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Tax Court Affirmative Action Plan 2000-2002

STATEMENT OF COMMITMENT

The Minnesota Tax Court 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 of 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, or membership or activity in a local human rights commission.
- That the Tax Court will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Tax Court will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are under represented in the workforce.
- When the Tax Court has a vacancy and is underrepresented for females, minorities, or persons with disabilities, the Chief Judge will make an effort to recruit applicants in protected groups.
- The Tax Court may request that the Department of Employee Relations approve expansion of the eligible list to include protected group members so that the Chief Judge may have an opportunity to act affirmatively.

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 Sheldyn Himle, the Tax Court Administrator and the Affirmative Action Designee, who will act as the Tax Court'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.

March 7, 2000
Date

Ariane L. Krupa
Chief Judge

Affirmative Action

INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

The Tax Court has established the following discrimination complaint procedure to be used by all employees, job applicants and eligibles. Coercion, reprisal or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer ("AAO") designee for information and for access to data and records so that the AAO designee may carry out his/her responsibilities under this complaint procedure. Failure of any employee to comply with the request of the AAO designee shall be reported to the Chief Judge.

Who May File

Any employee, applicant or eligible of the Tax Court who believes that they have been discriminated against by reason of race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, status with regard to public assistance, 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.

The Complaint Procedure

The internal complaint procedure provides a method for resolving complaints involving violations of the Tax Court's nondiscrimination policy within the Tax Court. Employees, applicants and eligibles are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The AAO designee may contact the Office of Diversity and Equal Opportunity if she wants information about filing a complaint.

Filing Procedures

1. The employee, applicant or eligible completes the "Complaint of Discrimination" form provided by the AAO designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve discriminatory harassment. The AAO designee will, if requested, provide assistance in filling out the form.

2. The AAO designee determines if (i) the complaint falls within the area of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, status with regard to public assistance, disability, or membership or activity in a local commission, or (ii) the complaint is of a general personnel concern. The AAO designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
 - A. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the AAO designee will inform the complainant in writing, within 10 working days.
 - B. If the complaint is related to discrimination, the AAO designee will, within 10 working days, contact and send a copy of the complaint to all parties named as respondents and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.
3. The AAO designee shall then investigate the complaint. At the conclusion of the investigation, the AAO designee shall notify the complainant(s), respondent(s) and the Chief Judge that she or he has completed the investigation. The AAO designee shall then review the findings of the investigation.
 - A. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - B. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s), respondent(s) and Chief Judge dismissing the complaint.
4. A written answer will be provided to the parties within 60 working days after the complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within the 60-day period.
5. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within 30 days of final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

7. All data collected may at some point become evidence in civil or criminal legal proceedings against the respondent pursuant to state or federal statutes. An 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, 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.
8. The AAO designee shall maintain records of all complaints and any pertinent information or data for three years after the case is closed.
9. The Tax Court's Chief Judge has the authority to issue and communicate complaint results.

Tax Court
 25 Constitution Avenue
 St. Paul, MN 55155

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of Form

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

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager
Respondent (Person Who Harassed/Discriminated Against You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager

The Complaint	
Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:

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

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

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

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

Affirmative Action Officer Signature	Date
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REASONABLE ACCOMMODATION POLICY

Policy

The Tax Court is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the Tax Court's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the Tax Court. Accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees and employees seeking promotional opportunities at the Tax Court.

Definitions

1. For purposes of determining eligibility for a reasonable accommodation, a "Person with a Disability" is a person who has a physical or mental impairment that materially or substantially limits one or more major life activities.
2. "Reasonable Accommodation" is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

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

Procedure-Current Employees and Employees Seeking Promotion

1. The Tax Court will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform the ADA Coordinator designee of the need for an accommodation.
3. The ADA Coordinator designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate files marked "confidential." Only the ADA Coordinator shall have access to these medical records unless the disability might require

emergency treatment, in which case the Chief Judge shall be permitted access.

