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Bernie Melter
Commissioner

State of Minnesota

DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICE BUILDING
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ST. PAUL, MINNESOTA 55155-2079
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THE COMMISSIONER'S STATEMENT OF COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

I affirm the Department of Veterans Affairs' continuing commitment to the State's affirmative action efforts and implementation of the affirmative action plan and equal employment opportunities. I will continue to encourage, support, and participate in this Department's growing involvement in creating a diverse work force. We will continue to strive to provide a work place environment where our individual differences are accepted, even celebrated, and where all employees are empowered to deliver quality service to our customers.

As employment opportunities become available, we will renew our commitment to seek qualified applicants who are ethnic/racial minorities and/or women. We value our diversity as a work force, and we strive to assist all Department of Veterans Affairs employees to succeed in our work environment.

The Department of Veterans Affairs will continue our commitment to seek qualified individuals with disabilities who are able to perform the essential functions of the job with or without reasonable accommodation. In accordance with Commissioner Julien C. Carter's request of June 30, 2000, the Department of Veterans Affairs will suspend the use of the 12.82% hiring goal for individuals with disabilities effective immediately.

The Department's Equal Employment Opportunity and Affirmative Action Program affects all employment practices, including recruitment, testing, certification, hiring, transfer, promotion, training, compensation, benefits, layoff, termination, and retention. We will conduct employee development activities to aid in retention, improve performance, and provide promotional opportunities. I have designated Kathleen Schwartz to serve as our Affirmative Action Officer.

The Department of Veterans Affairs will continue its commitment to provide leadership in the statewide arena on equal employment opportunities and affirmative action. We recognize that not only must we be aggressive within our agency, but we must encourage other agencies and local governments to support these efforts as well. We seek support from them to strengthen our own programs.

I urge all Department of Veterans Affairs employees to reacquaint themselves with our Affirmative Action Plan. Each of us must make a personal commitment to equal treatment of all individuals, both to make the Department of Veterans Affairs a better place to work for each of us as well as to successfully meet the needs of our customers.

A handwritten signature in cursive script that reads "Bernie Melter".

Bernie Melter, Commissioner
Minnesota Department of Veterans Affairs
July, 2000

— Minn. Stat. 43A.191 Subd. 2 —

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AFFIRMATIVE ACTION PLAN

Transmittal Form
Plan Years 2000-2002

For

Department of Veterans Affairs

(Agency)

- 1. This annual review did not reveal underutilization in any of the following protected group(s) in the following goal units:

	PROTECTED GROUPS	
GOAL UNITS	FEMALE	MINORITIES
Clerical		
Professional		

- 2. Once approved by the Director of Equal Opportunity Division, this annual plan will be posted at the following central locations so that every employee is aware of the department's commitments in affirmative action for the year.

Each Division, work area, bulletin boards - individuals given a copy

- 3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been advised of this procedure as well as our department's affirmative action goals for this fiscal year.

Kathleen Schwartz

 Affirmative Action Officer

7-27-2000

 Date

- 4. This annual plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

Bernie Meltzer

 Agency Head

7-27-2000

 Date

- 5. This annual plan meets the rules governing affirmative action, Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Kathleen Schwartz

 Director of Diversity and Equal Opportunity

7-27-2000

 Date

DISSEMINATION OF AFFIRMATIVE ACTION PLAN

The following steps will be undertaken to ensure that all employees are advised of, and understand, the Department of Veterans Affairs policy of nondiscrimination and its interest in actively and affirmatively providing equal opportunity in all employment practices.

INTERNAL

1. Copies of the Affirmative Action Plan will be furnished to the Deputy Commissioners, division directors, managers, and supervisors. It will be the responsibility of management personnel to disseminate the Affirmative Action Policy to all employees under their supervision.
2. The Plan will be prominently displayed on all employee bulletin boards at each location.
3. The Department's Affirmative Action Officer will notify employees of revisions in the Affirmative Action Plan. Other items regarding Departmental affirmative action activities will be included as determined by the Affirmative Action Officer.
4. New employees will be informed via Human Resource personnel of the Department's Affirmative Action Program, the name of the Affirmative Action Officer and the availability of the Affirmative Action Plan. Additionally, each new employee will attend a DOER Preventing Sexual Harassment class.
5. Affirmative action training sessions will be conducted for managers and supervisors. This will be coordinated by the Affirmative Action Officer.

EXTERNAL

1. A copy of the Affirmative Action Plan will also be furnished to employee bargaining units.
2. Job application forms, job opening advertisements, and Department stationery shall bear the masthead "An Equal Opportunity Employer."

RESPONSIBILITIES, DUTIES, AND ACCOUNTABILITIES

1. Commissioner

Responsibilities: To oversee and ensure implementation of the Department's Equal Opportunity Policy and Affirmative Action Program is in compliance with existing federal and state laws, rules and regulations.

- Duties:
1. To appoint or designate an Affirmative Action Officer.
 1. To include accountability for the administration of the Agency's Affirmative Action Plan in his/her position description.
 2. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
 3. To take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
 4. To issue a written statement to all employees affirming support of the State's Equal Opportunity Policy and the Department's Affirmative Action Program.
 5. To make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective affirmative action.

Accountability: Governor, directly, and indirectly to the Commissioner of Employee Relations and the Director of Equal Opportunity.

