as part of an ongoing Minnesota	le available electronically by the Minnesota digital archiving project. http://www.leg.sta	ate.mn.us/Irl/Irl.asp
Department of	000278	COPY
Employee	·	
Relations State of Momesota: Employ	Ner OF LE GEEVED	January 21, 2000
Ms. Carol C. Johnson State Treasurer MINNESOTA STATE 303 Administration Buil	MAY 0 8 2000 LEGISLATIVE REFERENCE LIBRARY GTATE OFFICE BUILDING	
50 Sherburne Avenue St. Paul, MN 55155		ted
Dear Ms. Johnson:		as requested
affirmative action plan.	ffice is pleased to notify you that we have appr Your agency has a good plan that should adva next two years. We look forward to working w	ance affirmative action efforts in
Upon receipt of this lette the Legislative Reference	er, please forward a clean copy of the plan to o the clean to o be clibrary at:	our office and an additional copy to

State Office Building, Sixth Floor 100 Constitution Avenue St. Paul, MN 55115

Your next affirmative action plan is scheduled for submission on or before January 31, 2002. If you require additional assistance, please do not hesitate to contact our office.

Thank you for your continued cooperation in this matter.

Sincerely, ens

Darcel D. Lewis Director, Office of Diversity and Equal Opportunity (651) 296-8272/V or (651) 297-2003/TTY

Enclosure

Cc: Mr. Richard Pietz, Chief Aide

DDL:ajm/2-480



CAROLC. JOHNSON Minnesota StateTreasurer

Affirmative Action Plan

TABLE OF CONTENTS

Statement of Commitment
Complaint Procedures
Objective To Hire Protected Group Members
Reasonable Accommodations
Supported Work Program
Sexual Harassment
Weather Emergencies

January 1, 2000

1



CAROLC. JOHNSON Minnesota StateTreasurer

STATEMENT OF COMMITMENT

The Office of the State Treasurer is committed to the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action for its employees and the public it serves. I affirm my personal and official support to these policies, which provide:

- That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, disability, marital status, status with regard to public assistance, and membership or activity in a local commission.
- That the Office of the State Treasurer will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Office of the State Treasurer will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce. When the Office of the State Treasurer has a vacancy and is underrepresented for females, minorities, or persons with disabilities, the Office of the State Treasurer will make an effort to recruit protected group members.

Managers and supervisors will be held accountable for ensuring that Affirmative Action Programs are implemented since these are the individuals who can ultimately make the most impact on this program. Each manager and supervisor shall have a statement in his/her position description on their affirmative action responsibilities.

In order to administer the plan most effectively, I have delegated this responsibility to the Affirmative Action Designee, Jerry R. Engebretson, who will act as the agency's Affirmative Action Officer and is responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the agency's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues, may contact our Affirmative Action Officer. A copy of the plan will be located on the agency's official bulletin board.

appeor

Carol C. Johnson State Treasurer

January 20, 2000 Date

Affirmative Action

INTERNAL DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

The Office of the State Treasurer has established the following discrimination/harassment complaint procedure to be used by all employees. This procedure is designed as an attempt to resolve problems <u>internally</u> before seeking redress from an outside authority. We urge employees to use this internal procedure before filing a charge with the Department of Human Rights or other agencies. Anyone filing a complaint, or serving as a witness, under this procedure shall do so without fear of coercion, reprisal or intimidation.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer(AAO)/Designee for information and for access to data and records for the purpose of enabling the AAO/Designee to carry out his/her responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the AAO/Designee shall be reported to his/her manager and/or the State Treasurer.

Who May File

Any employee of the Office of the State Treasurer, applicant or eligible who believes that they have been discriminated against by reason of race, creed, color, sex, sexual orientation, age, national origin, religion, status with regard to public assistance, marital status, disability, or membership or activity in a local commission may file a complaint. Employees who are terminated must file their complaint prior to their actual separation.

Complaint Procedure

The complaint must be filed with the AAO/Designee within seven (7) working days of the occurrence. In the event that the respondent is the AAO/Designee, the complaint may be filed with the State Treasurer.

