



State of Minnesota Minnesota IT Services Affirmative Action Plan for August 1, 2022 to June 30, 2024

Minnesota IT Services (MNIT)

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To request this document in an alternative format, 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 that Minnesota IT Services (MNIT) (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. (“IT” stands for Information Technology.)

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 racial/ethnic minorities employees, individuals with disabilities, and women 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: [Signature on file] **Date Signed:** 3/10/23

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: The agency does not have underutilization of protected groups in any job categories.

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 commitment to affirmative action and equal employment opportunity. The completed Plan is also posted on the agency's website and maintained by the Office of Equal Opportunity, Diversity, and Inclusion.

Affirmative Action Officer or Designee: [Signature on file] Date Signed: 3/10/23

Human Resources Director or Designee: [Signature on file] Date Signed: 3/10/23

Commissioner or Agency Head: [Signature on file] Date Signed: 3/10/23

Organizational Profile

Who we are

Throughout the last decade, Minnesota IT Services (MNIT), the information technology agency for the executive branch, has set a course to help the state realize the vision of an innovative digital government that works for all.

Led by the state’s Chief Information Officer, MNIT partners to deliver secure, reliable technology solutions to improve the lives of all Minnesotans as we set IT strategy, direction, policies, and standards for enterprise IT leadership and planning.

What we do

Technology plays a critical role in supporting state-run services.

MNIT delivers a full suite of enterprise services to executive branch state agencies, boards, councils, and commissions, as well as specific applications and technologies that enable state of Minnesota agency partners to carry out day-to-day operations and connect with the Minnesotans they serve. Across the technology spectrum, MNIT teams support the IT infrastructure – the system of software, hardware, networks, facilities, and service components – that keep the state of Minnesota running, from routine management to the co-creation of transformational digital state services that Minnesotans interact with directly.

Enterprise services provided to each state agency embed security protections, maximize efficiencies, and reduce costs. These services include email, conferencing, network, desktop support, phone services, security, and more. Services that are unique to a state agency are delivered locally by MNIT’s Chief Business Technology Officers (CBTOs) and their teams. MNIT supports hundreds of these “line-of-business” services, which includes support for agency-specific applications and projects, and they are a direct pass-through charge to the agencies.

MNIT provides some limited-service offerings to non-executive branch partners, including higher education institutions, school districts, public libraries, the legislative branch, judicial branch, constitutional offices, counties, cities, tribal nations, and other government organizations in Minnesota.

MNIT also extends cybersecurity staff and programs to counties to reduce risks to state data and systems. The MNIT Enterprise Security Office manages the Statewide Security Monitoring Initiative (SSMI), an innovative county monitoring program that is the only one of its kind in the nation. The program provides counties with infrastructure, hardware, and software for cybersecurity detection and monitoring.

How we work

MNIT's Connected Culture is integrated into the foundations of our work. The relationships we build with each other and with our partners while keeping the people we serve at the center of our work, are key to identifying opportunities to innovate and deliver effective and efficient government services to all Minnesotans.

In 2021, MNIT revisited its mission and vision, and developed agency guiding principles directly informed and shaped by outreach, feedback, and collaboration with our staff and agency partners across the executive branch.

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 that will be most impacted.
- Embrace change.
- Measure when you can.
- Engage with empathy.

Individuals Responsible for Directing/ Implementing the Affirmative Action Plan

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

A. Commissioner

Responsibilities

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

Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the 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 plans, and the 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 to support affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with 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: Commissioner and CIO **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 plan.

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 of 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 recruit racial/ ethnic minorities employees, individuals with disabilities, and women for employment, promotion, and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for non-affirmative hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making good faith efforts to recruit and retain qualified candidates and employees from protected groups.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Maintain records of requests for reasonable accommodations.

- Oversee the administration of the Agency Diversity Recruitment program.
- Comply with statewide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer(AAO) is accountable to MNIT’s Deputy Commissioner and is also accountable to MNIT’s Commissioner on matters related to affirmative action and equal opportunity.

Name of individual(s) responsible

Name: Sarah Herder Lewis **Email:** sarah.herder.lewis@state.mn.us
Title: Director, Equal Opportunity, Diversity, & Inclusion **Phone:** 651-556-8025

Name: Quenter Ramogi **Email:** quenter.ramogi@state.mn.us
Title: Equal Opportunity Specialist **Phone:** 651-201-2386

C. Human Resources Director or Designee(s)

Responsibilities

The Human Resource (HR) Office is responsible for ensuring equitable and uniform administration of all personnel policies.

The HR Director is responsible, in conjunction with the agency ADA Coordinator, for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the agency. The HR Director is responsible for assisting managers and supervisors in human resources management activities.

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

Duties

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

- Maintain effective working relationships with the agency Affirmative Action Officer and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in 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 a reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in the recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, the Affirmative Action Officer, and HR staff in the creation of supported worker positions. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The HR Director is accountable to MNIT’s Deputy Commissioner.

Name of individual(s) responsible

Name: Chad Thuet

Email: chad.thuet@state.mn.us

Title: Human Resources Director

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 individuals 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 regulations and update Human Resources (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 state-wide accommodation fund.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- 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 serve 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 state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The primary 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, Equal Opportunity, Diversity, & Inclusion **Phone:** 651-556-8025

Name: Quenter Ramogi **Email:** quenter.ramogi@state.mn.us
Title: Equal Opportunity Specialist **Phone:** 651-201-2386

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 state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

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

Name of individual(s) responsible:

Name: Sarah Herder Lewis

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

Title: Director, Equal Opportunity, Diversity, & Inclusion

Phone: 651-556-8025

Name: Quenter Ramogi **Email:** quenter.ramogi@state.mn.us
Title: Equal Opportunity Specialist **Phone:** 651-201-2386

F. (Diversity) Recruitment Coordinator

Responsibilities

The Diversity Recruitment Coordinator is responsible for the creation and coordination of the Diversity Recruitment Plan outlined in this document.

Duties

The duties of the Diversity Recruitment Coordinator include, but are not limited to:

- Identify high-need recruitment job areas within the agency.
- Communicate the strategic recruitment plan to Human Resources (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 state-wide recruiters' group.
- Comply with statewide and agency anti-discrimination and anti-harassment policies.

Accountability

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

Name of individual(s) responsible

Name: Jenna Bergmann	Email: jenna.bergmann@state.mn.us
Title: Assistant Director of Human Resources	Phone: 651-201-1214
Name: Karla Larson	Email: karla.larson@state.mn.us
Title: Recruiting and Retention Director	Phone: 651-556-0513

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 executive team leaders include, but are not 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 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 statewide and agency anti-discrimination and anti-harassment policies.

Accountability

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

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 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 employee's responsibility to support and implement equal opportunity and affirmative action.
- Intranet. The agency's Affirmative Action Plan is available to all employees on the agency's internal website—[MNIT Employee Intranet](https://intranet.mnit.mn.gov) (<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:
 - Minnesota IT 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:** The agency's Affirmative Action Plan is available on the agency's public website [Minnesota IT Services](https://mn.gov/mnit) (<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:** The agency's website homepage, letterhead, publications, and all job postings include the statement "Minnesota IT 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.
- **Printed copy:** A physical copy of the Agency's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

**Minnesota IT 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

The agency conducted a Job Category Analysis to determine the percent of protected group employees in each job category. The job category analysis lists job class titles in each Equal Employment Opportunity (EEO) job category at the agency. 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 the unique job codes/titles for each EEO4 classification in MNIT.

Officials and Administrators

- 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

- 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

Technicians

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

Paraprofessionals

- Human Resources Technician 1
- Human Resources Technician 2
- Student Worker Paraprofessional
- Student Worker Paraprofessional Sr

Office/Clerical

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

Determining Availability

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

The agency used the United States Census Bureau's EEO Tabulation 2015-2018 American Community Survey (ACS) statistical data for external availability, which is the most current statistical information available at the time of developing this affirmative action plan. The feeder job statistics of employees are used for internal availability (refer to Appendix D. Feeder Jobs for details).

These external and internal factors are weighted according to the agency's past hiring patterns and/or future recruitment focus to obtain the final availability. (Refer to Appendix E. Determining Availability for details.)

Utilization/Comparing Employees to Availability, Goal Establishment, and Timetables

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

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state.

Underutilization Analysis worksheets are attached in the appendices. Numbers less than 10 are indicated with “<10” in accordance with Minnesota Management and Budget’s guidance on data privacy.

Through the utilization and availability analysis, the agency has determined which job categories are underutilized for racial/ethnic minorities employees, individuals with disabilities, and women 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 plan. Effective hiring goals are strategic, actionable, and measurable efforts the agency is committed to pursuing and implementing in 2022-2024.

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

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

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

In [Appendix F](#), the Utilization Goals indicate if a job category by protected group is underutilized.

Area(s) in the agency’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 it may be underutilized where employee movement occurs.

In Table 1 below, Hiring Goals by Job Category and Protected Group, if a protected group in a job category shows “Monitor,” the agency 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 details for underutilization and hiring goals.

Table 1. Hiring Goals by Job Category and Protected Group is a summary of hiring goals by job category and protected group. The actions the agency will take to address these hiring goals will be described in the Corrective Actions and Action-Oriented Programs section.

Table 1: Hiring Goals by Job Category and Protected Group

Job Categories	Women Establish Goals?	Women If Yes, Goals for FY 2022-2024	Racial/Ethnic Minorities Establish Goals?	Racial/Ethnic Minorities If Yes, Goals for FY 2022-2024	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2022-2024
Officials/Administrators	-	-	Monitor	-	-	-
Professionals	-	-	-	-	-	-
Technicians	-	-	Monitor	-	Monitor	-
Paraprofessionals	-	-	-	-	Monitor	-
Office/Clerical	Monitor	-	Monitor	-	Monitor	-

Identification of Areas for Further Monitoring

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

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

Progress Reports

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

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

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

- “Yes”: the agency met the goal established in the prior Affirmative Action Plan.
- “No”: the agency did not attain the goal established in the prior Affirmative Action Plan.
- “No Hire/Prom”: there were no opportunities in the prior Affirmative Action Plan period.

Women

MNIT had no underutilization and corresponding goals for women in its 2020-2022 Affirmative Action Plan.

