interview questions and scoring criteria and sends feedback or approval to hiring manager/supervisor.	HR Staffing Representative
Hiring managers/supervisors may proceed with scheduling and conducting interviews.	Hiring Supervisor/Manager
Hiring managers/supervisors provide interview scores and discuss candidate selection with Human Resources prior to making a job offer.	Hiring Supervisor/Manager
If selection is not an affirmative hire and is in an underutilized job category, hiring managers/supervisors complete the Pre-Hire Review form, submit to HR Staffing Representative, and wait for approval.	Hiring Supervisor/Manager
HR Staffing Representative completes MHP form and sends to EO Staff with Pre-Hire Review form.	HR Staffing Representative
EO Staff reviews Pre-Hire Review form and sends signed/approved MHP form back to HR Staffing Representative.	EO Staff
HR Staffing Representative contacts hiring manager/supervisor about the next steps in the hiring process (for example, reference checks, salary determination, background check, and offer).	HR Staffing Representative
Hiring manager makes the offer.	Hiring Supervisor/Manager
All parties adhere to Minnesota Government Data Practices Act, Section 13.43: Protected group status & information regarding the pre-employment selection process is not disclosed.	HR Staffing Representative Hiring Manager/Supervisor Division Director Equal Opportunity Staff

Pre-Review Procedure for Layoff Decisions

MNIT follows labor contract agreements and applicable laws in its layoff processes. If MNIT’s Human Resources department is notified about a potential layoff, it goes through a thorough review procedure, which includes the following steps:

- Determine if situation is a true layoff. If so, notify Staffing Supervisor.
- Staffing Supervisor alerts leadership of potential layoffs.
- Staffing Supervisor and leadership research other potential placement opportunities to try to prevent a layoff situation.
- Staffing Supervisor/Team works with manager to discuss next steps and works with affected employee.
- Notice is sent to employee and union.
- Staffing Supervisor/Team reviews current vacancies.
- If a vacancy exists for which employee is qualified, employee is placed in that position.
- If no vacancy exists for which the employee is qualified, Staffing Supervisor/Team reviews bumping options.

If no vacancy exists and bumping is not an option, the employee may choose a layoff or review alternative options.

Other Methods of Program Evaluation

MNIT Services submits the following compliance reports to MMB as part of its efforts to evaluate affirmative action goals and progress:

- Quarterly Monitoring the Hiring Process Reports
- Biannual Affirmative Action Plan
- Annual Americans with Disabilities Act Report
- Annual Internal Complaint Report
- Disposition of Internal Complaint Report

The agency will also evaluate the Affirmative Action Plan progress in the following ways:

- Monitor progress toward stated goals by job category on a monthly basis.
- Analyze employment activities (hires, promotions, and terminations) by job category on an ongoing basis to determine if there is disparate impact.
- Analyze compensation patterns to determine if there are disparities and potential patterns of discrimination.
- Review the accessibility of online systems and websites.
- Discuss progress with agency leadership on a periodic basis and make recommendations for improvement.

Policies, Procedures, and Notice

A. Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436 (issued 6/12/2019)

Overview

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Sexual harassment is specifically addressed by HR/LR Policy #1329 Sexual Harassment Prohibited.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment and discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, family medical history, an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

Exclusions

N/A

Statutory References

M.S. Ch. 43A

M.S. Ch. 363A

General Standards and Expectations

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited. Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

I. Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

II. Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate harassment, discrimination, or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

III. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified

3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

IV. Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment, discrimination and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment or discrimination, who reports protected class harassment or discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment or discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agency Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the agency HR policy.
2. Disseminating this policy to agency employees through a method whereby receipt can be verified.
3. Posting this policy in a manner that can be accessed by all employees and third parties.
4. Including this policy in their Affirmative Action Plan.
5. Implementing this policy, which includes:
 - a. Implementing an educational program
 - b. Developing and implementing a procedure for reporting complaints
 - c. Communicating the complaint procedure to employees
 - d. Developing and implementing a procedure under which reports will be addressed promptly.
6. Enforcing this policy.
7. Reporting annually dispositions of reports of protected class harassment or discrimination using the Affirmative Action Report.

MMB Responsibility

Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1436, Harassment and Discrimination Prohibited, including the policy's complaint procedure. I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any "third party" as defined by the policy, I will be subject to disciplinary action, up to and including discharge. I understand that if I believe that I have been subjected to harassing, discriminatory or retaliatory conduct as defined by the policy by any State employee, or by any "third party" as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency's managers or supervisors, the agency's affirmative action officer, the agency's human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

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

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment as described in this policy are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports sexual harassment, or who participates in any investigation concerning sexual harassment, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business Partners

- Unpaid Interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.