Filing Procedures

- 1. The employee completes the "Complaint of Discrimination Form" (see Attachment "A") provided by the AAO/Designee. The AAO/Designee will, if requested, provide assistance in filling out the form.
- 2. The AAO/Designee determines, within 10 (ten) working days, if the complaint falls within the area of affirmative action, i.e., the complainant is alleging a violation of his/her right to equal employment on the basis of race, creed, color, sex, sexual orientation, age, national origin, religion, status with regard to public assistance,

marital status, disability, or membership or activity in a local commission.

- A. If it is determined that the complaint <u>is not</u> related to affirmative action but rather to general personnel concerns, the AAO/Designee will, within 10 (ten) working days, inform the complainant, and refer the complainant to the appropriate Division Manager to handle the complaint.
- B. If the complaint <u>is</u> related to affirmative action, the AAO/Designee will, within 10 (ten) working days of the receipt of the complaint, send a copy of the complaint to all parties named as respondents. The copy shall be accompanied by a letter outlining the basic facts of the complaint and requesting a response to the allegations from the respondent(s) within a specific period of time.
- 3. The Respondent(s) shall report to the AAO/Designee in writing, within the time period specified by the letter, setting forth his/her understanding of the situation or causes giving rise to the complaint. If the respondent(s) fail to provide the answer within the specified time period, the allegations contained in the complaint will be considered to be denied by the respondent(s) and the AAO/Designee shall proceed to investigate the case.
- 4. All data collected may at some point become evidence in civil or criminal legal proceedings against the respondent pursuant to state or federal statutes. A thorough investigation may include, but not be limited to, the following types of data:
 - A. Interviews or written interrogatories with all parties involved in the complaint; complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
 - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
- 5. At the conclusion of the investigation, the AAO/Designee shall review the findings and, if there is sufficient evidence supporting the complaint, shall notify the State Treasurer by letter. This letter shall include a complaint summary, the AAO/Designee's determination and recommendation(s) for corrective action. The State Treasurer shall accept, modify or reject the AAO/Designee's recommendation(s) and shall take such actions as deemed appropriate, and notify all parties (e.g., complainant, respondent(s), and the AAO/Designee).

- 6. If the AAO/Designee believes there is insufficient evidence to support the complaint, a letter written by the AAO Officer will be sent to complainant, the respondent(s), and the State Treasurer dismissing the complaint.
- 7. The AAO/Designee shall maintain records of all complaints and any pertinent information or data for three years after the case is closed.
- 8. The entire complaint procedure should be completed within sixty (60) working days of the filing of the formal complaint.
- 9. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) working days of final determination.
- 10. All documentation associated with a complaint shall be considered confidential information during the course of an investigation. The status of the complaint, however, is public. After an investigation is completed, all documentation becomes public information, in accordance with the Data Privacy Act.

REASONABLE ACCOMMODATION POLICY

Policy

The Office of the State Treasurer is committed to encouraging the employment of people with disabilities. The Office of the State Treasurer will make reasonable accommodations for a qualified applicant, an employee seeking promotion, or current employee with a disability, unless the accommodation would impose an undue hardship on the agency.

Accommodations will be provided to qualified individuals, whether an employee, an employee seeking promotion or job applicant, when such accommodations are directly related to performing a job or competing for a job. Accommodations will not be provided for non-job related personal needs, such as transportation to and from work.

An individual with a disability is defined as:

- A person who has a physical or mental impairment that substantially limits one of more major life activities.
- A person who has a record of such impairment; or
- A person who is regarded as having such an impairment.

Examples of Reasonable Accommodation May Include, But Are Not Limited To:

- 1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
- 2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area, special parking facilities or other types of similar modifications.
- 3. Job restructuring. This may include modification of work hours and/or changing job duties while retaining the basic job functions.
- 4. Support services. Services such as interpreters for hearing impaired individuals, readers for the blind or special attendants.