Racial/Ethnic Minorities Employees

MNIT was underutilized in racial/ ethnic minorities employees in both Professionals and Technicians in 2020. MNIT reached its goal for Professionals, which was set at 25.9%. Currently, racial/ ethnic minorities employees make up 27.2% of Professionals within the agency. Some of the efforts that went into this positive change were as follows:

- Ensured 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/ ethnic minorities employees, 20% of interviewees must be racial/ ethnic minorities employees.)
- Implemented new diversity recruitment tactics.
- Encouraged diverse interview panels.
- Supported employees' participation in Employee Resource Groups (ERGs).
- Held events or promoted ERG events.

MNIT did not meet its goal for racial/ethnic minorities employees in the Technicians category, which was 26%. The exact current percentage is suppressed for data privacy. There are fewer than 25 people in this EEO4 category, and there was only one hire in this category during the Affirmative Action period.

People with Disabilities

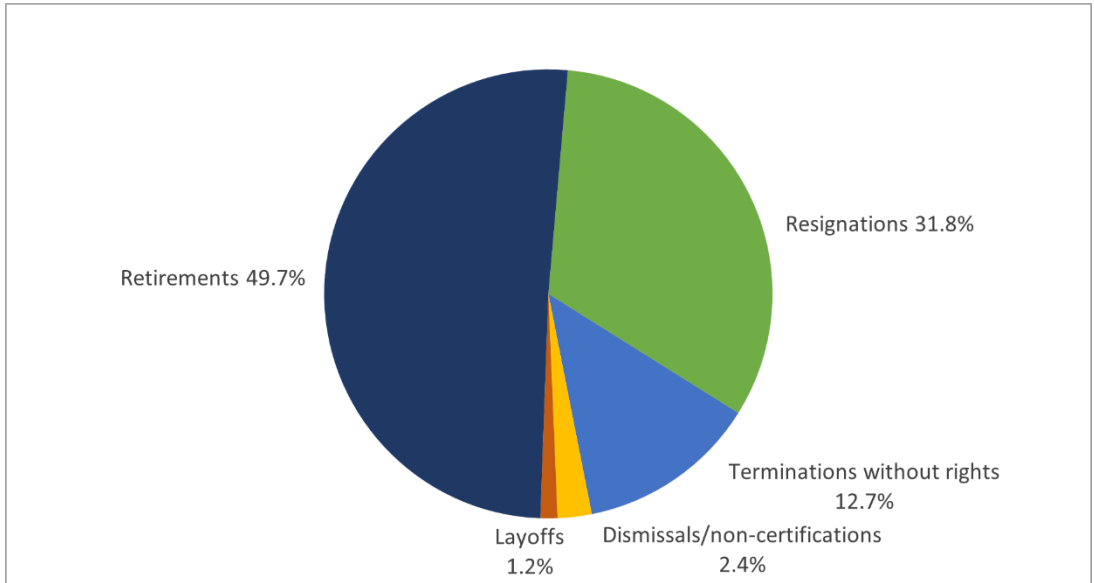
MNIT had no underutilization and corresponding goals for people with disabilities in its 2020-2022 Affirmative Action Plan.

Separations

[Appendix B. Separation Analysis](#) shows the results by separation type and the protected group during the prior affirmative action plan period to evaluate and identify potential action areas for retention strategies for the 2022-2024 plan year.

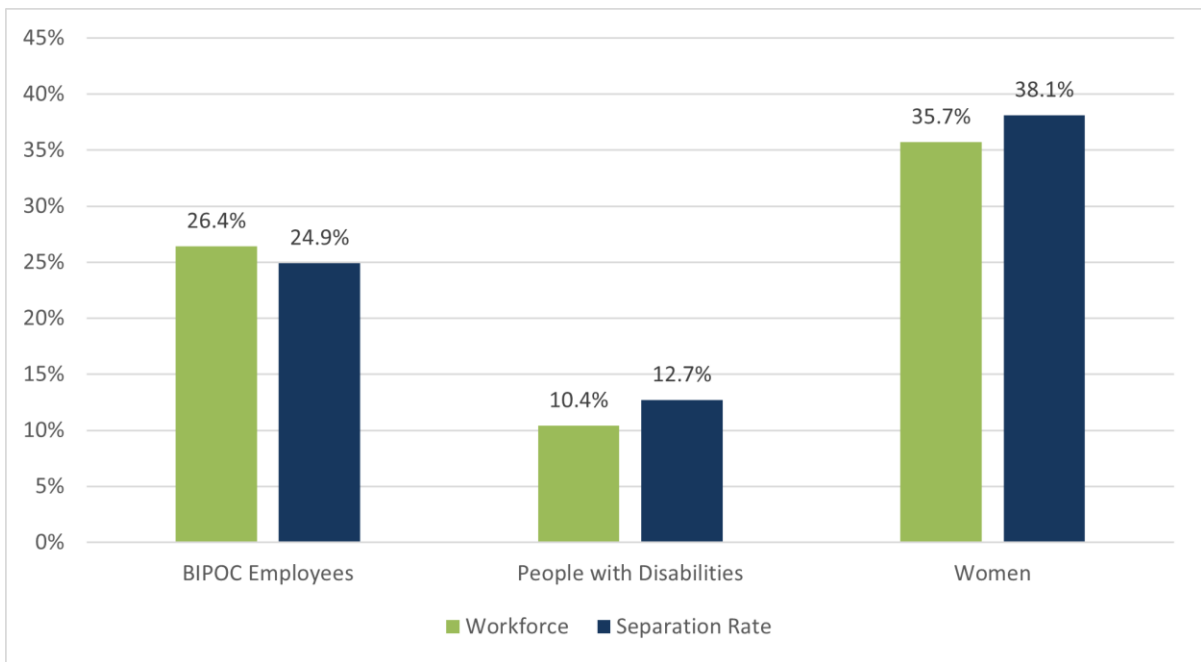
As seen in Figure 1 below, MNIT had 330 total separations between July 2020 and June 2022. Of these separations, 49.7% were retirements, 31.8% were resignations, 12.7% were terminations without rights, 2.4% were dismissals/non-certifications, and 1.2% were layoffs.

Figure 1: Total Separations by Type



Of all separations (see Figure 2 below), 126 (38.1%) were women, 82 (24.9%) were racial/ ethnic minorities employees, and 42 (12.7%) were people with disabilities. As women currently comprise 35.7% of the total workforce, they are just slightly overrepresented in separations. Racial/ Ethnic minorities employees make up 26.4% of the total workforce and are therefore slightly underrepresented in separations. People with disabilities make up 10.4% of MNIT’s workforce and are thus overrepresented in separations.

Figure 2: Separation Rate by Protected Class Compared with Workforce Representation



Breakdown by Separation Type

MNIT Total Separations

There were 164 total separations by **retirement**. Of those separations, 63 (38.4%), were women; 15 (9.2%) were racial/ ethnic minorities employees; and 21 (12.8%) were people with disabilities. Comparing these percentages to the current makeup of the workforce, we see that women are slightly overrepresented in retirements, racial/ ethnic minorities employees were significantly underrepresented in retirements, and people with disabilities were slightly overrepresented in retirements.

There were 105 total **resignations**. Of those, 46, (43.8%) were women; 44 (41.9%) were racial/ ethnic minorities employees; 10 (9.5%) were people with disabilities. Women and racial/ ethnic minorities employees were both significantly overrepresented in resignations during this period. People with disabilities left at about the same rate as they are represented in the workforce.

There were 42 total **terminations without rights**. This is the designation assigned to temporary/unclassified positions for which employees either resign or their temporary appointment ends. The phrase refers to the fact that employees in these positions are not entitled to seniority or layoff provisions of the collective bargaining agreement and plans.

- Racial/ Ethnic minorities employees comprise 43% of temporary/unclassified positions. Of all terminations without rights, 50% were racial/ ethnic minorities employees; thus, racial/ ethnic minorities employees are overrepresented in separations among this group of employees.
- Women make up 47% of all temporary/unclassified positions, but account for 35.7% of separations without rights and are thus underrepresented.
- People with disabilities within terminations without rights could not be further broken down due to data privacy concerns.

There were 8 total **dismissals/non-certifications** and 4 **total layoffs**. These types of separations cannot be further broken down by protected class due to data privacy.

Officials and Administrators

There were 10 total separations in this EEO4 category. Of these, 8 were by retirement and 2 were by resignation.

Professionals

There were 307 total separations of Professionals between 2020-22. Of these, 156 (50.8%) were from retirements, 100 (32.5%) were from resignations, 32 (10.4%) were from terminations without rights, 8 (2.6%) were from dismissals/non-certifications, and 4 (1.3%) were from layoffs.

There were 156 total **retirements** within the Professionals category. Of those, 60 (38.4%) were from women, 15 (9.6%) were from racial/ ethnic minorities employees, and 18 (11.5%) were from people

with disabilities. Similar to MNIT totals, the primary standout statistic is the underrepresentation of racial/ ethnic minorities employees by retirement within the Professionals category.

There were 100 total **resignations** within the Professionals EEO4 category. Of those, 42 (42%) were from women, 43 (43%) were from racial/ ethnic minorities employees, and 10 (10%) were from people with disabilities. As seen in the MNIT totals, women are overrepresented and racial/ ethnic minorities employees are significantly overrepresented in resignations during 2020-22.

Within the Professionals category, there were 32 total **terminations without rights**. Of these terminations without rights, 13 (40.6%) were women; 15 (46.8%) were racial/ ethnic minorities employees; and fewer than 10 were people with disabilities.¹

As 43% of all temporary/unclassified positions are held by racial/ ethnic minorities employees, so racial/ ethnic minorities employees in the Professionals are still slightly overrepresented in separations, although the disparity is smaller than is seen in the agency overall.

Conversely, women comprise 47% of all temporary/unclassified Professional positions and make up 40.6% of all terminations without rights, so they are underrepresented in separations in this category.

Technicians

There were 0 total separations in this EEO4 category.

Paraprofessionals

There were 11 total separations in this EEO4 category. Of these, 10 were by termination without rights, and 1 was by resignation.

Office/Clerical

There were 2 total separations in this EEO4 category, both by resignation.

Separation Breakdown by Protected Group

MNIT Totals

Women: There were 126 women who separated between 2020-22. Within this group, 50% left by retirement, 36.5% left by resignation, 11.9% left by termination without rights, and fewer than 10 total were from dismissal/non-certification or layoff.²

¹ Exact total is suppressed for data privacy.

² Exact total is suppressed for data privacy.

