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# Affirmative Action Plan

2000 - 2002

Emergency Medical Services Regulatory Board

February 2000

— Minn. Stat. 43A.191 Subd. 2 —

*"To provide leadership which optimizes the quality of emergency medical care for the people of Minnesota -- in collaboration  
with our communities -- through policy development, regulation, system design, education, and medical direction"*

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## Statement of Commitment

The Emergency Medical Services Regulatory Board is committed to the State of Minnesota 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 age, color, creed, disability, marital status, membership or activity in a local human rights organization, national origin, public assistance status, race, religion, sex, or sexual orientation.
- That the Board will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Board will continue to actively promote a program of affirmative action wherever minorities, women and persons with disabilities are under-represented in the workforce.

I will be held accountable for ensuring that Affirmative Action Plan is implemented, since I am the individual who can ultimately make the most impact on this program.

In order to administer the plan most effectively, I have delegated this responsibility to the Affirmative Action designee, Donald O. Hedman, 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.

Mary F. Hedges  
Mary F. Hedges, Executive Director

Feb. 17, 2000  
Date

# Internal Discrimination Complaint Procedure

The Emergency Medical Services Regulatory Board has established the following discrimination complaint procedure to be used by all employees, applicants or 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 for the purpose of enabling the AAO to carry out responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the AAO shall be reported to the Executive Director.

## Who May File

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

## Complaint Procedure

The complaint procedure provides resolution of discrimination complaints.

1. The employee, applicant or eligible completes the "Complaint of Discrimination Form" provided by the AAO. Employees should file the complaint within 90 days of the occurrence of the event giving rise to the complaint. The AAO will, if requested, provide assistance in filling out the form.
2. The AAO determines if the complaint falls under the purview of the Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of age, color, creed, disability, marital status, membership or activity in a local human rights organization, national origin, public assistance status, race, religion, sex, or sexual orientation. The AAO 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 within ten working days will inform the complainant.
  - b. If the complaint *is* related to discrimination, the AAO will contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The AAO shall investigate the complaint and provide a written answer within 60 days after the complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within 60 days.

4. All data collected may at some point become evidence in civil or criminal legal proceedings 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, e.g., written, recorded, filmed, or in any other form.
5. At the conclusion of the investigation, the AAO shall review the findings of the investigation and, if sufficient evidence substantiates the complaint, appropriate action will be taken. The complainant(s) and respondent(s) will be notified of the completion of the complaint investigation. Any other information released regarding the investigation will be pursuant to the Minnesota Government Data Practices Act.
6. If the AAO believes there is insufficient evidence to support the complaint, a letter will be sent to the complainant and the respondent(s) dismissing the complaint.
7. Disposition of the complaint will be filed with the Commissioner of the Department of Employee Relations within 30 days of final determination.
8. The AAO shall maintain records of all complaints and any pertinent information or date for three years after the case is closed.
9. 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.

## **Objective to Hire Protected Group Members**

When the Board has a vacancy and is under-represented for females, minorities or persons with disabilities, the Board will make an effort to recruit protected group members. It must be noted that with a staff of fewer than 20, it is difficult to maintain a well-balanced workforce. Nonetheless, when the Board has a vacancy, the Board will make an effort to recruit protected group members.

The Board may request that the Staffing Division of the Department of Employee Relations approve expansion of the eligible list to include protected group members, creating the opportunity to hire affirmatively.

The Board will make every effort possible to retain protected group staff members, along with non-protected group staff members. The Board is currently under-utilized in minority, but not disabled protected group members.

## **Supported Work**

The Board will review vacant positions and assess the current workload and needs of the agency to determine if jobs 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 Board will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

## **Making Reasonable Accommodation**

### **Policy**

The EMS Regulatory Board is required by section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act to make reasonable accommodation to employees, employees seeking promotion and job applicants. As a matter of policy, the Board is committed to encouraging the employment of persons with disabilities and will make reasonable accommodation unless such accommodation would impose an undue hardship on the agency. Accommodation will be provided to qualified individuals, whether an employee, an employee seeking promotion or a job applicant, when such accommodations are directly related to performing a job or completing a job. Accommodations will not be provided for non job-related personal needs, such as transportation to and from work.

### **Definition**

For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

### **Examples**

Examples of reasonable accommodations 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 desks and files.
2. Job site modifications, which may include adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area or special parking facilities.
3. Job restructuring, such as modification of work hours and/or changing job duties while retaining the basic job functions.
4. Support services, such as interpreters for hearing-impaired individuals, readers for the blind, or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

## **Funding**

Funding will be provided for reasonable accommodations. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the Executive Director. When determining whether or not to make the accommodation without imposing undue hardship on the Board, the following factors must be considered:

- The size of the Board'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.