II Affirmative Action Officer, Kathleen Schwartz

Responsibilities: To administer, direct and implement the Department's Affirmative Action Program.

- Duties:
1. To monitor the day to day activities of the Affirmative Action Program.
 2. To assist managers and supervisors in their Affirmative Action responsibilities.
 3. To advise the Commissioner on all matters related to Affirmative Action and Equal Employment Opportunities.

4. To investigate alleged discrimination complaints and submit written summary of the issues, findings, conclusions and recommendations to the Commissioner.
5. To establish annual hiring goals and revise the Department's Affirmative Action Plan as required by the Department of Employee Relations.
6. To ensure that the Affirmative Action Plan is communicated to the Agency staff.
7. To oversee the Department's pre-hire review process.
8. To monitor all employee exit interviews to investigate identified complaints of employment with the Department of Veterans Affairs and to determine the impact on protected group members.
9. To act as the liaison between the Department and the Office of Diversity and Equal Opportunity Division, and the Department of Employee Relations.
10. To determine the need for affirmative action and cultural diversity training and to initiate the development of appropriate training programs.
11. To review Department policies, procedures, programs, and reasonable accommodations for persons with disabilities and to recommend changes to the Commissioner as the individual responsible for compliance with the Americans with Disabilities Act (ADA).
12. To participate in the recruitment of protected class persons for employment, promotion, and training opportunities.
13. To maintain contacts with protected class resources for recruitment purposes, and to hold membership in community organizations to keep abreast of new developments in the area of affirmative action.

Accountability: The Commissioner

III. Directors, Managers and Supervisors

Responsibilities: To ensure compliance with the Department Affirmative Action Program and to ensure equal treatment of all employees.

- Duties:
1. To assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
 2. To hire and promote qualified protected class members where a disparity exists, and to insure equal treatment in all aspects of employment for each protected group.
 3. To communicate and demonstrate a personal commitment to the Department's Affirmative Action Plan to all employees in their area of responsibility.
 4. To consult with the Affirmative Action Officer on human resource actions involving work-out-of-class appointments, discharge of a protected class employee, and the review of all interview questions.
 5. To include responsibility statements for Affirmative Action/Equal Employment Opportunity in their position descriptions, and annual performance objectives.
 6. To assist and make recommendations to the Affirmative Action Officer in recruitment activities.
 7. To discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
 8. To ensure the Department's Affirmative Action Plan is communicated to subordinates.

Accountability: The Deputy Commissioner, directly, and the Commissioner, indirectly.

IV Administrative Management Director-Human Resource (also the Affirmative Action Officer).

Responsibilities: The Administrative Management Director is responsible to insure that personnel policies are administered fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

Duties: The duties of the Administrative Management Director shall include, but not be limited to, the following:

1. To make available all records and all informational data necessary to perform affirmative action duties and responsibilities.
2. To participate in the decision making process of all personnel actions, such as hiring, promotion, disciplinary actions, reallocation, transfer and termination, department and division-wide classification studies.
3. To initiate and report on specific Affirmative Action Program objectives which are incorporated into the Affirmative Action Plan.
4. To aid in the recruitment of members of protected classes and notify managers and supervisors of existing disparities, at the time of the employment interview.

Accountability: The Deputy Commissioner, directly, and the Commissioner indirectly.

5. All Employees

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the policies and procedures of this plan. Employees will refrain from any actions which would adversely affect the performance of a co-worker with respect to their race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, or status with regard to public assistance, membership or activity in a local commission.

AUDITING OF PROGRAM

Objective: To ensure that hiring and retention procedures support the Department's commitment to hire affirmatively in a work environment void of discrimination.

1. Record Keeping

The Affirmative Action Officer shall maintain records reflecting hires, turnovers, and any complaints regarding such activity.

2. Evaluation

The Affirmative Action Officer shall evaluate the Affirmative Action Plan by:

1. Reviewing monthly statistics reflecting current complement based on protected classes.
2. Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, sex, and disability status.
3. Reviewing recruitment sources and strategies used, and the results used to help fill specific vacancies for which there was under-representation.
4. Reviewing formal discrimination complaints filed in the past quarter.

ANNUAL PROGRAM OBJECTIVES

SPECIFIC PROGRAM OBJECTIVE:

1. Encourage and assist in the improvement of diversity within the Department of Veterans Affairs work force.

ACTION STEPS

- a. Design a development and retention plan to prepare ethnic/racial minority employees for advancement within the Department.
- b. Continue to study and report on the work force diversity within each division, area and classification.
- c. Study the upward mobility and retention of ethnic/racial minority employees in the Department in support of the retention plan.
- d. Encourage managers to take meaningful action to improve diversity within the Department workforce by educating them on their responsibilities relating to diversity.

EVALUATION

- a. Development and retention plan will specify three ways to develop or retain ethnic/racial minority employees.
- b. Statistical information on the diversity of the Department work force will be available to Department management to guide employment decisions.
- c. Management will have information which reflects the retention and upward mobility of ethnic/racial minority employees and indicates specific areas which need improvement.
- d. Managers will understand their responsibilities relating to their role in improving diversity in the Department.