Racial/ Ethnic minorities: There were 82 racial/ ethnic minorities employees who separated between 2020-22. Within this group, 53.6% left by resignation, 18.2% left by retirement, 25.6% left by termination without rights, and fewer than 10 were from dismissal/non-certification or layoff.³

People with Disabilities: There were 42 total people with disabilities who separated between 2020-22. Within this group, 50% left by retirement, 23.8% left by resignation, 11.9% left by dismissal/non-certification, and fewer than 10 individuals separated by termination without rights or layoffs.⁴

Officials and Administrators

There were fewer than 10 total separations by women, racial/ ethnic minorities employees, and people with disabilities, respectively, in this EEO4 category.⁵

Professionals

Women: There were 117 women who separated between 2020-22. Within this group, 51.2% left by retirement, 35.9% left by resignation, 11.1% left by termination without rights, and fewer than 10 total were from dismissal/non-certification or layoff.⁶

Racial/ Ethnic minorities: There were 75 racial/ ethnic minorities employees who separated between 2020-22. Within this group, 57.3% left by resignation, 20% left by retirement, 20% left by termination without rights, and fewer than 10 total were from dismissal/non-certification or layoff.⁷

People with Disabilities: There were 39 PWD employees who separated between 2020-22. Within this group, 25.6% left by resignation, 46.1% left by retirement, and fewer than 10 total were from dismissal/non-certification, termination without rights, or layoff.⁸

Technicians

There were fewer than 10 total separations by women, racial/ ethnic minorities employees, and people with disabilities, respectively, in this EEO4 category.⁹

³ Exact total is suppressed for data privacy.

⁴ Exact total is suppressed for data privacy.

⁵ Exact total is suppressed for data privacy.

⁶ Exact total is suppressed for data privacy.

⁷ Exact total is suppressed for data privacy.

⁸ Exact total is suppressed for data privacy.

⁹ Exact total is suppressed for data privacy.

Paraprofessionals

There were fewer than 10 total separations by women, racial/ ethnic minorities employees, and people with disabilities, respectively, in this EEO4 category.¹⁰

Office/Clerical

There were fewer than 10 total separations by women, racial/ ethnic minorities employees, and people with disabilities, respectively, in this EEO4 category.¹¹

Corrective Actions, Action-Oriented Programs, and Timetables

Minnesota Administrative Rules 3905.0400 Subp 1 Item H.

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

Corrective Actions

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

The agency 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/Comparing Employees to Availability, Goal Establishment, and Timetables](#) and [Personnel Activities](#) sections.

Table 2: Areas of Further Monitoring and Corrective Actions

Areas for further monitoring	Corrective actions specific to the further monitoring areas identified
Officials/Administrators:	Actions:

¹⁰ Exact total is suppressed for data privacy.

¹¹ Exact total is suppressed for data privacy.

Areas for further monitoring	Corrective actions specific to the further monitoring areas identified
<p>MNIT needs to monitor racial/ ethnic minorities employees in this category.</p>	<ul style="list-style-type: none"> • Regularly review the representation of racial/ ethnic minorities employees in the Officials/Admin category. If representation drops, determine if additional steps are necessary to maintain racial/ ethnic minorities diversity and opportunity. • By 2/1/2023, work with CBTOs and Enterprise leaders to evaluate whether racial/ ethnic minorities employees are underutilized in any business areas and look for barriers and opportunities to improve racial/ ethnic minorities diversity. • As of 11/1/2022, require at least three panelists for interviews and require diverse hiring panels. Hiring managers will need to request an exception if they are unable to meet this requirement. • By 10/1/2023, solicit feedback on opportunities for improvement from ERGs and from leadership. • In this Affirmative Action Plan, create a new requirement for DEI-related professional development for leaders. • As of 2/1/2023, analyze authority and organizational impact among Officials/Administrators through staff and budget allotted to racial/ ethnic minorities and women leaders • Starting within three months of this Plan’s publication, begin to provide a variety of professional development opportunities to leaders to promote inclusion.
<p>Professionals</p> <ul style="list-style-type: none"> • Between 2020 and 2022, racial/ ethnic minorities employees and women were overrepresented in resignations. • Between 2020 and 2022, racial/ ethnic minorities employees and women were overrepresented in terminations without rights (the ending of temporary, unclassified positions). 	<p>Actions:</p> <ul style="list-style-type: none"> • By 5/1/2023, determine where TUNC positions are located within the agency and if racial/ ethnic minorities employees and women are disproportionately represented in the classified positions in these areas. If so, work with CBTOs and Enterprise leaders to look for barriers and opportunities. • Conduct an analysis of the employee engagement and inclusion survey by demographic information to look for trends and areas of concern or opportunity. Take action based on results. • On an ongoing basis, review exit survey data by demographics to look for trends or areas of improvement. • By 6/1/2023, consult with ERGs and the Equity Team for additional ideas for improvement. • By 6/1/2023, work with CBTOs and Enterprise leaders to evaluate whether any protected group is underutilized in any particular business unit and work with leaders to see if there are barriers or ideas to improve diversity retention and opportunity. • By 12/1/2023, analyze discipline data to look for potential disparities among protected classes. If there are disparities, work

Areas for further monitoring	Corrective actions specific to the further monitoring areas identified
	<p>with leadership, HR, hiring managers, and others to examine opportunities for improvement.</p> <ul style="list-style-type: none"> As soon as data becomes available, evaluate applicant pools to determine if racial/ ethnic minorities and women applicants are overrepresented in qualified applicants or only in hires. If the latter, take appropriate action.
<p>Technicians</p> <ul style="list-style-type: none"> MNIT needs to monitor racial/ ethnic minorities employees in this category. The agency needs to monitor individuals with disabilities in this category. 	<p>Actions:</p> <ul style="list-style-type: none"> Regularly review representation of racial/ ethnic minorities employees in Technicians category. If representation drops, determine if additional steps are necessary to maintain racial/ ethnic minorities diversity and opportunity. Regularly review representation of racial/ ethnic minorities employees in Technicians category. If representation drops, determine if additional steps are necessary to maintain racial/ ethnic minorities diversity and opportunity Implement diversity recruitment tactics. Continue to utilize the State of Minnesota Connect 700 program. As of 2/1/24, improve customer service experience around assistive technology.
<p>Paraprofessionals</p> <p>The agency needs to monitor individuals with disabilities in this category.</p>	<p>Actions:</p> <ul style="list-style-type: none"> Regularly review representation of individuals with disabilities in the Paraprofessionals category. If representation drops, determine if additional steps are necessary to maintain disability-related diversity and opportunity. By 4/1/23, ensure hiring managers/supervisors include information about accommodations in job postings and interview invitations for student worker positions, which comprise most of the Paraprofessionals category.
<p>Office/Clerical</p> <p>The agency needs to monitor women in this category.</p>	<p>Actions:</p> <ul style="list-style-type: none"> Regularly review representation of racial/ ethnic minorities employees, individuals with disabilities and women in the Office/Clerical category. If representation drops, determine if additional steps are necessary to maintain diversity and opportunity.

Action-Oriented Programs

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

Barriers

MNIT experienced some constraints in addressing underutilization and areas for monitoring identified in the previous section. Examples include:

- There are fewer than 25 people in the Technicians category, and only one person was hired into it during the last Affirmative Action Plan period. MNIT did not reach its utilization goals for this category in the last Affirmative Action Plan period.
- During the last Affirmative Action Plan period, EODI staff had to stay responsive to the pandemic and to current events while continuing to work on the goals and objectives of the 2020-2022 Plan.
- MNIT has limited staff in its Office of Equal Opportunity, Diversity, and Inclusion, and several other individuals and departments this office works with have limitations, as well.
- Some MNIT staff do not self-identify race/ethnicity, gender/sex, or disability status. This can prevent accurate data analysis and prevent MNIT from focusing efforts on true areas of underutilization and greatest need.
- The IT sector is very competitive, in general. Additionally, as many IT jobs are now remote, MNIT is competing with companies across a broader demographic area than in the past.

Recruitment and Processes

Ongoing Recruitment Activities

The following are the actions MNIT will continue to take to improve recruitment and increase the number of qualified racial/ ethnic minorities employees, people with disabilities, veterans, and women in the applicant pools:

- Utilize **MMB's Statewide Recruitment Team** for additional diverse candidate sourcing assistance.
- Participate in the state's **Accessibility Matters Campaign**.
- Use a combination of paid and unpaid **advertising** to attract diverse talent. Currently, the Minnesota State Careers Page, LinkedIn, INDEED, PMI, and the MNIT website are the top sources utilized for recruitment.
- Send **MNIT HOT JOBS** email through GovDelivery minimally twice per month to career seekers and community partners. During 2020-2022, the mailing list was over 34,000.

- Maintain working relationships with **academic institutions**. This includes participation as presenters or panelists and attending recruitment events for example at Prime Digital Academy, Software Guild, the University of Minnesota, and Advance IT Security Bootcamp.
- Participate in **job and community fairs** including presentations, events focused on diversity, veterans, general jobseekers, specialty skills in IT, and the MNIT booth at the Minnesota State Fair.
- Provide opportunities for **internships, student workers, and IT trainees**, utilizing student worker classifications, Scholarship for Service (SFS) program for IT security students, the MNIT IT Trainee classification, and participation in statewide student programs such as Right Track, Step-Up, Urban Scholar, and Star of the North Fellows.
- Build and maintain relationships with **community partners**.
- 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.
- Provide **informational interviews** to clients of Vocational Rehab Services (VRS) at DEED and other organizations providing job coaching to clients.
- 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 tagline** is used on all job postings and advertisements.

New Recruitment Activities

Following are additional, targeted diversity-focused recruitment strategies MNIT will begin to engage in during the 2022-2024 Plan period:

- EODI will work with the Recruitment and Retention Director in finalizing **MNIT's full recruitment and retention plan**.
- MNIT is proposing a **Remote Worker** procedure to identify specialized, hard-to-fill positions that can expand talent pools and reduce barriers for employment.
- Add language to job postings for positions that are **telework or hybrid** eligible to expand talent pools and reduce barriers for employment.
- Utilize hiring and referral **incentives** for hard-to-fill positions.
- Increase participation in **virtual career fairs** and host MNIT virtual open houses to increase exposure with specialized IT careers. Examples of groups MNIT may partner with for virtual career fairs include, but are not limited to, Blacks in Technology Twin Cities, LGBT Tech, Tech Latino, VetsInTech, and Women Leading in Technology.
- 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 and Information Technology (NCWIT) Conference and the Latino Tech Summit.