## **Requests from Employees and Employees Seeking Promotion**

The steps for employees and employees seeking promotion to request a reasonable accommodation are:

1. The individual discusses with the supervisor the need for the accommodation. The discussion includes alternatives such as job restructuring, job site modification and accessible devices.
2. The supervisor shall contact the AAO designee within seven working days to request an accommodation. The request will include a justification for the request, including a statement of the limitations, the suggested accommodation, the approximate cost and any other pertinent information.
3. The AAO designee shall contact the individual to discuss the needed accommodation and any possible alternatives. If necessary, the AAO designee will obtain documentation of the individual's functional limitations to determine eligibility under the ADA.
4. The AAO designee shall provide the agreed upon accommodation if the cost does not cause undue hardship on the Board.
5. If the accommodation will cost a significant amount of money (an amount already determined by the Executive Director), the AAO designee shall forward the request along with a recommendation to the Executive Director within three working days.
6. The decision is provided in writing to the supervisor and the employee within five working days. If approved, the AAO designee shall take the necessary steps to see that the accommodation is provided.
7. The AAO designee will maintain all documents pertaining to the accommodation.

## **Requests from Job Applicants**

1. All initial communication between a job applicant and the supervisor, regarding a position at the Board, shall indicate the willingness of the Board to make a reasonable accommodation upon request, prior to the job interview.
2. The supervisor shall contact the Affirmative Action Officer immediately to indicate that an accommodation is needed. In order to ensure that 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 if necessary.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the Board.
5. If approved, the Affirmative Action Officer shall take the necessary steps to see that the accommodation is provided.

## **Denial for Accommodation**

All denials of requests for accommodation will be documented and kept on file by the Affirmative Action Officer. The AAO shall notify the employee of their right to file a complaint of discrimination under the Affirmative Action Plan complaint procedure 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 or other legal channels.

If the requested accommodation made by a job applicant is denied, the AAO 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 or other legal channels.

## **Weather Emergencies**

A copy of the official weather emergency memorandum is included in this plan. All employees will be notified, as outlined in this memorandum. All hearing-impaired employees will receive notification, if at work, by the supervisor or designated backup staff in the case of an emergency. If the employee is not at work and an emergency is called, the supervisor will contact the Minnesota Relay Service at (800) 627-3526 to inform the employee of the emergency.

## **Building Evacuation**

All Board employees have received a copy of the University Park Plaza tenant handbook, which contains the building evacuation procedure. The building management holds yearly fire and severe weather drills.

In the event of a fire or other emergency, alarms will sound and strobe lights will flash in the office area. At that time employees should evacuate the building using either stairwell. Elevators must not be used.

Employees with mobility impairments will be assigned an "assistant" who will aid in the evacuation process.

**Do**

- Close office doors as you leave.
- Exit via the nearest stairwell.
- Keep talking to a minimum.
- Use handrails in stairwells.
- Listen for instructions and follow them.
- Be ready to merge with others evacuating the building.
- Watch out for emergency personnel.
- Keep calm.
- Once outdoors, move as far away from the building as possible.

**Do Not**

- Go to the elevators; they will not be in operation.
- Return for belongings once you have left your area.
- Run or create panic.
- Return to building until the "all clear" is given.

## **Harassment Policy**

### **Statement of Policy**

It is the policy of the EMS Regulatory Board that harassment of its employees based on age, color, creed, disability, marital status, membership or activity in a local human rights organization, national origin, public assistance status, race, religion, sex, or sexual orientation is prohibited. This prohibition with respect to harassment includes any acts that create a negative work environment. Any employee subjected to such harassment should file a complaint with the AAO. If the employee chooses, s/he 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 should 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 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 will be expected to keep the agency apprised of any changes in the law or its interpretation regarding this form of discrimination. The AAO is also responsible for:

1. Notifying all employees within the agency and orienting each new employee who is hired of this policy;
2. Informing all employees in the agency 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 traits that is not welcome, that is personally offensive, that therefore may affect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act which states in regard to employment that: *"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (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 decisions 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.*

It is possible for sexual harassment to occur: 1) among peers or co-workers, 2) between supervisors and subordinates or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Board's AAO or Executive Director. In fulfilling the obligation to maintain a positive and productive work environment, the AAO and all employees are expected to address or report any suspected harassment or retaliation. Clearly, varying degrees of seriousness in discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions including suspension, demotion, transfer or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment should be corrected early and firmly in the interests of maintaining a barrier-free workplace. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

## **Procedure**

Any employee, applicant or eligible of the EMS Regulatory Board who believes that they have experienced discrimination or harassment based on their age, color, creed, disability, marital status, membership or activity in a local human rights organization, national origin, public assistance status, race, religion, sex, or sexual orientation may file a complaint of discrimination.

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