Requests for Reasonable Accommodations for Employees and Employees Seeking Promotion:

The steps to request a reasonable accommodation are:

- 1. The supervisor and the person with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job site modification and accessible devices.
- 2. The Supervisor must inform the AAO/Designee of the request and submit a Request for Accommodation form *(see Attachment "B")* (copy can be obtained from Affirmative Action Officer). The request will include a justification for the request including a statement of the limitation, the suggested accommodation, approximate cost, and any other pertinent information. The supervisor will forward the request from and supporting information to the AAO/Designee within 7 (seven) working days upon receiving the request.
- 3. AAO/Designee will make the decision, with the assistance of the supervisor.
- 4. Upon approval by AAO/Designee, he/she will assist the Supervisor in making the accommodation. A "Reasonable Accommodation Agreement" (see Attachment "C") will be completed and signed by all parties.
- 5. If the accommodation will cost a significant amount (\$500.00), the AAO/Designee will forward it along with his/her recommendation to the State Treasurer within three (3) working days.
- 6. The decision will be provided in writing to the supervisor, manager and employee within five (5) working days after the determination is made by the State Treasurer.
- 7. The AAO/Designee will maintain all documents pertaining to the accommodation.

Funding for Reasonable Accommodation

Funding will be provided for reasonable accommodations. The availability of funds varies with each agency. The expenditure of funds for the accommodations over (\$500.00) must be approved by the State Treasurer. When determining whether or not to make the accommodation without imposing a hardship or undue burden on the organization the following factors must be considered:

- The size of the organization's budget.
- The nature and cost of the accommodation.
- The ability to finance the accommodation in relationship to the site(s) where there may be a need.
- Documented good faith effort to explore a less restrictive or less expensive alternative.

Request for Reasonable Accommodations for Job Applicants and Employees Seeking Promotion:

- 1 All initial communication between a job applicant and a supervisor or personnel officer regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
- 2. The supervisor or personnel officer shall contact the AAO/Designee immediately to indicate that an accommodation is needed. In order to ensure the accommodation is provided at the interview, requests shall be handled in a timely manner.
- 3. The affirmative action officer shall contact the applicant to discuss the needed accommodation and discuss possible alternatives as necessary.
- 4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
- 5. If approved, the AAO/Designee shall take the necessary steps to see that the accommodation is provided.

Denial of Accommodations

All denials of requests for accommodation will be documented and kept on file by the AAO/Designee. The AAO/Designee shall notify the employee of their right to file an appeal with the State Treasurer for review, and advise the employee of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

If the requested accommodation made by a job applicant is denied, the AAO/Designee shall notify the job applicant of the decision and advise them of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

Minnesota Supported Employment Program

Statement of Policy

It is the policy of the Office of State Treasurer to seek opportunities to hire staff using the Supported Employment Program through an assessment of the vacant positions and determination of positions appropriate for Supported Employment Workers.

Plan of Implementation

- 1. The AAO/Designee, in consultation with the hiring supervisor, will determine whether the job tasks are appropriate for a Supported Employment Worker. If this is the case, a position description will be written, with assistance provided by the ADA coordinator and Human Resources Director. In addition, assistance will be sought from the local job placement agency that assists people with disabilities in obtaining employment.
- 2. Once the position description has been established in the job classification of Supported Employment Worker, a "Request to Employ" form *(see Attachment "D")* will be completed and submitted to the Department of Employee Relation's Applicant Services Division, as well as a copy to the State ADA/Disability Program Coordinator.
- 3. Applicant Services will provide a list of eligible Supported Employment Worker candidates, who will be contacted for interview(s).
- 4. Once hired, the AAO/Designee will work directly with the Supported Employment Worker's supervisor and the identified vocational rehabilitation or education job coach who will be working with the Supported Employment Worker to assure the employee has adequate support for the job responsibilities. Once a start date has been established, a 700-House Program Appointment Agreement form (see Attachment "E") will be completed to determine compensation options.
- 5. The Supported Employment Worker's supervisor and the AAO/Designee, along with the vocational rehabilitation or education job coach will monitor the progress of the worker. The supervisor and the AAO/Designee will decide how long the on-the-job test will last, up to a maximum of 700 hours.
- 6. If necessary, the vocational rehabilitation or education job coach will be requested to conduct awareness/sensitivity training for State Treasury staff prior to the Supported Employment Worker's start date.