4. When a qualified individual with a disability has requested an accommodation, the ADA Coordinator designee shall, in consultation with the individual, (a) discuss the purpose and essential functions of the particular job involved (completion of a step-by-step job analysis may be necessary), (b) determine the precise job-related limitation, (c) identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job, (d) select and implement the accommodation that is the most appropriate for both the individual and the Tax Court. While an individual's preference will be given consideration, the Tax Court is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator designee will work with the employee to obtain technical assistance, as needed.
6. The Tax Court will provide a decision to the employee within a reasonable time period.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the Tax Court's business operation, the employee and the ADA Coordinator designee shall work together to determine whether reassignment may be an appropriate accommodation.
8. If a request for accommodation is not approved, the ADA Coordinator designee shall inform the employee of the reason(s) for denial.

Procedure-Job Applicants

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

Policy for Funding Accommodations

The Tax Court's policy is to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the Tax

Court. Minn. Stat. § 43A.191(c). The Chief Judge must approve any expenditure of funds for the accommodation.

An "undue hardship" is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Tax Court.

The procedure for determining undue hardship shall be as follows:

1. The employee will meet with the ADA Coordinator designee to discuss the requested accommodation.
2. The ADA Coordinator designee will review undue hardships by considering (a) the nature and cost of the accommodation in relation to the size and financial resources of the Tax Court, and (b) the impact of the accommodation on the nature or operation of the Tax Court.
3. The ADA Coordinator designee will provide a decision to the employee.

Supported Work

Currently, the Tax Court does not have any supported positions. The Tax Court will look at its current positions to determine if a supported work position could be created or if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from the Department of Employee Relations. The Tax Court will consider the opportunity for supported work jobs and will work with the state ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

REASONABLE ACCOMMODATION 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 Department to the specific accommodation.

Name of Employee

Name of Division Manager

The request for reasonable accommodation to the needs of the above named employee with a disability:

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?

Yes No Partially

(SOH (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 Department will become the property of the State of Minnesota.

Signature of Employee

Date

Signature of Executive Director

Date

Signature of Affirmative Action Officer

Date

Employee Request for Reasonable Accommodation

Employee Name:

Job Title:

Date of Request:

Division:

This information will be used by _____ or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if you refuse to provide it, your employer may refuse to provide reasonable accommodation.

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.

2. How does it affect your ability to perform your job?

3. Type of accommodation you are requesting:

_____ Making facilities readily accessible

_____ Modification of equipment or devices

_____ Job restructuring

_____ Qualified reader or interpreter

_____ Part time or modified work schedule

_____ Acquisition of equipment or devices

_____ Modification to a rule, policy or practice

_____ Other (specify):

Please describe in detail the accommodation you are requesting:

4. How will the requested accommodation be effective in allowing you to perform the essential functions of your job?

5. Additional Comments:

Signature of Employee: _____ Date: _____

HARASSMENT/DISCRIMINATION POLICY

Statement of Policy

It is the Tax Court's policy to prohibit harassment of its employees based on 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 human rights commission. This prohibition includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to any harassment should file a complaint with the Tax Court's Affirmative Action Officer ("AAO") designee. If the employee chooses, the employee may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee may contact the Office of Diversity and Equal Opportunity at the Minnesota Department of Employee Relations for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee of the Minnesota Tax Court will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The AAO designee will be expected to keep the Tax Court and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The AAO designee is also responsible for:

1. Notifying all employees, and orienting each new employee who is hired, of this policy; and
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

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

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

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Discriminatory harassment may occur (i) among peers or coworkers, (ii) between subordinates and managers, or (iii) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Tax Court's AAO designee. In fulfilling the Tax Court's obligation to maintain a positive and productive work environment, the AAO designee and all employees are expected to address or report any suspected harassment or retaliation.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are nonetheless disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

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

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in the Tax Court's affirmative action plan.

WEATHER EMERGENCIES

1. A copy of the Commissioner of Employee Relation's weather emergency memorandum is included in this plan.
2. All employees will be notified as outlined in this memorandum. The memorandum will be posted on the office bulletin board.
3. All employees who are deaf or hard of hearing will receive notification, if at work, by the supervisor or designated backup staff in case of an emergency. If the employee is not at work, uses a TTY, and an emergency is called, the supervisor will contact the Minnesota Relay Service at 1-800—627-3526 to inform the employee of the emergency.