- 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, an equity commitment or 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 Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Tribal Colleges and Universities (TCUs), and other Minority Serving Institutions (MSIs) with IT programs. Utilize marketing materials described above, where possible.
- Solicit **feedback** from Employee Resource Groups (ERGs) and MNIT's Equity Team to find community connections and find out if there are gaps in recruitment efforts to certain communities.
- Implement a new hire onboarding **MNIT-branded clothing** program, where new hires are offered a credit to use at the MNIT brand store to feel welcomed and connected to our organization.
- Connect with groups on LinkedIn and other **social media** platforms who are committed to representing groups typically underrepresented in IT. Examples may include, but are not limited to, Blacks in Technology Twin Cities, LGBT Tech, Tech Latino, VetsInTech, Vocation Rehabilitation Services (VRS) and Women Leading in Technology (WLIT).
- 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 to career fairs. Examples include, but are not limited to, LaPrensa (Hispanic/Latino readership), Spokesman-Recorder (African American readership), The Circle (American Indian readership), Hmong Times (Hmong readership), and Lavender Magazine (LGBTQ readership).

Persons Responsible:

- Recruitment and Retention Director (open position)
- Jenna Bergmann, Assistant Director Human Resources
- Sarah Herder Lewis, Director of Equal Opportunity, Diversity, and Inclusion
- Quenter Ramogi, Equal Opportunity Specialist

Retention

Ongoing Retention Activities

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

- Ensure **equal opportunity** laws are consistently and effectively adhered to in the workplace.

- Support and promote participation in, and events sponsored by, **Employee Resource Groups** (ERGs), the **Equity Team**, and other employee-driven groups.
- Carry out the work of the current MNIT **Equity and Inclusion Plan**, which focuses on the foundation required for DEI efforts to be successful, internal policies and practices, external impact and community-building, and bridging work that connects all areas, such as sustainability work and communication.
- Engage employees in the **Tribal-State Relations Committee** and work to advance Executive Order 19-24 relating to this work.
- Encourage participation in, and analyze data from, the **Employee Engagement and Inclusion survey** 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.
- Promote and facilitate the MNIT **Mentorship Program**.
- Promote the statewide **Emerging Leaders Institute** (ELI) and **Senior Leadership Institute** (SLI).
- Encourage resigning staff to complete **exit interviews**, to analyze and monitor data trends, and to make recommendations or take action, if needed.
- Continue efforts to promote and create a **connected culture** within MNIT.

New Retention Activities

MNIT will also begin the following inclusion-focused activities to improve retention among protected groups in years 2022-2024:

- Readminister the Global Diversity, Equity, and Inclusion (GDEI) **benchmark assessment** to determine growth and establish new goals and objectives.
- Administer the **Engagement and Inclusion survey** to MNIT staff, analyze the results by demographic groups, and take action based on the results.
- Review new employee **onboarding** practices to look for areas of potential improvement and streamlining.
- Better communicate **career pathways** for improved employee understanding.
- Improve **resources** on training available to staff, including a LinkedIn group, a MNIT leadership training program, and a new lunch and learn series.

Persons Responsible:

- Recruitment and Retention Director (open position)
- Jenna Bergmann, Assistant Director Human Resources
- Sarah Herder Lewis, Director of Equal Opportunity, Diversity, and Inclusion
- Quenter Ramogi, Equal Opportunity Specialist
- Michelle Klatt, General Counsel

Training

Ongoing Training Activities

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

- Require all managers and supervisors take **required trainings** related to protected class harassment and discrimination, sexual harassment, and respect.
- 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 **respect trainings** upon request for supervisors and managers and facilitate in-person training by Organization Health for all staff.
- Offer **lunch and learns** on a variety of DEI topics.

New Training Activities

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

- MNIT staff will implement a new **requirement for DEI training**. Leaders (to include supervisors, managers, and other leaders) will be required to participate in at least 10 hours of DEI-related professional development, and remaining staff will be required to complete at least 5 hours of DEI training. This training will not include required trainings for harassment and discrimination. It will need to include at least one hour of accessibility-related training.
- Staff will have additional **DEI-related training offerings** in topics such as inclusive language, inclusive leadership, and intercultural communications.
- Require all employees to take a training on **unconscious bias**.
- Encourage managers and supervisors to use **Individualized Development Plans (IDPs)** so staff are planning and taking advantage of professional development opportunities.
- MNIT’s Senior Management Team (SMT) **leaders will receive coaching** from an external vendor and will continue discussions around advancing DEI through individual, team, and organizational efforts.

Persons Responsible:

- Training Director, (Open position)
- Recruitment and Retention Director, Karla Larson
- Jenna Bergmann, Assistant Director Human Resources

- Sarah Herder Lewis, Director of Equal Opportunity, Diversity, and Inclusion
 - Quenter Ramogi, Equal Opportunity Specialist
-

Methods of Auditing, Evaluating, and Reporting Program Success

Minnesota Administrative Rules 3905.0400, subpart 1, item 1

Pre-Employment Review Procedure/Monitoring the Hiring Process

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

Directors, managers, and supervisors will work closely with Human Resources (HR) and the Office of Equal Opportunity, Diversity, and Inclusion (EODI) in reviewing the requirements for the position, posting the position, and in the interviewing and selection processes 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. If there are questions or concerns related to equal opportunity or equity, staffing representatives will consult with the EODI director. 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. EODI staff will review the documented justification for potential bias and to ensure all laws and policies are being followed.

If any part of the hiring process does not meet all requirements put forth by the HR and EODI departments, hiring managers may need to start the process over, remove certain scores in determining a finalist, or take other measures to bring the process into compliance and ensure equal opportunity for every applicant. Requirements can be found on the [MNIT Intranet](https://intranet.mnit.mn.gov/manager-resources/staffing/hiring/index.jsp) (<https://intranet.mnit.mn.gov/manager-resources/staffing/hiring/index.jsp>).

The agency will use the Monitoring the Hiring Process (MHP) form for every hire in an underutilized area to track the number of racial/ ethnic minorities employees, people with disabilities, and women 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 3 below.

Table 3: Hiring Process Action Steps and Responsible Parties

Action steps	Responsible party
HR Staffing Representative screens and forwards all applicants meeting the minimum qualifications for the position to the hiring manager/supervisor.	HR Staffing Representative
HR Staffing Representative 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 and waits for approval.	Hiring Manager/Supervisor
HR Staffing Representative 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/supervisor submits the names of any candidates that were added to the interview pool before scheduling any interviews.	Hiring Manager/Supervisor

Action steps	Responsible party
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. Questions or concerns are directed to EODI.	HR Staffing Representative
Hiring managers/supervisor may proceed with scheduling and conducting interviews.	Hiring Manager/Supervisor
Hiring managers/supervisor provide interview scores and discuss candidate selection with Human Resources prior to making a job offer.	Hiring Manager/Supervisor
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 Manager/Supervisor
HR Staffing Representative completes MHP form and sends to EODI staff with Pre-Hire Review form.	HR Staffing Representative
EODI Staff reviews Pre-Hire Review form and sends signed/approved MHP form back to HR Staffing Representative.	Equal Opportunity 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
After getting approval from HR, the hiring manager/supervisor makes the offer.	Hiring Manager/Supervisor
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 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 Notices

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

Overview

Objective

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

Policy Statement

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

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

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

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

Scope

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

Definitions and Terms

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

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

- Applicants for State employment
- Vendors
- Contractors

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

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

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

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

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

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

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

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

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

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

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

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

Exclusions

N/A

Statutory References

M.S. Ch. 43A

M.S. Ch. 363A

General Standards and Expectations

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

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

I. Employee and Third Party Responsibilities and Complaint Procedure

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

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

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

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

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

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

5. Any other information the complainant believes to be relevant

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

II. Manager/Supervisory Responsibility

Managers and supervisors must:

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

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

III. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

IV. Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

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

Investigation and Discipline

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

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

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

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

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

Non-Retaliation

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

Responsibilities

Agency Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the agency HR policy.
2. Disseminating this policy to agency employees through a method whereby receipt can be verified.

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

MMB Responsibility

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

Forms and Supplements

Documents are available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including [Affirmative Action resources](#) for state agencies.

[Harassment Complaint Form](#)

Acknowledgement – The below form may be used to verify receipt by agency employees

I acknowledge that I have received and read the policy, HR/LR Policy #1436, Harassment and Discrimination Prohibited, including the policy’s complaint procedure.

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

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

Signed: _____ Date: _____

Print Employee Name: _____

References

- For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment, or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.
- [MMB Equal Opportunity, Diversity, and Inclusion Office](#).
- Consult your agency's Affirmative Action Plan, or in the absence of an Agency Affirmative Action Plan, review [Affirmative Action resources](#) for state agencies.

Contacts

MMB Enterprise Employee Relations

[Office of Equal Opportunity, Diversity, and Inclusion](#)

Any appropriate authority, as set forth in Section II of this policy.

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

Overview

Objective

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

Policy Statement

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

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

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

Scope

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

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

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

Sexual harassment

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

Third party

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

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

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.

M.S. Ch. 363A

M.S. Ch. 43A

General Standards and Expectations

I. Prohibition of Sexual Harassment

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

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

- Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
- Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
- 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;
- 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;
- Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
- Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

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

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

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

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

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

1. The name, department, and position of the person(s) allegedly causing the harassment
2. A description of the incident(s), including the date(s), location(s), and identity of any witnesses

3. The name(s) of other individuals who may have been subject to similar harassment
4. What, if any, steps have been taken to stop the harassment
5. Any other information the complainant believes to be relevant

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

III. Manager/Supervisor Responsibility

Managers and Supervisors must:

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

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

IV. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the sexual harassment policy to all employees, through a method whereby receipt can be verified
3. Treat all complaints of sexual harassment seriously
4. Comply with the agency's complaint and investigation procedures and/or their Affirmative Action Plan

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee must:

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

VI. Investigation and Discipline

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

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

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

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

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

VII. Non-Retaliation

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

Responsibilities

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, which includes:
 - Implementing an educational program

- Developing and implementing a procedure for reporting complaints
- Communicating the complaint procedure to employees
- Developing and implementing a procedure under which reports will be addressed promptly
- Enforcing this policy.
- Reporting annually dispositions of reports of sexual harassment using the Affirmative Action Report.