ASSIGNMENT: Management Committee

TARGET DATE: Ongoing

SPECIFIC PROGRAM OBJECTIVE:

2. Sponsor various educational opportunities which assist in developing an environment at the Department that values and respects diversity.

ACTION STEPS

- a. Encourage attendance of DOER-offered awareness sessions on diversity topics which managers may utilize for their units.
- b. Sponsor general educational awareness sessions on diversity topics for all employees.

EVALUATION

- a. Management will have assistance in promoting of offered sessions.
- b. Department employees will have the opportunity to attend at least one session each year.

ASSIGNMENT: Management Committee

TARGET DATE: Ongoing

PROCEDURE FOR PRE-HIRE REVIEW

Objective: To establish action steps to be taken during the selection process in order to meet the Department's Affirmative Action goals when filling classified and unclassified vacancies.

1. Consultation with Managers

The Affirmative Action Officer will advise managers and supervisors of protected group disparities for all goal units.

2. The Pre-Employment Review

- A. A personnel requisition is submitted to the Human Resource Management Office.
- B. If a disparity exists, the Affirmative Action Officer works closely with the Human Resource Management staff, in an effort to eliminate the disparity in the following manner.
 - 1. A job analysis is completed for the vacant job.
 - 2. The position description will be revised as needed.
 - 3. Job-related criteria (knowledge, skills, and abilities) needed to perform the tasks will be determined.
 - 4. The Human Resource Management Director ascertains whether there exists an appropriate Certification List or if a job announcement should be made.
 - 5. If a job announcement is made, the Affirmative Action Officer will focus recruitment efforts through recruitment resources who have contacts with protected class candidates.
 - 6. If an appropriate certified list exists, telephone calls will be made and letters sent by certified mail to all applicants on the certified list announcing the job vacancy. Interviews will be scheduled for interested persons who respond to the announcements.
 - 7. A list of uniform job related questions will be devised by the Supervisor and submitted to the Division Director or Staff Manager for a technical review. The questions will then be reviewed and approved by the Affirmative Action Officer to ensure that they are within the legal perimeter of the Equal Employment Opportunity guidelines.

8. An interview is scheduled for each candidate using uniform questions and structured format.
9. Interviews will be conducted by the Supervisor and/or others. Results of the interview will be kept for at least one year.
10. The qualification of candidates will be compared, based on all available evidence of qualification and the requirements of the job. The Affirmative Action goals and current disparities will be considered in the selection process.
11. When a Supervisor rejects a candidate, he/she must explain in writing, with sufficient specificity, why the candidate was not selected, based on the knowledge, skills and abilities. The written rejection shall be reviewed by the Affirmative Action Officer, and no selection will be made until such written reasons have been reviewed. Where the Affirmative Action Officer believes that the reasons for rejection are insufficient, and the matter is not satisfactorily resolved, these views shall be transmitted to the Commissioner for appropriate action.
12. All candidates will be notified of the hiring decision.
13. Managers are not to disclose information that the candidate selected is of a particular protected group status. The protected group status of an individual is identified as private data; in accordance with the Minnesota Government Data Practices Act (Minn Stat. 13.43, Subd. 2) which governs the collection and disclosure of all government data, including personnel data.
14. Documentation will be kept on the selection process for all appointments for at least one year. Data on every appointment where there is a disparity will explain what the Department did to remedy the disparity.

PROCEDURE FOR REVIEW OF LAYOFF DECISIONS

OBJECTIVE: To ensure that affirmative action goals are considered when layoff decisions are made.

- (1) The Affirmative Action Officer shall review all pending layoffs to determine their effect on agency affirmative action goals and timetables based on current bargaining units and seniority.

RECRUITMENT/RETENTION PLAN

Statutory Reference: Minn. Stat. 43A.09

ADMIN Procedure: 9A

Objectives

To build and retain a culturally diverse workforce through the active recruitment and retention of qualified protected group individuals.

Policy

It is the policy of the Minnesota Department of Veterans Affairs to seek and retain qualified applicants who are ethnic/ racial minorities, women, or people with disabilities.

Responsibility

Kathleen Schwartz, the Affirmative Action Officer, is responsible for recruitment and retention activities at the Department.

Recruitment Plan Goals

The Recruitment Plan has the following goals:

- to increase the applicant pool of qualified individuals for employment with the Department;
- to retain protected group employees contributing to the work of the Department;
- to positively impact Department affirmative action employment objectives and overall staff diversity;
- to make the hiring process easier for all involved;
- to reach out to protected group communities;
- to develop an informed outreach team;
- to foster enthusiasm for increasing diversity in the workforce by demonstrating our own concern and commitment; and
- to strengthen the momentum of existing systems and develop innovative improvements.

SUMMARY OF PAST ACTIONS

During 1995, advertisements at an estimated cost of \$200 were placed in various publications, including the Star Tribune, the St. Paul Pioneer Press, and the Little Falls Newspaper as a means of filling one position. The results were favorable. No job fairs were attended during the previous year and we are not currently scheduled to participate in any job fairs during the period covered by the plan. This is a rather small agency with very little turnover. We utilize Department of Employee Relations' SIGMA lists for hires, and also place requests with the Department of Economic Security Job Placement offices.

FUTURE ACTIONS AND RESPONSIBILITIES

To increase the applicant pool of qualified individuals for employment with the Department the following actions are the responsibility of the supervisor in conjunction with the Affirmative Action Officer.