M.S. Ch. 363A

M.S. Ch. 43A

General Standards and Expectations

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment to any of the following:

1. Any agency's managers or supervisors;
2. The agency's affirmative action officer;
3. An agency's human resource office;
4. Agency management, up to and including the agency head.

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget's Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment
2. A description of the incident(s), including the date(s), location(s), and identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment
4. What, if any, steps have been taken to stop the harassment
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint or charge externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR), or other legal channels.

III. Manager/Supervisor Responsibility

Managers and Supervisors must:

1. Model appropriate behavior
2. Treat all reports of sexual harassment seriously
3. Appropriately respond to a report or problem when they receive a report of sexual harassment, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation of this policy are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the sexual harassment policy to all employees, through a method whereby receipt can be verified

3. Treat all complaints of sexual harassment seriously
4. Comply with the agency's complaint and investigation procedures and/or their Affirmative Action Plan

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee must:

- Model appropriate behavior
- Treat all complaints of sexual harassment seriously
- Comply with the agency's complaint and investigation procedures
- Keep the agency apprised of changes and developments in the law and policy

VI. Investigation and Discipline

State agencies will take seriously all reports of sexual harassment and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of sexual harassment or retaliation will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who opposes sexual harassment, who reports sexual harassment, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting sexual harassment or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Responsibilities

Agencies are responsible for:

- Adopting this policy.

- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, which includes:
 - Implementing an educational program
 - Developing and implementing a procedure for reporting complaints
 - Communicating the complaint procedure to employees
 - Developing and implementing a procedure under which reports will be addressed promptly
- Enforcing this policy.
- Reporting annually dispositions of reports of sexual harassment using the Affirmative Action Report.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, HR/LR Policy #1329, Sexual Harassment Prohibited, including the policy’s complaint procedure.

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

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

Signed: _____ Date: _____

Employee Name: _____

C. Procedure for Filing Complaints of Harassment, Discrimination, Retaliation, or Disrespect:



Version: 1.00
Effective Date: 2/5/2021
Approval: Signature on file

Purpose Statement

This procedure is for any MNIT employee or third party having business interactions with the agency who believes that s/he has experienced harassment, discrimination, or retaliation as defined in HR/LR Policy #1436 *Harassment and Discrimination Prohibited*; sexual harassment or retaliation as defined by HR/LR Policy #1329 *Sexual Harassment Prohibited*; or a violation of HR/LR Policy #1432 *Respectful Workplace*.

Applicability

This procedure applies to any MNIT employee or third party having business interactions with the agency.

Repository of Procedure

This procedure can be found in the [Policy & Procedure Library](#), available on the MNIT Intranet.

Procedure Steps

The following are the procedures for filing a complaint:

Complainant

1. If comfortable doing so, the complainant may inform the subject that their behavior is objectionable and ask that it cease. They should then document the conversation, including details of date, time, place, and witnesses (if applicable).

2. The complainant should report the behavior to a supervisor, manager, other leader, the Office of Equal Opportunity, Diversity, and Inclusion ([Office of Equal Opportunity](#)), or a [Labor Relations representative](#) in the Human Resources Department.
3. The complainant may, but is not required to, complete the [Complaint of Harassment, Discrimination or Disrespect in the Workplace](#) form available on the MNIT Intranet. A staff member of the Office of Equal Opportunity or a Labor Relations representative in the Human Resources Department can provide assistance in filling out the complaint form, if requested.
4. Individuals are encouraged to bring forward complaints in a timely fashion, but there are no limitations or requirements regarding the timeline for complaint submissions.
5. All employees, including complainants, who are asked to participate in an investigatory process are encouraged to do so. All information provided is voluntary and must be truthful. Employee rights and union contracts are upheld during all investigations.
6. In extenuating circumstances, the complainant may contact the State Affirmative Action Officer in the Office of Equal Opportunity at Minnesota Management and Budget for information regarding the filing of a complaint (for example, if the complaint is against the agency head or a member of the Office of Equal Opportunity).
7. Retaliation against any person who has filed a complaint either internally through this complaint procedure or through an outside enforcement agency or other legal channels is prohibited.
8. Individuals who knowingly file a false complaint will be subject to corrective action.