BUILDING EVACUATION

The Tax Court will follow the evacuation procedures developed by the Judicial Center Safety Committee.

Minnesota
Department of
Employee
Relations

Leadership and partnership in
human resource management

FILED

NOV 18 1997

MINNESOTA TAX COURT

Memo

DATE: November 14, 1997

TO: Agency Heads
Human Resource Directors/Designees

FROM: Karen L. Carpenter
Commissioner

Karen L. Carpenter

RE: Weather Emergencies

The purpose of this memo is to remind you that once again we are approaching the time of year when we may have severe weather emergencies.

As background, weather emergencies are declared when a number of conditions exist. The factors that are considered are:

- ♦ Road maintenance. Are state highways open and snowplows operating?
- ♦ Transit operations. Are local transit systems running?
- ♦ Additional weather conditions. Is wind, cold or ice a factor?
- ♦ Other considerations. Are power or heating systems affected?

This office receives notification from the Duty Officer in the Emergency Management Division of Public Safety if a severe weather situation is occurring anywhere in the state. This office also provides us with road conditions, snowplowing information and transit operations obtained from local law enforcement. We consider all of the information from these sources and then decide if it is necessary to declare an emergency and close state offices.

The decision to declare an emergency can be statewide or limited to a specific portion of the state. Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency.

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November 14, 1997

Agency heads or their designee will be notified when an emergency is declared. It is imperative that your agency has in place an internal procedure for relaying this information to any/all your offices affected. While we will be informing the media, we have found that some employees do not receive the notification in a timely fashion.

Please note MnSCU (Minnesota State Colleges and Universities) have statutory authority to close their facilities and this policy does not apply to them.

How to find out about a weather emergency

If a weather emergency is declared during the night, we will give the following announcement to WCCO 830 and WMNN 1330, KSTP, WCCO and KARE TV for broadcast. The announcement will also be forwarded to the Associated Press (AP) to be put on the news wire for radio stations in greater Minnesota.

"A weather emergency has been declared by the Commissioner of the Department of Employee Relations. As of (time and date), all Minnesota state offices will be closed in the following area(s): (geographic location(s)). This does not apply to employees who are required by their agency to work during a weather emergency."

This statement will be provided to the media prior to the start of the normal work day (8:00 a.m.). We continue to monitor weather conditions through the Emergency Management Division, and if changes in the emergency designation are warranted, they will be made as the day progresses.

If an emergency is declared during the business day, the agency head or their designee will be notified by telephone and fax prior to the declaration. We will also notify the media of the declaration.

Several days following a weather emergency, you will receive a written notification from my office which includes the time, date and geographic location of the emergency along with processing information to pay employees.

If you have employees who are deaf or have a hearing impairment

Supervisors of deaf and hearing impaired employees should have a procedure in place for these individuals to learn about a weather emergency. If your employee has a TTY machine (telecommunication device for the deaf), the supervisor can contact the employee through the Direct Connect Minnesota Relay Service (MRS) at (612) 297-5353 (metro) or 1-800-627-3529 (out state). Here's how it works:

- * The supervisor or other assigned co-worker calls the MRS number.
- * The MRS operator dials the employee's number.
- * When the supervisor is on the line, he/she can relay a message to the TTY machine and help conduct any conversation that may be necessary.

The weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. We recognize that there may be unique individual situations due to the employee's location that make it impossible for that employee to get to work when an emergency has not been declared. In those circumstances, supervisors should consider allowing the employee to make up the lost time or use compensatory time or annual leave.

I hope this information helps you understand how emergencies for state employees are determined and announced. Please feel free to share this information with your employees. Posters sent last year remain the same. If you need additional copies, contact Mary Ferguson at (612) 297-3053. If you have any questions, please contact your human resources office.

cc: Labor Relations Representatives

cfg/weather/m-weather