- Advertise specific vacancies in protected group media via the "Multi-Cultural Media Coalition".
- Attend major job fairs targeted towards protected groups when a benefit to the Department is identified.
- Work with protected group employees through mentoring, training, creating individual development plans, and employee network groups in an effort to retain the employees.
- Analyze separation and layoff patterns to determine its impact on protected group employees.
- Improve recruitment of persons with disabilities by working with the State Council on Disabilities in identifying candidates.

We foresee very few vacancies in the upcoming year. We will utilize available sources at that time.

SUPPORTED WORK POSITIONS

At this time the Department has not identified any positions or functions of the agency that can be used for supported employment. If those positions are identified in the future, the Department would be interested in utilizing the supported work program. The Department would work with the State ADA Coordinator to recruit and hire individuals for supported employment positions.

INTERNSHIP PROGRAM

Statutory Reference: 43A.02

ADMIN Procedure: 420.00

Objectives

At this time this agency has no plans for an internship program. If we should have the opportunity to have an internship program, we will contact the Department of Employee Relations for help with recruitment and hiring.

REASONABLE ACCOMMODATION POLICY

Policy:

The Department of Veterans Affairs is committed to encouraging the employment of people with disabilities. We will make reasonable accommodations for the physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would impose an undue hardship on the agency. The Affirmative Action Officer is responsible for compliance with the ADA.

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.

Accommodations will be provided to qualified individuals, whether an employee, employee seeking a 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.

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, TTY/TDD communication equipment, audiovisual aids, and/or specifically designed desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, reallocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring. They may include flexible work hours and/or restructuring job duties while retaining the essential job duties.
4. Support services. Services such as interpreters for individuals with hearing impairments, readers for individuals who are blind or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

Requests for Reasonable Accommodations for Employees:

The steps to request a reasonable accommodation are:

1. The supervisor and individual with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices. While the agency will give the individual's preference consideration, the agency

can choose among equally effective accommodations and may choose the least expensive or easiest to provide.

2. The "Employee Request for Reasonable Accommodation" form is obtained from the affirmative action officer. The form is completed by the supervisor or employee and submitted to the division director.
3. Upon approval, the supervisor will forward the request to the affirmative action officer within seven (7) working days upon receiving the request.
4. The affirmative action officer will review the request and obtain medical certification of the disability, as necessary. If the accommodation requested will cost \$1,000 or more, the affirmative action officer will forward the request along with his or her recommendation to the agency head within three (3) working days.
5. The decision is provided in writing to the supervisor, director and employee within five (5) working days after the determination is made by the agency head.
6. The affirmative action officer will maintain all documents pertaining to the accommodation and is the individual responsible for compliance with the Americans with Disabilities Act (ADA).

Funding for Reasonable Accommodation:

Funding will be provided for reasonable accommodations unless the cost for the accommodation imposes an undue hardship on the agency. When determining whether the accommodation imposes an undue hardship on the agency, the following factors must be considered:

- the size of the agency'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; and
- documented good faith effort to explore a less restrictive or less expensive alternative.

All divisions are responsible for funding accommodations for employees. If the division is unable to fund the accommodation and can demonstrate that the expense will result in a negative expenditure, the division director may request reimbursement for the expenditure from the Affirmative Action Officer/ADA Coordinator.

A separate line item designated for ADA accommodations and modifications shall be maintained in the Equal Employment Opportunities Program budget. If divisions are unable to fund an accommodation, the accommodation shall be funded through the EEOP budget.

Request for Reasonable Accommodations for Job Applicants, Including Employees Seeking Promotions:

1. All initial communication between a job applicant, including an employee seeking a promotion, and a supervisor or the personnel office 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. The job applicant shall be informed of their rights concerning reasonable accommodations in the examination process through written information contained on the job application.
2. The supervisor or personnel office shall contact the affirmative action officer immediately to indicate that an accommodation is needed during the examination or interview process. In order to ensure that the accommodation is provided, 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. The affirmative action officer shall be responsible for obtaining medical certification of the disability, as necessary.
4. The Affirmative Action Officer shall determine eligibility for the accommodation and the agreed upon accommodation shall be provided if the cost does not cause an undue hardship to the agency.
5. If approved, the Affirmative Action Officer shall take the necessary steps to see that the accommodation is provided.

Appeals

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision. If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure as outlined in this plan.

Denial of Accommodations:

All denials of requests for accommodations will be documented and kept on file by the Affirmative Action Officer. The Affirmative Action Officer 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, U.S. Equal Employment Opportunity Commission, or other legal channels.

If the requested accommodation made by the job applicant is denied, the Affirmative Action Officer 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, the U.S. Equal Employment Opportunity Commission, or other legal channels.

DISCRIMINATORY HARASSMENT/DISCRIMINATION POLICY

HARASSMENT

Harassment because of, based on, or directed at an individual's protected class characteristic (i.e., race, sex, age, color, creed, religion, national origin, marital status, membership or activity in a local commission, status with regard to public assistance, disability, sexual orientation) is a form of discrimination and is a violation of Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and the Minnesota Human Rights Act, M.S. Chapter 363. (Please note: Title VII does not cover all the characteristics that the Human Rights Act does).