Managers and Supervisors

1. As authorities within MNIT, managers, supervisors, and other leaders are required to immediately report complaints to the [Office of Equal Opportunity](#) or their [Labor Relations representative](#) in the Human Resources Department.
2. All employees, including complainants, who are asked to participate in an investigatory process are encouraged to do so. All information provided is voluntary and must be truthful. Employee rights and union contracts are upheld during all investigations.
3. If requested, managers and supervisors must testify truthfully in administrative and legal proceedings.
4. Managers and supervisors must help monitor employee behavior to ensure retaliation against any employee who participates in the complaint or investigatory process is prohibited.

Office of Equal Opportunity and Human Resources Department

1. Upon receipt of a complaint of harassment, discrimination, or retaliation, MNIT's Director of Equal Opportunity or designee will determine if the complainant is alleging conduct in violation

of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy.

- a. If it is determined that the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Director of Equal Opportunity or designee will determine whether a formal investigation is required.
 - b. If it is determined that the complaint is not related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, but rather falls under the Respectful Workplace policy, the Office of Equal Opportunity will transfer the complaint to the Labor Relations Manager in the Human Resources Department. If the complaint involves an ethics-related matter, the complaint will be referred to the Legal Department.
 - c. The complainant will receive notice of the determination of whether the matter will be handled through a formal investigation or other means within (15) business days of their original complaint. In extenuating circumstances, this timeline may be pushed back. Appropriate follow-up will occur to resolve all complaints that do not result in a formal investigation.
2. Complaints alleging violations of the Respectful Workplace policy will be referred to the Labor Relations Manager for review and appropriate follow-up.
- a. As per the Respectful Workplace policy, “individuals are encouraged to informally resolve concerns whenever possible.” If informal resolution is not an option or fails to resolve the concern, Labor Relations will look at other options, not limited to a third-party facilitator dispute resolution process under a collective bargaining agreement or plan.
 - b. The Labor Relations Manager will determine if a formal investigation is required, and if so, the Labor Relations team will investigate and create a written report.
 - c. If disciplinary action is warranted, the subject’s supervisor/manager consults with the HR director/designee regarding the facts of the case and determines if discipline is warranted and, if applicable, what level of discipline is appropriate considering the following:
 - Just cause standards;
 - Seriousness of the misconduct;
 - Historical precedent (discipline given to other employees in similar circumstances, both within and outside the agency);
 - Relevant policies/standards; and
 - Discipline history, previous training, and work history of the employee.

- d. MNIT will follow MMB's guidelines regarding [retention of these records](#).
3. In matters involving harassment, discrimination, or retaliation, the Office of Equal Opportunity or designee will conduct a formal investigation when deemed necessary and create a written report of every investigation conducted.
 - a. The Director of Equal Opportunity will make a policy determination, and the Human Resources Director will provide a recommendation on sound and defensible corrective action to the decisionmaker(s). If the Director of Equal Opportunity conducted the investigation, the Human Resources Director will both make a policy determination and recommendation of corrective action.
 - b. If the investigation shows sufficient evidence to substantiate the complaint, appropriate corrective action will be taken.
 4. Within (60) days after the complaint is filed, the Office of Equal Opportunity shall provide a written answer to the complainant and others who need to know the outcome of the investigation, unless reasonable cause for delay exists. Factors contributing to delay may include, but are not limited to, the scope and complexity of the investigation, number of witnesses and the availability of investigation resources, and other considerations. The complainant will be notified if the written answer is not expected to be issued within the sixty (60) day period. All notifications will be made in accordance with the requirements of the Minnesota Government Data Practices Act.
 5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.
 6. The status of the complaint may be shared with the complainant(s) and subject(s). All data related to the complaint are subject to the provisions of the Minnesota Government Data Practices Act.
 7. The Office of Equal Opportunity shall maintain records of all complaints, investigation reports, and any other data or information the Office of Equal Opportunity deems pertinent for seven (7) years after the complaint is closed.

Other Complaint Options

This procedure will be modified if necessary to comply with contractual requirements. This procedure does not preclude employees from immediately exercising external complaint options. Any employee, applicant or eligible has the right to file a discrimination complaint with the U.S. Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, an appropriate court of law, or pursue other legal channels.

Forms

The complaint form can be found on the MNIT Intranet under Employee Resources – Forms – Discrimination, Harassment, and Respect in the Workplace Complaint Form.