MMB is responsible for:

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

Forms and Supplements

For a sample investigation procedure, please review the documents available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees
- For agencies with 25 or fewer employees

[Harassment Complaint Form](#)

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

Acknowledgement

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

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: _____

References

- For issues related to harassment or discrimination based on protected class, please refer to HR/LR Policy #1436 Harassment and Discrimination Prohibited. For issues not related to sexual harassment or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.
- [MMB Equal Opportunity, Diversity, and Inclusion Office:](http://www.mn.gov/mmb/employeerelations/equal-opportunity/)
<http://www.mn.gov/mmb/employeerelations/equal-opportunity/>
- Consult your agency's Affirmative Action Plan, or in the absence of an Agency Affirmative Action Plan, see the following:
 - a. Affirmative Action Plan Template - More Than 25 Employees (word version)
 - b. Affirmative Action Plan Template - 25 or Fewer Employees (word version)

Contacts

Research, Policy, and Projects - MMB

[Office of Equal Opportunity, Diversity, and Inclusion](#)

Any appropriate authority, as set forth in Section II of this policy.

Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy

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/Affirmative Action Officer](#), 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, Diversity, and Inclusion/Affirmative Action Officer](#) 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, Diversity, and Inclusion/Affirmative Action Officer](#) 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.

The agency has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Who May File

Any individual who believes that they have been subject to harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is encouraged to use this internal complaint procedure.

If the individual chooses, a complaint can be filed externally with the Minnesota Department of Human Rights (MDHR), the U.S. Equal Employment Opportunity Commission (EEOC), or through other legal channels. The MDHR, EEOC and other legal channels have time limits for filing complaints; individuals may contact the MDHR, EEOC, or a private attorney for more information.

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.

Individuals who knowingly file a false complaint will be subject to disciplinary or corrective action.

The following are the procedures for filing a complaint:

1. The individual may, but is not required to, complete the “Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form” provided by the Affirmative Action Officer or designee. Individuals are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer or designee determines if the complainant is alleging conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy; or if the complaint instead is of a general personnel concern or a general concern of respect in the workplace.
 - 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 involves general personnel concerns or general concerns of respect in the workplace, the Affirmative Action Officer or designee will inform the complainant, in writing, within ten (10) business days.
 - 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 Affirmative Action Officer or designee will determine whether corrective action may be taken without an investigation. If it is determined that an investigation is necessary, the Affirmative Action Officer or designee shall investigate the complaint.
3. The Affirmative Action Officer or designee shall create a written investigation report of every investigation conducted. 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 Affirmative Action Officer or designee shall provide a written answer to the complainant, unless reasonable cause for delay exists. The complainant will be notified if the written answer is not expected to be issued within the sixty (60) day period. The written answer to the complainant must comply with the data privacy restrictions 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 respondent(s). All data related to the complaint are subject to the provisions of the Minnesota Government Data Practices Act.
7. The Affirmative Action Officer or designee shall maintain records of all complaints, investigation reports, and any other data or information the Affirmative Action Officer or designee deems pertinent for seven (7) years after the complaint is closed.
8. In extenuating circumstances, the employee or applicant 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 the agency Affirmative Action Officer).

(continued on next page)

MNIT 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/Affirmative Action Officer](#).

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

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.

Figure 3: Front and back sides of the Complaint of Harassment, Discrimination or Disrespect in the Workplace form.

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

MINNESOTA IT SERVICES

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

MNIT 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 events.

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).

- _____
- _____
- _____

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](#).

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

Overview

Objective

The goals of this policy are:

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

Policy Statement

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

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

Scope

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

Definitions

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

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

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

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

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

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

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

Individual with a Disability - An individual who:

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

Qualified Individual with a Disability - An individual who:

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

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

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

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

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

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.

Modifications or adjustments may include, but are not limited to:

- Providing materials in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking;
- Providing a sign language interpreter; or
- Providing a reassignment to a vacant position.

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

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

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

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

Exclusions

N/A

Statutory References

[Rehabilitation Act of 1973, Title 29 USC 701](#)

[Americans with Disabilities Act \(1990\)](#)

[29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

General Standards and Expectations

Individuals who may request a reasonable accommodation include:

Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or

Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or

A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

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

How to request a reasonable accommodation

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

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

Timing of the request

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

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

Form of the request

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

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

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

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

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

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:
 - a. Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - b. Enable a qualified employee with a disability to perform the essential functions of the position; or
 - c. 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](#) (downloadable PDF) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

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

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

Confidentiality requirements

Medical Information

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

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

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

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

Accommodation Information

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

General Information

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

Approval of requests for reasonable accommodation

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

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

Funding for reasonable accommodations

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

Procedures for reassignment as a reasonable accommodation

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

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider

vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

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

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

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

Consideration of undue hardship

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

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

Determining direct threat

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or

stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

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

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

Appeals process in the event of denial

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

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

Information tracking and records retention

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

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

Responsibilities

Agencies are responsible for the request:

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

MMB is responsible for:

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

Forms and Instructions

Please review the following forms:

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

References

- [U.S. Equal Employment Opportunity Commission](#), Enforcement Guidance
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

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

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

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

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

Contacts

Equal Opportunity Office at Minnesota Management and Budget

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

The [Employee/Applicant Request for Americans with Disabilities Act \(“ADA”\) Reasonable Accommodation Form](#) shown below can be found at https://intranet.mnit.mn.gov/assets/reasonable-accommodation-request-form_tcm1102-314029.pdf.

Figure 4: Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form

The screenshot shows two pages of a form. The left page is the cover sheet, and the right page is Page 2. The cover sheet includes the MNIT logo, the title 'State of Minnesota – Minnesota IT Services Americans with Disabilities Act (“ADA”) Reasonable Accommodation Employee/Applicant Request Form', a commitment statement, a data privacy statement, and a table for personal information. Page 2 contains numbered questions about employment benefits and job performance, a section for medical documentation, a disclaimer about genetic information, and signature and date lines.

MINNESOTA IT SERVICES

State of Minnesota – Minnesota IT Services
Americans with Disabilities Act (“ADA”) Reasonable Accommodation
Employee/Applicant Request Form

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

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

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

A. Questions to clarify accommodation requested:

1. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?
YES NO
a. If yes, please explain.

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

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

Reasonable Accommodation Request Form, Page 2

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?

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.

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

Employee/Applicant Signature: _____

Date: _____

Notice Under the Americans with Disabilities Act

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

Employment: MNIT 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 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 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 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 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, should contact MNIT’s Office of Equal Opportunity, Diversity, and Inclusion at 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 MNIT 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 is not accessible to persons with disabilities should be directed to MNIT’s Office of Equal Opportunity, Diversity, and Inclusion at ADA.MNIT@state.mn.us or call 651-556-8025.

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

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. 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 their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

MNIT ADA Coordinator and Director of Equal Opportunity, Diversity, and Inclusion
658 Cedar Street, St. Paul, MN 55155
Email: ADA.MNIT@state.mn.us

Within 15 calendar days after receipt of the complaint, the MNIT ADA Coordinator or their 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, MNIT ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of MNIT and offer options for substantive resolution of the complaint.

If the response by MNIT ADA Coordinator or their 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 the MNIT Commissioner or their designee.

Within 15 calendar days after receipt of the appeal, the MNIT Commissioner or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the MNIT Commissioner or their 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 the MNIT ADA Coordinator or their designee, appeals to the MNIT Commissioner or their designee, and responses from these two offices will be retained by the MNIT for at least three years.

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

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

Figure 5: Americans with Disabilities Act (ADA) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

<p>m MINNESOTA</p> <p>_____ (Agency) Americans with Disabilities Act ("ADA") Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form</p> <p>The _____ (Agency) is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.</p> <p>General Information Date of Request: _____</p> <p>Person needing accommodation/modification Name: _____ Address: _____ Email: _____ Phone: _____</p> <p>Person making request (if different from person needing accommodation/modification) Name: _____ Email: _____ Phone: _____</p> <p>Relationship to person needing accommodation/modification: _____</p> <p>Accommodation Information Date accommodation/modification is needed: _____ Address and/or room of accommodation/modification: _____ Type of accommodation/modification requested (please be specific): _____ _____</p> <p>How would you like to be notified of the status of your request? <input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): _____</p> <p>If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: _____</p> <p><small>Updated 06/23/2022</small></p>	<p>All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.</p> <p><input type="checkbox"/> Check this box to sign this request form electronically: By checking this box, I agree my electronic signature is the legal equivalent of my signature.</p> <p>Signature of Requestor: _____ Date: _____</p> <p style="text-align: center;">OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION</p> <p>Date request received: _____</p> <p>The request for accommodation/modification is GRANTED. Below is a description of the accommodation/modification: _____ _____</p> <p>The request for accommodation/modification is DENIED because:</p> <p><input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.</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: Name: _____ Signature: _____ Date: _____</p> <p><small>Updated 06/23/2022</small></p>
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Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

MNIT 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.

Knowledge and preparation by both individuals needing assistance and those who don't are 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.

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

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals 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: Jenna Bergmann
Title: MNIT Assistant Human Resources Director and Interim Safety Officer
Email: Jenna.Bergmann@state.mn.us
Phone: 651-201-1214

Evacuation Options

Individuals with disabilities have four basics, possibly five, evacuation options:

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

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices (PMDs):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to

identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.

- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The 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

In 2020, MNIT assessed itself against globally recognized diversity, equity, and inclusion (DEI) benchmarks and wrote an Equity and Inclusion Plan based on the results. The agency's Equity Team drives forward progress on this action plan in four unique areas to create a more inclusive and equitable organization:

- **Foundation:** Drive the Strategy (vision, leadership, and structure of DEI work);
- **Internal:** Attract & Retain People (recruitment, benefits, compensation; and learning);

- **Bridging:** Align & Connect (assessment, communications, and sustainability); and
- **External:** Listen to & Serve Society (social responsibility; products and services; marketing; and supplier diversity).

Currently, approximately 50 people across the organization are advancing 25 action items as part of this work.

Wherever possible, the corrective actions set forth in this 2022-24 Affirmative Action Plan will be incorporated into MNIT's Equity and Inclusion Plan.

(continued on next page)

Appendices

Appendix A: Progress Report

Women

Note: there were no employees in the following four categories, and this data has been left blank on purpose: Protective Services: Sworn; Protective Services: Non-sworn; Skilled Craft; Service Maintenance.