It is the Department of Veterans Affairs policy to prohibit discriminatory harassment. Verbal or physical conduct of a discriminatory nature need not be tolerated by any employee when:

1. Submission to such conduct is explicitly or implicitly made 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 performance or creating an intimidating, hostile, or offensive working environment.

Harassment may take the following forms:

1. Repeated disparaging, belittling, demeaning, insulting remarks.
 2. Repeated jokes about an employee or a characteristic unique to the employee.
 3. Sabotage of an employee's character, reputation, work efforts or property.
1. Sexual
 1. Any of the previously listed forms of treatment with verbal or physical conduct of a sexual nature which the recipient or bystander finds unwelcome.
 2. Unwanted sexual comments, looks, innuendoes or suggestions about one's body or sexual activity.
 3. Unwanted, unnecessary touching, brushing against one's body, patting or pinching.

4. Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.
 5. Displaying pictures or objects depicting nude or scantily-clad women or men in work areas.
 6. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
2. Race, Color, and National Origin
 1. Any behavior previously listed in this policy which is applied to one's race, color, heritage or national origin.
 1. Telling jokes or making derogatory remarks about one's race or national heritage.
 2. Use of language implying inferiority of a race or national heritage.
 3. Religion, Disability, Age, Sexual Orientation
 1. Any behavior previously listed in this policy which is directed at an individual's religion, disability, age, or sexual orientation.
 2. Use of demeaning, derogatory names or remarks in reference to an employee's religion, disability, age, or sexual orientation.

All employees will be careful to treat their co-workers, subordinates and supervisors with respect at all times.

Any employee who feels that he or she is being subjected to discrimination in any form, or who believes he or she has witnessed physical or verbal harassment of a discriminatory nature should notify their supervisor or contact Kathleen Schwartz, Affirmative Action Officer, 297-2123.

The Commissioner is responsible for the application of this policy within the Department; each manager and supervisor has the responsibility within their units. This responsibility includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for orienting his/her staff to the Department's policy.

DISCRIMINATION/DISCRIMINATORY HARASSMENT

The Equal Employment Opportunity complaint process applies to complaints which allege discrimination because of race, color, creed, religion, national origin, sex, marital status, membership or activity in a local commission, status with regard to public assistance, disability, age or sexual orientation. The Department of Veterans Affairs operates on a zero-tolerance basis which prohibits discrimination.

GENERAL PROVISIONS

1. Any employee, applicant, or eligible who feels that he or she has been subjected to discriminatory behavior(s), or who believes he or she has witnessed such behaviors, is encouraged to report the information.
2. In the course of a complaint investigation, all documentation associated with the complaint shall be considered confidential. The status of the complaint, however, is public.

Those filing a complaint or serving as a witness shall do so without fear of coercion, reprisal or intimidation.

3. Employees may elect to directly file a complaint with the Commissioner in lieu of with their supervisor(s) or the Affirmative Action Officer.
4. The complainant through the Affirmative Action Officer or Commissioner, shall be advised of his/her right to file a charge of discrimination within one year after the occurrence with the Commissioner of the Minnesota Department of Human Rights, or within 300 days with the Equal Employment Opportunity Commission, or to file with an attorney in private practice.
5. Regardless of the outcome of an investigation, The Department of Veteran Affairs will take no adverse or retaliatory action against an employee who reports conduct she/he considers to be in violation of the department's policy against discrimination or discriminatory harassment.

FORMAL STEP PROCEDURE

Employees, applicants, and eligibles are encouraged to use the "Complaint of Discrimination" form to make a written complaint of discrimination. The forms are available from the Affirmative Action Office. The written complaint is submitted to the Department's Affirmative Action Officer. The complaint shall be filed within 365 calendar days after the occurrence.

Step 1: After receipt of a formal complaint, the Affirmative Action Officer shall determine whether or not the complaint alleges discrimination against the individual's protected class characteristic i.e., race, creed, color, sex, age, marital status, membership or activity in a local commission, national origin, disability, religion, status with regard to public assistance, or sexual orientation. This determination shall be completed within 5-10 working days of receipt of the complaint.

If the complaint is timely and proper for resolution through this complaint procedure, it shall be investigated. If the complainant is suffering irreparable harm in the absence of immediate action, the Affirmative Action Officer may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

Step 2: Within a reasonable time frame, the Affirmative Action Officer shall investigate the complaint. The investigation may include interviews with or statements from all parties involved including the complainant, respondent, complainant's supervisors, witnesses and co-workers as well as a review of all pertinent records or documents relating to the complaint.

Step 3: The Affirmative Action Officer shall prepare a written report for the Commissioner.

The Commissioner shall review the investigation report and, if deemed necessary, take appropriate corrective action up to and including discharge when the investigative findings give merit to the complaint allegations.

Step 4: A final written answer to the complaint will be provided within 60 days after the formal complaint is filed.

Step 5: Disposition of complaint will be filed with the Commissioner of the Department of Employee Relations within 30 days of final determination.

NOTE:

The discrimination complaint procedure outlined above shall also apply to complaints of alleged sexual harassment. Certain modifications to this procedure exist in the collective bargaining agreement covering employees represented by AFSCME-Council 6.