- [Complaint of Harassment, Discrimination or Disrespect in the Workplace Form](#)

Related Information

This procedure relates to the following statewide policies:

- [HR/LR Policy #1436 Harassment and Discrimination Prohibited](#)
- [HR/LR Policy #1432 Respectful Workplace](#)
- [HR/LR Policy #1329 Sexual Harassment Prohibited](#)
- [MNIT's Employee Investigations and Discipline Policy](#)

History

The previous complaint procedure was part of the MNIT Prohibition of Harassment and Discrimination policy. Last revised 1/4/2018.

Contact

- For issues relating to discrimination, harassment (including sexual harassment), and retaliation, contact Sarah.Herder.Lewis@state.mn.us or 651-556-8025.
- For issues relating to the Respectful Workplace policy, contact Brian.Fitch@state.mn.us or 651-201-2267.

D. MNIT Services' Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template

Individuals can submit a complaint of harassment, discrimination, or retaliation by completing a complaint form and submitting it to [MNIT's Office of Equal Opportunity, Diversity, and Inclusion](#).

The [Complaint of Harassment, Discrimination or Disrespect in the Workplace form](#) is available on the employee intranet under "[Forms](#)."

Third parties can receive a copy of this form by contacting Sarah Herder Lewis at sarah.herder.lewis@state.mn.us or 651-556-8025.

MINNESOTA IT SERVICES (MNIT)
COMPLAINT OF DISCRIMINATION/HARASSMENT/DISRESPECT FORM



COMPLAINT OF HARASSMENT, DISCRIMINATION OR DISRESPECT IN THE WORKPLACE

Purpose and Intended Use of Data Collected on this Form
This form is being used to obtain information needed to investigate your complaint of harassment, discrimination or respect in the workplace. You are not legally required to provide this information, but without it, we may not be able to investigate your complaint. The data you provide on this form will be provided to individuals within Minnesota IT Services who need to access the data for investigation purposes. Under certain circumstances, other entities may have a legal right to access the data, including Minnesota Management and Budget, applicable labor organization(s), Department of Human Rights, Equal Employment Opportunity Commission, Attorney General, and the Legislative Auditor.

Information about you:
Your Name: _____ Job Title: _____
Location: _____ Phone: _____
Division: _____ Supervisor: _____

Indicate below names of the individual(s) who you believe violated the Prohibition of Harassment and Discrimination Policy or the Respect in the Workplace Policy:
Name: _____ Job Title: _____
Division: _____
Name: _____ Job Title: _____
Division: _____

PROHIBITION OF HARASSMENT AND DISCRIMINATION POLICY
Check the relevant box or boxes below to indicate a violation of [Prohibition of Harassment and Discrimination Policy](#):

<input type="checkbox"/> Age	<input type="checkbox"/> Gender or Sex	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Color	<input type="checkbox"/> Membership in local human rights commission	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Creed	<input type="checkbox"/> National origin or citizenship status	<input type="checkbox"/> Sexual orientation
<input type="checkbox"/> Disability	<input type="checkbox"/> Race	<input type="checkbox"/> Status regarding public assistance
<input type="checkbox"/> Familial or marital status	<input type="checkbox"/> Religion	<input type="checkbox"/> Veteran's Status

MN.IT SERVICES
AFFIRMATIVE ACTION PLAN 2016-2018

RESPECT IN THE WORKPLACE POLICY
Check the box below to indicate a violation of the statewide [Respect in the Workplace Policy](#):
 Respect in the Workplace

Nature of complaint: Please describe the circumstances that occurred that cause you to file this complaint. Include names, types of behavior, location and dates of events. Attach additional sheets if necessary. Please be sure to include the first and most recent event/s.

Were there any witnesses to the incidents described above? If so, please list the names and work location (or other identifying information) of the witness(es).

1. _____
2. _____
3. _____

I hereby certify that the information I provided on this form is true and correct to the best of my knowledge.

Signature

Date

Please submit completed form to Minnesota IT Services' [Affirmative Action Officer](#).

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

Objective

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified people with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

Applicant - A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator - Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions - Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process - A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability - An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability - An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities - May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation - Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation - An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
 - Providing materials in alternative formats like large print or Braille;
 - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
 - Modifying work schedules or supervisory methods;
 - Granting breaks or providing leave;
 - Altering how or when job duties are performed;
 - Removing and/or substituting a marginal function;
 - Moving to a different office space;
 - Providing telework;
 - Making changes in workplace policies;
 - Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
 - Removing an architectural barrier, including reconfiguring work spaces;
 - Providing accessible parking;
 - Providing a sign language interpreter; or
 - Providing a reassignment to a vacant position.