Appendix Table 1: Women

Job Category	Prior AAP total employee #	Prior AAP total women #	Prior AAP total women %	Prior AAP availability women %	Total hires & promotion #	Total hired #	Men hired #	Women hired #	Unknown hired #	Women hired %	Total promotion #	Men Promotion #	Women Promotion #	Unknown Promotion #	Women Promo %	Actual Women Hiring %	Women had goals in prior AAP?	Women goal met?
Officials/ Administrators	78	26	33.33%	33.03%	16	<10	<10	<10	<10	<10%	16	<10	<10	<10	<10.00%	<10.00%	-	-
Professionals	2377	849	35.72%	30.57%	494	352	209	137	<10	38.92%	142	88	54	<10	38.03%	38.66%	-	-
Technicians	26	10	38.46%	28.44%	<10	<10	<10	<10	<10	<10%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Paraprofessionals	16	<10	<10.00%	43.64%	20	20	10	<10	<10	<10%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Office Clerical	16	<10	<10.00%	43.64%	20	20	10	<10	<10	<10%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Protective Services: Sworn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Protective Services: Non-sworn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Skilled Craft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Service Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	2508	904	36.04%		537	379	223	148	<10	39.05%	158	96	62	<10	39.24%			

Racial/Ethnic Minorities

Note: there were no employees in the following four categories, and this data has been left blank on purpose: Protective Services: Sworn; Protective Services: Non-sworn; Skilled Craft; Service Maintenance.

Appendix Table 2: Racial/Ethnic Minorities

Job Category	Prior AAP total employee #	Prior AAP total Racial/Ethnic Minorities #	Prior AAP total Racial/Ethnic Minorities %	Prior AAP availability Racial/Ethnic Minorities %	Total hires & promotion #	Total hired #	Non-Racial/Ethnic Minorities hired #	Racial/Ethnic Minorities hired #	Unknown hired #	Racial/Ethnic Minorities hired %	Total promotion #	Non-Racial/Ethnic Minorities Promotion #	Racial/Ethnic Minorities Promotion #	Unknown Promotion #	Racial/Ethnic Minorities Promo %	Actual Racial/Ethnic Minorities Hiring %	Racial/Ethnic Minorities had goals in prior AAP?	Racial/Ethnic Minorities goal met?
Officials/ Administrators	78	14	17.95%	13.77%	16	<10	<10	<10	<10	<10.00%	16	15	<10	<10	<10.00%	<10.00%	-	-
Professionals	2377	606	25.49%	25.93%	494	352	195	132	25	37.50%	142	98	36	<10	25.35%	34.01%	Yes	Yes
Technicians	26	<10	<10.00%	26.00%	<10	<10	<10	<10	<10	<10.00%	<10	<10	<10	<10	<10.00%	<10.00%	Yes	No
Paraprofessionals	16	<10	<10.00%	28.38%	20	20	11	<10	<10	<10.00%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Office Clerical	11	<10	<10.00%	15.55%	<10	<10	<10	<10	<10	<10.00%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Protective Services: Sworn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Protective Services: Non-sworn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Skilled Craft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Service Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	2508	636	25.36%		537	379	210	140	29	36.94%	158	113	37	<10	23.42%			

Individuals with Disabilities

Notes: Individuals with Disabilities is shown here as IWD.

There were no employees in the following four categories, and this data has been left blank on purpose: Protective Services: Sworn; Protective Services: Non-sworn; Skilled Craft; Service Maintenance.

Appendix Table 3: Individuals with Disabilities

Job Category	Prior AAP total employee #	Prior AAP total IWD #	Prior AAP total IWD %	Prior AAP availability IWD %	Total hires & promotion #	Total hired #	IWD hired #	Non-IWD hired #	Unknown hired #	IWD hired %	Total promotion #	Non-IWD Promotion #	IWD Promotion #	Unknown Promotion #	IWD Promo %	Actual IWD Hiring %	IWD had goals in prior AAP?	IWD goal met?
Officials/ Administrators	78	12	15.38%	10.42%	16	<10	<10	<10	<10	<10.00%	16	11	<10	<10	<10.00%	<10.00%	-	-
Professionals	2377	203	8.54%	4.76%	494	352	295	41	16	11.65%	142	113	20	<10	14.08%	12.35%	-	-
Technicians	26	<10	<10.00%	1.76%	<10	<10	<10	<10	<10	<10.00%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Paraprofessionals	16	<10	<10.00%	5.32%	20	20	18	<10	<10	<10.00%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Office Clerical	11	<10	<10.00%	3.18%	<10	<10	<10	<10	<10	<10.00%	<10	<10	<10	<10	<10.00%	<10.00%	-	-
Protective Services: Sworn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Protective Services: Non-sworn	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Skilled Craft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Service Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	2508	218	8.69%		537	379	318	41	20	10.82%	158	124	24	10	15.19%			

Appendix B: Separation Analysis

Note for all tables shown in Appendix B: Exact totals are suppressed for data privacy.

Total Separations

Note: Individuals with Disabilities has been shortened to IwD.

Appendix Table 4: Total Separations

Separation Type	Total % by Separation type	Women % within Separation type	Separation type % within total Women Separation	Racial/Ethnic Minorities % within Separation type	Separation type % within total Racial/Ethnic Minorities Separation	IwD % within Separation type	Separation type % within total IwD Separation
Dismissal or Non-Certification	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Resignation	31.82%	43.81%	36.51%	41.90%	53.66%	9.52%	23.81%
Enhanced Separation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Retirement	49.70%	38.41%	50.00%	9.15%	18.29%	12.80%	50.00%
Lay-off	1.21%	0.00%	0.00%	0.00%	0.00%	50.00%	4.76%
Termination without Rights	12.73%	35.71%	11.90%	50.00%	25.61%	4.76%	4.76%
Total Separations	100%	38.18%	100%	24.85%	100%	12.73%	100%

Officials /Administrators Separations

Note: Individuals with Disabilities has been shortened to IwD.

Appendix Table 5: Officials / Administrators Separations

Separation Type	Total % by Separation type	Women % within Separation type	Separation type % within total Women Separation	Racial/Ethnic Minorities % within Separation type	Separation type % within total Racial/Ethnic Minorities Separation	IwD % within Separation type	Separation type % within total IwD Separation
Dismissal or Non-Certification	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Resignation	20.00%	50.00%	25.00%	50.00%	100.00%	<10%	<10%
Enhanced Separation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Retirement	80.00%	37.50%	75.00%	n/a	n/a	37.50%	100.00%
Lay-off	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Termination without Rights	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Total Separations	100%	40%	100%	10%	100%	30%	100%

Professionals Separations

Note: Individuals with Disabilities has been shortened to IwD.

Appendix Table 6: Professionals Separations

Separation Type	Total % by Separation type	Women % within Separation type	Separation type % within total Women Separation	Racial/Ethnic Minorities % within Separation type	Separation type % within total Racial/Ethnic Minorities Separation	IwD % within Separation type	Separation type % within total IwD Separation
Dismissal or Non-Certification	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Resignation	32.57%	42.00%	35.90%	43.00%	57.33%	10.00%	25.64%
Enhanced Separation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Retirement	50.81%	38.46%	51.28%	9.62%	20.00%	11.54%	46.15%
Lay-off	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Termination without Rights	10.42%	40.63%	11.11%	46.88%	20.00%	6.25%	5.13%
Total Separations	100%	38.11%	100%	24.43%	100%	12.70%	100%

Technicians Separations

Note: Individuals with Disabilities has been shortened to IwD.

Appendix Table 7: Technicians Separations

Separation Type	Total % by Separation type	Women % within Separation type	Separation type % within total Women Separation	Racial/Ethnic Minorities % within Separation type	Separation type % within total Racial/Ethnic Minorities Separation	IwD % within Separation type	Separation type % within total IwD Separation
Dismissal or Non-Certification	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Resignation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Enhanced Separation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Retirement	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Lay-off	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Termination without Rights	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Total Separations	<10%	<10%	<10%	<10%	<10%	<10%	<10%

Paraprofessionals Separations

Note: Individuals with Disabilities has been shortened to IwD.

Appendix Table 8: Paraprofessionals Separations

Separation Type	Total % by Separation type	Women % within Separation type	Separation type % within total Women Separation	Racial/Ethnic Minorities % within Separation type	Separation type % within total Racial/Ethnic Minorities Separation	IwD % within Separation type	Separation type % within total IwD Separation
Dismissal or Non-Certification	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Resignation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Enhanced Separation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Retirement	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Lay-off	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Termination without Rights	90.91%	20.00%	66.67%	60.00%	100.00%	<10%	<10%
Total Separations	100%	27.27%	100%	54.55%	100%	n/a	n/a

Office Clerical Separations

Note: Individuals with Disabilities has been shortened to IwD.

Appendix Table 9: Office Clerical Separations

Separation Type	Total % by Separation type	Women % within Separation type	Separation type % within total Women Separation	Racial/Ethnic Minorities % within Separation type	Separation type % within total Racial/Ethnic Minorities Separation	IwD % within Separation type	Separation type % within total IwD Separation
Dismissal or Non-Certification	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Resignation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Enhanced Separation	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Retirement	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Lay-off	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Termination without Rights	<10%	<10%	<10%	<10%	<10%	<10%	<10%
Total Separations	<10%	<10%	<10%	<10%	<10%	<10%	<10%

Appendix C: Job Category Analysis

Officials/Administrators

Appendix Table 10: Officials/Administrator Job Category Analysis

Job Code	Job Title
001424	Human Resources Director 4
001724	Labor Relations Manager
002147	Human Resources Director 2
002552	Information Syst Director
002695	Agency Chief Financial Officer
003639	State Prog Admin Manager
003679	State Prog Admin Manager Sr
003719	State Prog Admin Manager Prin
002918	Admin Svcs Dir
008880	Exec Assistant
003161	MN.IT Division Manager 1
002453	Information Mgmt Svcs Div Dir
003162	MN.IT Division Manager 2
003272	MN.IT Executive Manager

Job Code	Job Title
008746	Proj Manager
008238	State Chief Information Offcr
008790	Asst Commr Office MN.IT Svcs
003944	General Counsel 2

Professionals

Appendix Table 11: Professionals Job Category Analysis

Job Code	Job Title
000006	Management Analyst 1
000140	Buyer 1
000141	Buyer 2
000510	Planner Principal State
000577	Information Officer 3
000633	Accounting Officer Senior
000634	Management Analyst 4
000652	Human Resources Consultant 1
000812	Planning Dir State