Timeline for Hiring

Last year our Affirmative Action goals were met, but individuals left our employment for a higher level state position in another agency. This year we currently meet our goals.

Hiring Goals for Affirmative Action Plan

(See current chart on next page.)

Retention Plan

The Department of Veterans Affairs experienced nine separations during the 1998-2000 reporting period. Of those separations, approximately 20% were protected group members and 80% were non-protected group members. These percentages appear to be consistent with the numbers of protected and non-protected group employees we currently have in our agency. These separations have had no effect on our affirmative action goals for the reporting period, but we will continue to monitor the separations from each of the two groups to see if there are any patterns that develop. It is difficult to determine any sort of pattern due to the small number of separations we have experienced. We hope to be able to provide a more comprehensive analysis in the next plan.

All of the separations were from various classifications. There was not any one job classification that appeared to be dominant in any way. Over half of the separated employees were promoted outside of this agency. The remaining retired or pursued other career opportunities outside State employment.

Our agency currently has an exit survey available, but found that due to the small number of employees we employ, most employees would not fill it out due to confidentiality reasons. We feel that an updated exit survey would be more beneficial in terms of centering questions around important affirmative action and employee-based issues such as flexibility in benefits and work environment, recognition of people as unique individuals, increased diversity of the work force, and competitive salary and benefits, to name just a few. We feel that by creating a new survey with positive questions, we will be able to extract the types of information which would help us as an agency to improve overall satisfaction among all current and future employees with the hope that they will want to stay with our agency. We will have this updated exit survey completed by January 2001.

The Department of Veterans Affairs' Affirmative Action Officer, Kathleen Schwartz, is responsible for the retention program activities. She can be reached at 651-297-2123.

APPENDIX A

PROTECTED GROUP CATEGORIES FOR EMPLOYMENT PURPOSES

There are three protected group categories. They include women, four ethnic/racial minorities and persons with disabilities.

Ethnic/Racial Categories

1. Black, not of Hispanic Origin—Persons having origins in any of the Black racial groups of Africa.
1. Hispanic—Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.
2. American Indian or Alaskan Native—Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
3. Asian or Pacific Islander—Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

Persons of mixed ethnic/racial background would choose the group with which they most closely identify.

Persons with Disabilities Category:

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

APPENDIX B

EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION GLOSSARY

Affirmative Action—Emphasizes the positive action steps needed to bring about change rather than a passive attitude of simple nondiscrimination.

Affirmative Action can be defined as management policies and practices used to eliminate barriers to employment opportunity that are not based on specific job requirements.

Affirmative Action Plan—A coherent set of policies and procedures designed to find and eliminate any barriers contributing to imbalance in an agency's work force and to foster the correction of any imbalances which exist.

Discrimination—Unfair treatment, intentional or unintentional, based on an individual's or group's protected class characteristics.

Disparity—The employment of fewer persons with disabilities, ethnic/racial minorities, and women in the agency's work force than would reasonably be expected based on their availability in the labor market area.

Equal Employment Opportunity—The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, membership or activity in a local commission, political affiliation, sexual orientation or other non-merit factors.

Goal—A numerical objective for the utilization of protected group members.

Individual with a Disability—A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a record of such impairment, or a person who is regarded as having such an impairment.

Harassment/Discrimination—Any behavior, or combination of behaviors, by one or more employees toward another employee or group of employees based on race, national origin, religion, sex, age, color, creed, marital status, disability, or sexual orientation, and which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance.

Protected Class/Protected Group—Those individuals identified as disabled, ethnic/racial minorities, and women, as defined by M.S. 43A.02, Subd. 33.

Reasonable Accommodation—Any 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 equal employment opportunities.

APPENDIX C

Emergencies and Evacuations

OBJECTIVE

To ensure the safety of Department of Veterans Affairs employees by providing guidelines for responding to emergencies.

POLICIES

Depending upon the type of emergency, employees of the Department of Veterans Affairs will be asked to either evacuate the building or relocate within the building. Instructions will come from the Deputy Commissioner. These instructions may be transmitted directly over the public address system.

INFORMATION

Emergencies involving probable evacuation include:

- *Fire, flame, or smoke
- *Floods (Fargo)
- *Bomb threats

Emergencies for which you may be asked to relocate inside the building include:

- *Weather-related severe storm warnings, tornadoes, or blizzards
- *Utility problems-electrical, gas, sewer or water
- *Medical, accidental or health problems
- *Chemical, environmental or individual (drugs and alcohol) problems
- *Civil disturbances or demonstrations
- *Nuclear attack or accidental plant emission

The Department of Veterans Affairs corporates an "assistant" system for all employees who are disabled or deaf/hard of hearing. The Administrative Management Director will oversee the selection of "assistants." Two "assistants" are assigned to each employee with a physical impairment. This is to provide moral support and, in absolute emergencies only, physically assist the employee who is disabled to an assigned area of safety.

The Statewide Weather Emergency Procedures

Deciding whether to declare a weather emergency

When weather conditions become hazardous for travel, it may be necessary for the state to declare a weather emergency and close state offices. Several key factors (including road maintenance, transit operation, overall weather situation, power and heating) are considered.