Reassignment - Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person - Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship - A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation

on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

General Standards and Expectations

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;

- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

Agency responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

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

ADA Coordinator

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

Supervisors and Managers

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

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

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

Analysis for processing requests

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

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

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

Obtaining medical documentation in connection with a request for reasonable accommodation

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

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

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

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

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

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

Confidentiality requirements

Medical Information

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

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

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

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

Accommodation Information

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

General Information

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

Approval of requests for reasonable accommodation

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

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

Funding for reasonable accommodations

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

Procedures for reassignment as a reasonable accommodation

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

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

Denial of requests for reasonable accommodation

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

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

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

Consideration of undue hardship

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

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

Determining direct threat

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

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

- Duration of the risk;
- Nature and severity of the potential harm;

- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

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

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

Information tracking and records retention

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

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

Responsibilities

Agencies are responsible for the request:

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

MMB is responsible for:

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

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).

- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and people with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified people with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 19-15, Providing for Increased Participation of People with disabilities in State Employment](#), directs agencies to make efforts to hire more people with disabilities and report on progress.


Contacts

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us.

Request for Reasonable Accommodation Form

Employees can request a reasonable accommodation by completing MNIT's [Employee/Applicant Request Form](#), available on the employee intranet under "[Forms](#)" and submitting it to ADA.MNIT@state.mn.us.

Applicants can receive a copy of the form by contacting Sarah Herder Lewis at sarah.herder.lewis@state.mn.us or 651-556-8025.

 <p>State of Minnesota – Minnesota IT Services Americans with Disabilities Act ("ADA") Reasonable Accommodation Employee/Applicant Request Form</p> <p>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.</p> <table border="1"> <tr> <td>Employee/Applicant Name:</td> <td>Job Title:</td> </tr> <tr> <td>Supervisor:</td> <td>Phone Number and Work Location:</td> </tr> </table> <p>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.</p> <p>A. Questions to clarify accommodation requested:</p> <ol style="list-style-type: none"> 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? YES NO a. If yes, please explain. <p>B. Questions to document the reason for the accommodation request (please attach additional pages if necessary):</p> <ol style="list-style-type: none"> 1. What, if any, job function are you having difficulty performing? 		Employee/Applicant Name:	Job Title:	Supervisor:	Phone Number and Work Location:	<p>Reasonable Accommodation Request Form, Page 2</p> <ol style="list-style-type: none"> 2. What, if any, employment benefits are you having difficulty accessing? 3. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform 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? <p>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 their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.</p> <div style="border: 1px solid black; padding: 5px;"> <p><small>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 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.</small></p> </div> <p>Employee/Applicant Signature: _____ Date: _____</p> <p>Please retain completed form to MNIT's ADA Coordinator or to ADA.MNIT@state.mn.us.</p>
Employee/Applicant Name:	Job Title:					
Supervisor:	Phone Number and Work Location:					

F. Notice Under the Americans with Disabilities Act

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

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

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

Modifications to Policies and Procedures: MNIT Services will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in MNIT Services offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of MNIT Services, should contact the office of Sarah Herder Lewis at sarah.herder.lewis@state.mn.us or ADA.MNIT@state.mn.us or call 651-556-8025 as soon as possible, but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of MNIT Services is not accessible to persons with disabilities should be directed to Sarah Herder Lewis at sarah.herder.lewis@state.mn.us or ADA.MNIT@state.mn.us or call 651-556-8025.

MNIT Services will not place a surcharge on a particular individual with a disability or any group of people with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

G. MNIT Grievance Procedure Under Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by MNIT Services. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

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

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

Sarah Herder Lewis

MNIT ADA Coordinator and Director of Equal Opportunity, Diversity, and Inclusion

658 Cedar Street, St. Paul, MN 55155

Within 15 calendar days after receipt of the complaint, Sarah Herder Lewis or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication, Sarah Herder Lewis or her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of MNIT Services and offer options for substantive resolution of the complaint.

If the response by Sarah Herder Lewis or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to MNIT Commissioner Tarek Tomez or his designee.

Within 15 calendar days after receipt of the appeal, MNIT Commissioner Tarek Tomez or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, MNIT Commissioner Tarek Tomez or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Sarah Herder Lewis or her designee, appeals to MNIT Commissioner Tarek Tomez or his designee, and responses from these two offices will be retained by MNIT Services for at least three years.

H. Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

A fillable form is available at <https://mn.gov/mmb-stat/equal-opportunity/ada/ada-accommodation-request-form-title-ii.pdf>.