Job Code	Job Title
000893	Management Analyst 3
000979	Accounting Officer Inter
001409	Training & Development Spec 1
001410	Training & Development Spec 2
001500	Accounting Supervisor Princ
001528	Management Analyst 2
002687	Safety Administrator
003017	Human Resources Specialist 3
003171	Agency Policy Specialist
003586	Information Technology Spec 4
003587	Information Technology Spec 5
003605	State Prog Admin Intermediate
003606	State Prog Admin Sr
003607	State Prog Admin Prin
003608	State Prog Admin Coordinator
003689	State Prog Admin Supervisor Sr
003712	State Prog Admin Supv Prin

Job Code	Job Title
000500	Human Resources Director 1
002390	Accounting Officer Principal
001423	Human Resources Specialist 2
000004	Accounting Officer
000659	Research Analysis Spec Sr
001449	Affirmative Action Off 3
001411	Training & Development Spec 4
002483	Labor Relations Consultant 2
003585	Information Technology Spec 3
001000	Information Syst Manager
003584	Information Technology Spec 2
001089	Systems Supervisor
003583	Information Technology Spec 1
002132	Systems Analysis Unit Supv
003352	Systems Architect
002954	Management Info Syst Cons Supv
000095	Attorney 1

Technicians

Appendix Table 12: Technicians Job Category Analysis

Job Code	Job Title
000774	Accounting Technician
001390	EDP Operations Technician 3
000938	Electronic Technician Senior
002268	EDP Operations Technical Spec

Paraprofessionals

Appendix Table 13: Paraprofessionals Job Category Analysis

Job Code	Job Title
001486	Human Resources Technician 2
000881	Human Resources Technician 1
008598	Student Worker Para Prof
008599	Student Worker Para Prof Sr

Office Clerical

Appendix Table 14: Office Clerical Job Category Analysis

Job Code	Job Title
000293	Exec 2
002118	Office Services Supervisor 2
003627	Office & Admin Specialist
003629	Office & Admin Specialist Sr
003630	Office & Admin Specialist Prin
003637	Customer Svcs Specialist Sr

Appendix D: Feeder Jobs

Note: Individuals with Disabilities has been shortened to IwD in all Appendix D tables.

Officials / Administrators

Appendix Table 15: Officials / Administrators Feeder Jobs

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
001424	Officials / Administrators	Human Resources Director 4	0.00%	0.00%	0.00%
001724	Officials / Administrators	Labor Relations Manager	0.00%	0.00%	0.35%
002147	Officials / Administrators	Human Resources Director 2	0.35%	0.00%	0.00%
002552	Officials / Administrators	Information Syst Director	0.35%	0.35%	0.70%
002695	Officials / Administrators	Agency Chief Financial Officer	0.00%	0.35%	0.00%
003639	Officials / Administrators	State Prog Admin Manager	0.70%	0.35%	0.35%
003679	Officials / Administrators	State Prog Admin Manager Sr	0.70%	0.00%	0.35%
003719	Officials / Administrators	State Prog Admin Manager Prin	1.40%	0.70%	0.00%
002918	Officials / Administrators	Admin Svcs Dir	0.35%	0.00%	0.00%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
008880	Officials / Administrators	Exec Assistant	0.00%	0.00%	0.00%
003161	Officials / Administrators	MN.IT Division Manager 1	3.51%	1.05%	1.05%
002453	Officials / Administrators	Information Mgmt Svcs Div Dir	0.35%	0.00%	0.00%
003162	Officials / Administrators	MN.IT Division Manager 2	1.40%	0.00%	1.40%
003272	Officials / Administrators	MN.IT Executive Manager	1.40%	1.05%	0.70%
008746	Officials / Administrators	Proj Manager	0.35%	0.00%	0.00%
008790	Officials / Administrators	Asst Commr Office MN.IT Svcs	0.00%	0.00%	0.00%
003944	Officials / Administrators	General Counsel 2	0.35%	0.00%	0.00%
000095	Professionals	Attorney 1	0.35%	0.00%	0.00%
000812	Professionals	Planning Dir State	0.35%	0.00%	0.00%
001500	Professionals	Accounting Supervisor Princ	0.35%	0.35%	0.00%
003608	Professionals	State Prog Admin Coordinator	1.05%	0.00%	0.00%
003689	Professionals	State Prog Admin Supervisor Sr	0.00%	0.00%	0.00%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted lwd %
003712	Professionals	State Prog Admin Supv Prin	0.35%	0.00%	0.00%
000500	Professionals	Human Resources Director 1	0.35%	0.00%	0.00%
002483	Professionals	Labor Relations Consultant 2	1.40%	0.70%	0.00%
001000	Professionals	Information Syst Manager	5.26%	1.75%	1.40%
001089	Professionals	Systems Supervisor	8.42%	2.46%	2.11%
003352	Professionals	Systems Architect	4.56%	4.56%	1.75%
Totals			33.68%	13.68%	10.18%

Professionals

Appendix Table 16: Professionals Feeder Jobs

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted lwd %
000006	Professionals	Management Analyst 1	0.08%	0.08%	0.04%
000140	Professionals	Buyer 1	0.08%	0.00%	0.00%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
000141	Professionals	Buyer 2	0.08%	0.00%	0.00%
000510	Professionals	Planner Principal State	0.17%	0.04%	0.08%
000577	Professionals	Information Officer 3	0.08%	0.00%	0.08%
000633	Professionals	Accounting Officer Senior	0.08%	0.04%	0.00%
000634	Professionals	Management Analyst 4	0.38%	0.13%	0.04%
000652	Professionals	Human Resources Consultant 1	0.08%	0.04%	0.00%
000812	Professionals	Planning Dir State	0.04%	0.00%	0.00%
000893	Professionals	Management Analyst 3	0.21%	0.00%	0.00%
000979	Professionals	Accounting Officer Inter	0.04%	0.00%	0.00%
001409	Professionals	Training & Development Spec 1	0.04%	0.00%	0.00%
001410	Professionals	Training & Development Spec 2	0.04%	0.00%	0.00%
001500	Professionals	Accounting Supervisor Princ	0.04%	0.04%	0.00%
001528	Professionals	Management Analyst 2	0.25%	0.17%	0.21%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
002687	Professionals	Safety Administrator	0.04%	0.00%	0.04%
003017	Professionals	Human Resources Specialist 3	0.13%	0.00%	0.04%
003171	Professionals	Agency Policy Specialist	0.08%	0.00%	0.00%
003586	Professionals	Information Technology Spec 4	9.46%	8.62%	3.03%
003587	Professionals	Information Technology Spec 5	5.76%	4.12%	1.35%
003605	Professionals	State Prog Admin Intermediate	0.04%	0.00%	0.00%
003606	Professionals	State Prog Admin Sr	0.08%	0.00%	0.00%
003607	Professionals	State Prog Admin Prin	0.04%	0.00%	0.00%
003608	Professionals	State Prog Admin Coordinator	0.13%	0.00%	0.00%
003689	Professionals	State Prog Admin Supervisor Sr	0.00%	0.00%	0.00%
003585	Professionals	Information Technology Spec 3	9.21%	7.40%	2.57%
000500	Professionals	Human Resources Director 1	0.04%	0.00%	0.00%
002390	Professionals	Accounting Officer Principal	0.00%	0.00%	0.00%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
001423	Professionals	Human Resources Specialist 2	0.17%	0.00%	0.04%
000004	Professionals	Accounting Officer	0.04%	0.00%	0.00%
000659	Professionals	Research Analysis Spec Sr	0.00%	0.00%	0.00%
001449	Professionals	Affirmative Action Off 3	0.04%	0.04%	0.00%
001411	Professionals	Training & Development Spec 4	0.04%	0.00%	0.00%
002483	Professionals	Labor Relations Consultant 2	0.17%	0.08%	0.00%
000095	Professionals	Attorney 1	0.04%	0.00%	0.00%
002954	Professionals	Management Info Syst Cons Supv	0.00%	0.00%	0.00%
003584	Professionals	Information Technology Spec 2	3.41%	3.57%	1.18%
001089	Professionals	Systems Supervisor	1.01%	0.29%	0.25%
003583	Professionals	Information Technology Spec 1	0.55%	0.46%	0.38%
002132	Professionals	Systems Analysis Unit Supv	1.72%	0.97%	0.50%
003352	Professionals	Systems Architect	0.55%	0.55%	0.21%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
000938	Technicians	Electronic Technician Senior	0.00%	0.04%	0.08%
001390	Technicians	EDP Operations Technician 3	0.00%	0.08%	0.00%
000774	Technicians	Accounting Technician	0.25%	0.00%	0.00%
002268	Technicians	EDP Operations Technical Spec	0.04%	0.00%	0.00%
008599	Paraprofessionals	Student Worker Para Prof Sr	0.08%	0.04%	0.00%
008598	Paraprofessionals	Student Worker Para Prof	0.17%	0.17%	0.00%
000881	Paraprofessionals	Human Resources Technician 1	0.04%	0.00%	0.04%
001486	Paraprofessionals	Human Resources Technician 2	0.13%	0.00%	0.00%
003637	Administrative Support	Customer Svcs Specialist Sr	0.00%	0.00%	0.00%
003630	Administrative Support	Office & Admin Specialist Prin	0.17%	0.04%	0.13%
000293	Administrative Support	Exec 2	0.04%	0.00%	0.00%
002118	Administrative Support	Office Services Supervisor 2	0.04%	0.04%	0.00%
003627	Administrative Support	Office & Admin Specialist	0.04%	0.00%	0.00%

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
003629	Administrative Support	Office & Admin Specialist Sr	0.08%	0.00%	0.00%
Totals			35.58%	27.08%	10.30%

Technicians

Appendix Table 17: Technicians Feeder Jobs

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
000774	Technicians	Accounting Technician	28.57%	0.00%	0.00%
001390	Technicians	EDP Operations Technician 3	0.00%	9.52%	0.00%
000938	Technicians	Electronic Technician Senior	0.00%	4.76%	9.52%
Totals			28.57%	14.29%	9.52%

Paraprofessionals

Appendix Table 18: Paraprofessionals Feeder Jobs

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
000881	Paraprofessionals	Human Resources Technician 1	8.33%	0.00%	8.33%
008598	Paraprofessionals	Student Worker Para Prof	33.33%	33.33%	0.00%
Totals			41.67%	33.33%	8.33%

Office Clerical

Appendix Table 19: Office Clerical Feeder Jobs

Job Code	EEO Category	Job Title	Weighted Women %	Weighted Racial/Ethnic Minorities %	Weighted IwD %
003637	Administrative Support	Customer Svcs Specialist Sr	0.00%	0.00%	0.00%
002118	Administrative Support	Office Services Supervisor 2	11.11%	11.11%	0.00%
003627	Administrative Support	Office & Admin Specialist	11.11%	0.00%	0.00%
003629	Administrative Support	Office & Admin Specialist Sr	22.22%	0.00%	0.00%
Totals			88.89%	22.22%	33.33%

Appendix E: Determining Availability

Note: Individuals with Disabilities has been shortened to IwD in all Appendix E tables.