The Department of Employee Relations (DOER) works in conjunction with other state agencies to determine the best course of action for state employees. In particular, DOER consults with the Department of Public Safety's Emergency Management Division. This division is responsible for planning and coordinating emergency operations in the State of Minnesota and monitors the weather service, highway patrol, road crew operations, transit operations, and other emergency indicators. DOER also consults with the commissioners of the Departments of Public Safety and Transportation.

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.

How to Find Out About a Weather Emergency

If an emergency is declared, DOER will give the following announcements to WCCO radio (830-AM) 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 area). 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 (8:00a.m.) DOER will 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 will be notified by telephone and fax prior to the declaration. DOER will also notify the media of the declaration.

There may be times when weather and travel conditions are poor, but criteria for declaring a weather emergency are not met. In these situations, DOER will provide the following announcement to WCCO 830 and WMNN 1300, KSTP, WCCO, and KARE TV. The announcement will also be forwarded to the Associated Press (AP) to be put on the news wire for radio stations in greater Minnesota.

“State of Minnesota offices will be open. Employees designated as essential under individual agency weather condition policies are expected to report to work. Other employees should use judgement and discretion in reporting to work. Absences due to weather may be covered by vacation, compensatory time or other arrangements.”

Please note:

MnSCU (Minnesota State Colleges and Universities) has statutory authority to close its own facilities independently of other state offices or agencies. These weather emergency procedures do not apply to MnSCU.

If You Are Deaf/Hard of Hearing

Consult with you supervisor to arrange a procedure that is most appropriate for you to learn about weather emergencies. If you have a TDD/TTY machine, (telecommunication device for the deaf) you may make arrangements for you supervisor to contact you through the Direct Connect Minnesota Relay Service (MRS) at 1-800-627-3529.

Reporting Weather Emergency Leave on Timesheets

Several days following a weather emergency, the Department of Veterans Affairs will receive written notification from DOER which includes the time, date, and geographic location of the emergency along with processing information to pay employees. At that time, the Department's Payroll Technician will send a notice on E-Mail/Fax with details on how to report the weather emergency leave on payroll timesheets.

PROCEDURES

ROLES

Deputy Commissioner-Jeff Olson

Managers - Dennis Forsberg, Terry Logan, Kathy Schwartz

Employee - All Department of Veterans Affairs Employees

TASK	RESPONSIBILITY	ACTION - FIRE
1.	Employee	If fire or smoke is observed and no alarm has been sounded, move to a safe area and immediately contact emergency operator at - 9-911. State your name, location - Floor, and Room Number and explain the nature of the problem. Evacuate the building using the stairwell closest to you (DO NOT USE THE ELEVATORS) .
2.	Employee	Prior to moving through any closed door, check the door with your hand; if it is hot, move to an alternate exit. If the door is not hot, open slightly to check for fire, odor, or smoke. If moderate amounts of smoke are detected, have a volunteer check that the route is clear before having others go on. If strong odors, smoke or fire are encountered, close the door and move to an alternate exit.
2.(a)	Employee	*DVA employees with visitors will take the responsibility for showing the visitors to the evacuation area. *Employees assigned as "Assistants" to impaired employees should move, if safe, to find the employees and evacuate them to the pre-assigned stairwell.
2.(b)	Employee	Once you have evacuated, move away from the building. If you have an assigned assembly point, go to it. If you do not have a pre-assigned assembly point, go to the parking lot nearest your stairwell. Stay with others from your unit to assure them you are safe.
3.	Managers	Once at the evacuation site, the managers will: *confirm the location of all employees by conducting a head count *try to resolve the whereabouts of all missing personnel *keep employees informed on the status of the emergency

TASK	RESPONSIBILITY	ACTION -FIRE
4.	Deputy Commissioner	Report the location of all employees still in the building to the emergency personnel.
5.	Deputy Commissioner	Will announce the "All Clear" when and if the emergency personnel deem it safe to return to the building.
		ACTION - BOMB THREATS RECEIVED OVER TELEPHONE
1.	Employee	If you receive a bomb threat, pay attention, ask questions and attempt to determine: *the location of the bomb *Time set for detonation *Description of the bomb *What is the type of explosive *Why was it placed *Who placed it; ask for the persons names
2.	Employee	If you can keep the person on the line, have another employee contact Capital Security at 296-2100 and then notify the deputy commissioner if here or one of the managers.
3.	ALL Employees	When an alert is issued, look around the area for suspicious packages, letters, or boxes, i.e.: *envelopes or parcels that emit peculiar odors *parcels that are stained *parcels that have protruding wires, tinfoil or visible strings *parcels that make a sloshing sound *letters that are bulky, appear uneven or lopsided, feel rigid *packages in reused cartons with traces of previously used labels, Return addresses, glue or tape *packages that are unprofessionally wrapped and often marked Fragile, Handle with Care, Rush, or Do Not Delay *materials with no return address *parcels that have homemade labels with cut-and-paste lettering *parcels that have excessive numbers or amounts of postage
4.	All Employees	If any item is discovered, DO NOT TOUCH OR MOVE IT. Contact Capitol Security at 296-2100.
5.	All Employees	If you are asked to evacuate the buildings, the fire alarms will be sounded and you should evacuate immediately.
6.	Managers	Once at the evacuation site, the Managers will: *Confirm the location of all impaired employees assigned to their group *Conduct a head count and try to resolve the whereabouts of all personnel assigned to their group *Keep employees informed on the status of the emergency