HARASSMENT POLICY

It is the policy of the Office of the State Treasurer to prohibit verbal and physical harassment of its employees based on race, creed, color, sex, sexual orientation, age, national origin, religion, status with regard to public assistance, marital status, disability, or membership or activity in a local commission. This prohibition with respect to sexual harassment includes both overt acts as defined by EEOC and those acts which create a negative work environment. Any employee, applicant or eligible subjected to discriminatory harassment should file a complaint with the agency's AAO/Designee. Any intentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each manager is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for orienting the staff to our agency's policy. The AAO/Designee will be expected to keep the organization apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, each manager will be responsible for:

- 1. Making certain that each individual in his/her division who makes or recommends employment and other personnel decisions is fully aware of and comply with this policy.
- 2. Notify all employees within the division and orienting each new employee who is hired of this policy.
- 3. Informing all employees in the division of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Harassment is any behavior, which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. When the basis of harassment is on race, color, religion, sex or national origin, it is illegal. For example, harassment based on national origin has been defined by the United States Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Equal Employment Opportunity Commission. "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual harassment may include, but is not limited to, such actions as:

- 1. sex-oriented verbal kidding, or abuse;
- 2. subtle or overt pressure for sexual activity;
- 3. physical contacts such as patting, pinching, or constant brushing against another's body;
- 4. demands for sexual favors, which affect an individual's employment status or consideration.

Finally, it is possible for harassment to occur within two different levels of employee relationship:

1) among peers or co-workers, or 2) between supervisors and subordinates. Employees who experience harassment from co-workers should, if they feel comfortable, make it clear that such behavior is offensive to them or bring the matter to the attention of their supervisors or the agency AAO/Designee. In fulfilling our obligation to maintain a positive and productive work environment, the supervisors are expected to halt such harassment between co-workers through appropriate disciplinary action based on the seriousness of the incident. They are also expected to protect a harassed employee who initiates a complaint from reprisal. Individuals who instigate any type of harassment are subject to disciplinary action up to and including suspension, demotion, transfer, or termination.

Procedure

Any employee of the Office of the State Treasurer who believes that he/she has been harassed based on his/her race, national origin, religion, sex or disability may file a complaint.

Complaints of harassment should be filed using the internal discrimination complaint procedure included in our agency's Affirmative Action Plan.

WEATHER EMERGENCIES

All employees will be notified as outlined in the Department of Employee Relations Weather Emergencies Procedures.

All employees who are deaf, hard of hearing or speech impaired will receive notification as follows:

- a. If at work, by the supervisor or designed backup staff in the case of an emergency.
- B. If not at work and uses TTY for telephone communication, the supervisor will contact them through the Minnesota Relay Service (MRS) at 1-800-627-3526 to inform them of the emergency.

BUILDING EVACUATION

The Office of the State Treasurer has established an evacuation procedure, including procedures for employees who are mobility or sensory impaired.

Attachment "A"

COMPLAINT OF DISCRIMINATION

PLEASE READ BEFORE COMPLETION OF FORM

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, \Subd. 1 And 2. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer, the complainant, the respondent, appropriate supervisory personnel and the Commissioner of Employee Relations.

		COMPLAINANI	(YUU)	
Name:		Job Title:		
		Agency: Division:		
Supervisor:				
RESI	PONDENT (PERS	ON WHO DISCH	RIMINATED AGAINST YOU)	
Name:		Job Title:		
Work Address:				
			Division:	
and a state of the		THE COMPL	AINT	
Basis of Complain	int ("X" all that aj	oply):		
Race	_ Color	Sex	Sexual Orientation	
Age	Marital Status	Religion	Creed	
Disability	Nationa	l Origin Stat	us with Regard to Public Assistance	
Membership	or activity in loc	al commission		
Date most recent	t act of discrimina	tion took place:		
If you filed this	complaint with an	other agency, list	agency:	

Describe how you have been discriminated against: (names, dates, places, etc.):