Officials / Administrators

Appendix Table 20: Determining Availability - Officials/Administrators

Factor	Weight Ratio	Raw Statistics Women	Raw Statistics Racial/Ethnic Minorities	Raw Statistics IwD	Weighted Statistics Women	Weighted Statistics Racial/Ethnic Minorities	Weighted Statistics IwD	Source of statistics	Reasons for external and internal weight ratio
1: External - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities with requisite skills in the reasonable recruitment area.	20.00%	30.10%	16.84%	10.00%	6.02%	3.37%	2.00%	2018 3-year average ACS data using the following occupations: Computer and Info syst managers.	Hiring data from the past two years show that within the Officials and Administrators category, 86% of all hires were internal and 14% were external. MNIT hires more internal candidates into this category, because they are leadership positions.
2: Internal - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	80.00%	33.68%	13.68%	10.18%	26.95%	10.95%	8.14%	Employee workforce for the job classifications that constitute feeders to this job category.	
Total weight: The value must equal 100.00% →	100.00%								
Final Availability %					32.97%	14.32%	10.14%		

Professionals

Appendix Table 21: Determining Availability - Professionals

Factor	Weight Ratio	Raw Statistics Women	Raw Statistics Racial/Ethnic Minorities	Raw Statistics IwD	Weighted Statistics Women	Weighted Statistics Racial/Ethnic Minorities	Weighted Statistics IwD	Source of statistics	Reasons for external and internal weight ratio
1: External - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities with requisite skills in the reasonable recruitment area.	50.00%	26.18%	24.00%	10.00%	13.09%	12.00%	5.00%	2018 3-year average ACS data using the following occupations: Computer and Info syst managers; computer and info research scientists and analysts; software and web developers, programmers, and testers; database and network admin and architects; and other computer occupations.	Hiring data from the past two years show that of all candidates hired into Professional jobs, 46% were internal and 54% were external.
2: Internal - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	50.00%	35.58%	27.08%	10.30%	17.79%	13.54%	5.15%	Employee workforce for the job classifications that constitute feeders to this job category.	
Total weight: The value must equal 100.00% →	100.00%								
Final Availability %					30.88%	25.54%	10.15%		

Technicians

Appendix Table 22: Determining Availability - Technicians

Factor	Weight Ratio	Raw Statistics Women	Raw Statistics Racial/Ethnic Minorities	Raw Statistics IwD	Weighted Statistics Women	Weighted Statistics Racial/Ethnic Minorities	Weighted Statistics IwD	Source of statistics	Reasons for external and internal weight ratio
1: External - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities with requisite skills in the reasonable recruitment area.	50.00%	14.00%	4.60%	10.00%	7.00%	2.30%	5.00%	2018 3-year average ACS data using the following occupations: Bookkeeping, accounting, and auditing clerks; Computer and information research scientists and analysts; and Electricians. Percentages were weighted based on percentages of each occupation within the MNIT workforce.	There were not enough Technicians hired in the past two years to establish a weight ratio, and there should not be a natural bias based on the types of jobs within this EEO4 category. Thus, a 50/50 ratio was used.
2: Internal - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	50.00%	28.57%	14.29%	9.52%	14.29%	7.14%	4.76%	Employee workforce for the job classifications that constitute feeders to this job category.	
Total weight: The value must equal 100.00% →	100.00%								
Final Availability %					21.29%	9.44%	9.76%		

Paraprofessionals

Appendix Table 23: Determining Availability - Paraprofessionals

Factor	Weight Ratio	Raw Statistics Women	Raw Statistics Racial/Ethnic Minorities	Raw Statistics IwD	Weighted Statistics Women	Weighted Statistics Racial/Ethnic Minorities	Weighted Statistics IwD	Source of statistics	Reasons for external and internal weight ratio
1: External - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities with requisite skills in the reasonable recruitment area.	95.00%	18.70%	12.70%	10.00%	17.77%	12.07%	9.50%	2018 3-year average ACS data using the following occupations: Other computer occupations, Human Resources workers. Percentages were weighted based on percentages of each occupation within the MNIT workforce.	Hiring data from the past two years show that of all candidates hired into positions within the Paraprofessionals category, 5% were internal and 95% were external. Most employees in this EEO4 category are student workers, which are entry-level positions. Thus, they are external hires.
2: Internal - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	5.00%	41.67%	33.33%	8.33%	2.08%	1.67%	0.42%	Employee workforce for the job classifications that constitute feeders to this job category.	
Total weight: The value must equal 100.00% →	100.00%								
Final Availability %					19.85%	13.73%	9.92%		

Office/Clerical

Appendix Table 24: Determining Availability – Office/Clerical

Factor	Weight Ratio	Raw Statistics Women	Raw Statistics Racial/Ethnic Minorities	Raw Statistics IwD	Weighted Statistics Women	Weighted Statistics Racial/Ethnic Minorities	Weighted Statistics IwD	Source of statistics	Reasons for external and internal weight ratio
1: External - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities with requisite skills in the reasonable recruitment area.	50.00%	85.20%	16.50%	10.00%	42.60%	8.25%	5.00%	2018 3-year average ACS data using the following occupations: Other office and administrative support workers and Secretaries and administrative assistants, except legal, medical, and executive.	There were not enough Administrative Support staff hired in the past two years to establish a weight ratio, and there should not be a natural bias based on the types of jobs within this EEO4 category. Thus, a 50/50 ratio was used.
2: Internal - Percentage of women, racial/ethnic minorities employees, or individuals with disabilities among those promotable, transferable, and trainable with your agency.	50.00%	88.89%	22.22%	33.33%	44.44%	11.11%	16.67%	Employee workforce for the job classifications that constitute feeders to this job category.	
Total weight: The value must equal 100.00% →	100.00%								
Final Availability %					87.04%	19.36%	21.67%		

Appendix F: Utilization-Goal Analysis

Note: Individuals with Disabilities has been shortened to IwD in all Appendix F tables.

Women

Appendix Table 25: Utilization-Goal Analysis - Women

Job Categories	Total number of employees in Job Category	Total number of Women employees in the Job Category	% of Women employees in the Job Category	Women Availability %	Women Establish Goals?	If Yes, Goals for FY 2022-2024
Officials/Administrators	87	32	36.78%	32.97%		
Professionals	2367	836	35.32%	30.88%		
Technicians	24	<10	<10%	21.29%		
Paraprofessionals	20	10	50.00%	19.85%		
Office Clerical	10	<10	<10%	87.04%	Monitor	
Totals	2508	894	35.65%			

Racial/Ethnic Minorities

Appendix Table 26: Utilization-Goal Analysis - Racial/Ethnic Minorities

Job Categories	Total number of employees in Job Category	Total number of Racial/Ethnic Minorities employees in the Job Category	% of Racial/Ethnic Minorities employees in the Job Category	Racial/Ethnic Minorities Availability %	Racial/Ethnic Minorities Establish Goals?	If Yes, Goals for FY 2022-2024
Officials/Administrators	87	12	13.79%	14.32%	Monitor	
Professionals	2367	639	27.00%	25.54%		
Technicians	24	<10	<10%	9.44%	Monitor	
Paraprofessionals	20	<10	<10%	13.73%		

Job Categories	Total number of employees in Job Category	Total number of Racial/Ethnic Minorities employees in the Job Category	% of Racial/Ethnic Minorities employees in the Job Category	Racial/Ethnic Minorities Availability %	Racial/Ethnic Minorities Establish Goals?	If Yes, Goals for FY 2022-2024
Office Clerical	10	<10	<10%	19.36%	Monitor	
Totals	2508	661	26.36%			

Individuals with Disabilities (IwD)

Appendix Table 27: Utilization-Goal Analysis - Individuals with Disabilities

Job Categories	Total number of employees in Job Category	Total number of IwD employees in the Job Category	% of IwD employees in the Job Category	IwD Availability %	IwD Establish Goals?	If Yes, Goals for FY 2022-2024
Officials/Administrators	87	14	16.09%	10.14%		
Professionals	2367	243	10.27%	10.15%		
Technicians	24	<10	<10%	9.76%	Monitor	
Paraprofessionals	20	<10	<10%	9.92%	Monitor	
Office Clerical	10	<10	<10%	21.67%	Monitor	
Totals	2508	263	10.49%			

Appendix G: 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 racial/ ethnic minorities employees, individuals with disabilities, and women in the relevant labor market who are available for positions in a given job category at a state agency. The final availability is determined by considering two factors: the statistics from the outside labor market and the internal state agency workforce for the Affirmative Action Plan year.

Connect 700 (C700) Program: an alternative, non-competitive selection process for individuals whose disabilities prevent them from demonstrating their skills in a standard competitive selection process. If selected, this program allows eligible individuals to demonstrate their skills in an on-the-job trial work experience of up to 700 hours. See [Minnesota Statutes, section 43A.15, subdivision 14](#).

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

Hiring goal: a numerical objective designed to correct an identified deficiency in the utilization of protected group members. For example, the professional job category has identified underutilization and the availability is 30%, the goal (or hiring goal) for 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/Reasonable recruitment area: a geographic area in which an agency is seeking a worker in a particular goal unit and where there is an available supply of workers employed or seeking jobs in that goal unit.

Promotion: the appointment of an employee to a position in a class assigned to a salary range which is two or more steps higher at the maximum than the employee's current job class or which requires an increase of two or more steps to pay the employee at the minimum of the new range.

Protected groups: persons with disabilities, women, and racial/ ethnic minorities employees , including members of the following racial and ethnic groups: American Indian/Alaska Native, Asian, Black/African American, Hispanic/Latino, Native Hawaiian/Pacific Islander, and multiracial ([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 racial/ ethnic minorities employees, individuals with disabilities, or women in a specific job category is less than reasonably would be expected given from workforce participation in the labor market area.