TASK	RESPONSIBILITY	ACTION- BOMB THREATS (con't)
7.	Deputy Commissioner	Report to the emergency personnel the location of all employees still in the building.
8.	Deputy Commissioner	Will announce the "All Clear" when and if the emergency personnel deem it safe to return to the building.
		ACTION - SEVERE WEATHER AT WORK
1.	Deputy Commissioner	In the event the building becomes endangered by a storm, the Deputy Commissioner will issue relocation instructions.
2.	Managers	Managers will: *direct employees and visitors to move away from windows and move to safe areas. *if requested by the Deputy Commissioner, conduct a head count and try to resolve the whereabouts of all personnel assigned to their group *Report to the Deputy Commissioner any problems or unaccounted for employees *Keep employees informed on the status of the emergency
3.	Individuals Assigned as "Assistants"	If safe, find the employees who are disabled and evacuate them to the nearest stairwell.
4.	Deputy Commissioner	Will announce the "All Clear" when and if the National Weather Service or local authorities deem it same.
		ACTION - SEVERE WINTER WEATHER
1.	All DVA Employees	In the winter, prior to your work shift, monitor WCCO on 830 AM for delay of start times or closure of State Offices.
2.	Deputy Commissioner	Closure after the start of a shift will be announced by the Deputy Commissioner as directed by the Commissioner of the Department of Employee Relations and the Commissioner of Veterans Affairs
3.	Deaf/Hard of Hearing Employees	IF YOU HAVE A HEARING IMPAIRMENT - Consult with your supervisor when you start as an employee with this department so arrangement can be made appropriate for you to learn about weather emergencies. If you have a TDD/TTY machine, (telecommunication device for the deaf) you may make arrangement for your supervisor to contact you through the Direct Connect Minnesota Relay Service (MRS) at 1-800-627-3529.

TASK	RESPONSIBILITY	ACTION - MEDICAL EMERGENCIES
1.	Employee	If serious injury or illness occurs in your area, immediately dial or have someone dial 9-911. Be prepared to give the following information: *your name and location - floor, room *symptoms of the victim *have another employee contact the Receptionist desk (296-2562) and inform receptionist so that they may direct emergency personnel *support the victims needs *if there is visible blood, take necessary precautions not to contaminate yourself or coworkers
2.	Employee	For illness or injury of a less severe nature, contact your supervisor. If the supervisor is unavailable, contact the Receptionist desk (296-2562) and provide them with all the information you have. *support the victims needs *if there is visible blood, take necessary precautions not to contaminate yourself or coworkers
		ACTION - CIVIL DISTURBANCES OR DEMONSTRATIONS
1.	Employee	If the disturbance occurs in your area, immediately contact the Deputy Commissioner at 296-2345 - and provide him with all the information you have.
2.	Deputy Commissioner	Will issue any further instructions or procedures.
3.	Employee	Should remain calm, if possible continue working, stay out of harms way and be prepared to secure or restrict access to confidential records.
4.	Employee	If the disturbance occurs outside the building, immediately contact the Deputy Commissioner at 296-2345 and provide him with all the information you have.
5.	Deputy Commissioner	The Deputy Commissioner will: *notify the local police department *keep building occupants advised of any threatening condition *advise the building occupants of areas to avoid *be the only focus of any media attention
6.	Employee	Must not give any information to the media without the consent of the Deputy Commissioner.
		ACTION - POWER OR PHONE OUTAGE
1.	Employee	If you experience an outage, either call Administrative Services at 297-4143 or contact them in person in Room 207A. If the phone is the problem, try using someone elses phone to determine if the problem is just an isolated instance.
2.	Accounting Technician	The accounting technician will advise employees of any further action.

DEPARTMENT OF VETERANS AFFAIRS

COMPLAINT OF DISCRIMINATION/DISCRIMINATORY HARASSMENT

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/Designee, the complainant, the respondent, appropriate supervisory personnel and the Commissioner of Employee Relations.

COMPLAINANT (you)

Name _____ Job Title _____
Work Address _____
Agency _____ Telephone _____

RESPONDENT (person who discriminated against you)

Name _____ Job Title _____
Work Address _____
Agency _____ Telephone _____

THE COMPLAINT

Basis of Complaint ("X" all that apply):

Race Color Disability Sex Age
 Creed Marital Status Sexual Orientation
 Religion National Origin Status With Regard to Public Assistance
 Membership or Activity in a Local Commission on Human Rights

Date most recent act of discrimination took place:

If you filed this complaint with another agency, give name of that agency:

DESCRIBE HOW YOU HAVE BEEN DISCRIMINATED AGAINST (NAME, DATES, PLACES, ETC.) (PLEASE USE BACK OF THIS FORM FOR ADDITIONAL DETAILS)

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:

- | | |
|---|---|
| <input type="checkbox"/> Making facilities readily accessible | <input type="checkbox"/> Modification of equipment or devices |
| <input type="checkbox"/> Job restructuring | <input type="checkbox"/> Qualified reader or interpreter |
| <input type="checkbox"/> Part time or modified work schedule | <input type="checkbox"/> Acquisition of equipment or devices |
| <input type="checkbox"/> Modification to a rule, policy or practice | <input type="checkbox"/> 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: _____