Employee Request For Reasonable Accommodation

	ted form to ADA Coordin	ator.	Please Print or Type	
Employee Name:		Job Title:	Date Requested:	
Division/Unit:	Note: Conti	Note: Continue on back if you need more room for any of the following questions		
	nature of your medical con any major life activities.	ndition for which you are	requesting an accommodation.	Describe how
	•			• .
2. How does it affect ;	your ability to perform you	ır job?		
		•	•	
3. Type of accommod Making facilities	ation requested: readily accessible	Modificatio	on of equipment or devices	
Job restructuring	-	Qualified r	eader or interpreter	
	ified work schedule	Other (spec	ify):	
Acquisition of eq	uipment or devices			
Alease describe in deta	il the accommodation you	are requesting:		
		B.		
4. Has your medical p	rovider recommended the	accommodation?	Yes No	
and a second				ion(s)?
and a second			Yes No mance of the essential job functi	ion(s)?
and an				ion(s)?
				ion(s)?
				ion(s)?
5. How will the reques	sted accommodation be eff	ective in allowing perfor	mance of the essential job functi	ion(s)?
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 5. How will the request 6. Has your job been a Additional Comments: 	sted accommodation be eff	ective in allowing perfor	mance of the essential job functi and why it has altered:	ion(s)?
 5. How will the reques 6. Has your job been a Additional Comments: Signature of Employee 	sted accommodation be eff ltered? When was it altere	ective in allowing perfor	mance of the essential job functi and why it has altered: TE:	ion(s)?
 5. How will the request 6. Has your job been a Additional Comments: 	sted accommodation be eff ltered? When was it altere :: Employee	ective in allowing perfor	mance of the essential job functi and why it has altered: TE: For Office Use Only:	ion(s)?
 5. How will the reques 6. Has your job been a Additional Comments: Signature of Employee 	sted accommodation be eff ltered? When was it altere : Employee Supervisor	ective in allowing perfor	mance of the essential job functi and why it has altered: TE: For Office Use Only: ADA Qualifying	ion(s)?
 5. How will the reques 6. Has your job been a Additional Comments: Signature of Employee 	sted accommodation be eff ltered? When was it altere :: Employee	ective in allowing perfor ed? Please describe how DAT	mance of the essential job functi and why it has altered: TE: For Office Use Only:	ion(s)?

Attachment "C"

REASONABLE ACCOMMODATIONS AGREEMENT

This form is to be completed by the Department's Affirmative Action Officer after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the Office of the State Treasurer to the specific accommodation.

Name of Employee_____

Name of Manager

The request for reasonable accommodation to the needs of the above disabled employee was:

_____Accepted _____Denied

If the request was denied, explain the justification for the decision (indicate specific factors considered):

If reasonable accommodation was approved, was the employee's suggestion accepted?

REASON: (If "no" or "partially" was checked)

DESCRIBE specific accommodations to be made:

COST ESTIMATE: \$_____

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Office of the State Treasurer will become the property of the state of Minnesota.

Employee:	Date:
State Treasurer:	Date:
AAO:	Date:

Attachment "D"

Request To Employ Form

Minnesota Department of Employee Relations		RI	EQUEST	TO EMPLOY	
Requester	Agency Name	Signature of Appointing	Authority	Phone #	Date
Department Code	Division Code			Requisition #	
Position Title/Option		_/		Job Code	
List Type L B D X A W S	C R T Wor	k Location		Location Code	
Barg Unit	% Full Time]	Position Number	
Employment Condition	Shift	Travel Required	Y or N		
 041 Intermittent (on call as needed) 042 Permanent, full-time 043 Permanent, part-time 044 Temporary, full-time 045 Temporary, part-time 046 Seasonal, full-time 047 Seasonal, part-time 	048 Day shift049 Evening shift050 Night shift051 Rotating shift		Y or N		

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AFFIRMATIVE ACTION:	
Goal Unit	
Disparities M D F	<i>.</i>
Check box if applicable	i
 No disparity No goals set 	

REMARKS

PE-00640-04 (6/96)

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Minneso	ita				
Departm	_				
Employe		700-Hour Program Appointment A			
Relation					
State of Minne	sota: Employer of Choice				
experience p in lieu of the	program which may contine standard examination pro	nue for up to 700 hours. The	tte in an on-the-job trial work his work experience is conducted on for my disability, for the		
		at a wage of \$	(Agency)		
Option 1:	experience. I have deter best interest not to recei		ntial loss of benefits, it is in my he-job test procedure, and agree		
Sign	ature (if applicable)		Date		
Option 2:			y on-the-job trial work period. I sted above during this period.		
Sign	ature (if applicable)		Date		
permanent verification	position , but that upon suby my employer that I has	ve successfully completed	y trial work period and upon		
	Signature (if applicable)		Date		
	Origin	al: Agency Personnel Offi	ice		

This document is available in alternative formats to individuals with disabilities by calling (651) 296-4600 / Voice or (651) 297-2003 / TTY.

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PE-00652-02 (6/99)

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