<div style="display: flex; align-items: center;"> MINNESOTA </div> <p style="text-align: center; margin-top: 10px;"> (Agency) Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form </p> <p>The (Agency) is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.</p> <p>General Information</p> <p>Date of Request: </p> <p>Person needing accommodation/modification</p> <p>Name: </p> <p>Address: </p> <p>Email: Phone: </p> <p>Person making request (if different from person needing accommodation/modification)</p> <p>Name: </p> <p>Email: Phone: </p> <p>Relationship to person needing accommodation/modification: </p> <p>Accommodation Information</p> <p>Date accommodation/modification is needed: </p> <p>Address and/or room of accommodation/modification: </p> <p>Type of accommodation/modification requested (please be specific): </p> <p>How would you like to be notified of the status of your request? <input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): </p> <p>If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: </p> <p style="font-size: 8px; margin-top: 5px;">Updated 08/21/2019</p>	<p>All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.</p> <p><input type="checkbox"/> Check this box to sign this request form electronically: By checking this box, I agree my electronic signature is the legal equivalent of my signature.</p> <p>Signature of Requestor Date </p> <p style="text-align: center; margin-top: 10px;">OFFICE USE ONLY</p> <p style="text-align: center;">RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION</p> <p>Date request received: </p> <p>The request for accommodation/modification is GRANTED. Below is a description of the accommodation/modification: </p> <p>The request for accommodation/modification is DENIED because:</p> <p><input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.</p> <p><input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the agency; and/or</p> <p><input type="checkbox"/> The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.</p> <p>Requester notified on: (date) via: </p> <p>Additional notes: </p> <p>ADA Coordinator:</p> <p>Name </p> <p>Signature Date </p> <p style="font-size: 8px; margin-top: 5px;">Updated 08/21/2019</p>
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I. Evacuation Procedure for People with disabilities or Otherwise in Need of Assistance

MNIT Services employees are assigned to many buildings across the metropolitan area and in Greater Minnesota. Copies of weather and emergency evacuation plans can be found by contacting the Facilities Management department at a given building. If you are unable to find your plan and have concerns or questions about a reasonable accommodation related to evacuation, please contact the Americans with Disabilities Act (ADA) Coordinator for MNIT Services.

Everyone has a responsibility to develop their own personal emergency evacuation plan. This includes people with disabilities or individuals who will need assistance during evacuation. The ADA Coordinator or designee in each agency will work to develop a plan and consult the appropriate building and safety personnel.

Knowledge and preparation by both individuals needing assistance and those who don't is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and people with disabilities should contact the agency contact(s) below to request the type of assistance they may need.

Name: Sarah Herder Lewis

Title: Director of Equal Opportunity, Diversity, and Inclusion

Email: sarah.herder.lewis@state.mn.us

Phone: 651-556-8025

Name: Melissa Warhol

Title: Safety Officer

Email: melissa.m.warhol@state.mn.us

Phone: 651-201-3272

Evacuation Options:

People with disabilities have four basic, possibly five, evacuation options:

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

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

People with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

- **Hearing disabilities:** The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals in need of assistance during 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.

Other Relevant Information

MNIT Services will be publishing an Equity and Inclusion Plan to augment its Affirmative Action Plan. This is anticipated in spring 2021. This Plan will utilize the Global Diversity and Inclusion benchmarks to assess current performance and set actionable, achievable goals in areas across the organization.

Appendix

Refer to the AAP Appendix 2020-2022.

Definitions of Terms Used in This Affirmative Action Plan

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

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

Feeder job: staffed positions within the agency that can be promoted and/or transferred into other EEO job categories.

Hiring goal: a numerical objective designed to correct an identified deficiency in the utilization of protected group members. For example, the professional job category has identified underutilization and the availability is 30%, the goal (or hiring goal) for women in the job category is for 30% of the new hires/rehires and promotions for that Affirmative Action Plan year would be women. Goals/hiring goals should never be implemented as quotas, nor should they be used as criteria in decision-making regarding qualifications.

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

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

Protected groups: women, persons with disabilities, and members of the following minorities: Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native ([M.S. 43A.02, subd. 33](#)).

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

Supported Work Program: The state legislature established the program in 1987 to expand employment opportunities for people with significant disabilities. but has been expanded to include individuals who experience other significant disabilities, including, but not limited to, head injury, mental illness, and deaf blindness. Under the program, a supported worker must require ongoing support and may share a single position with up to two other supported work employees.

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