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AFFIRMATIVE ACTION PLAN

FOR

MINNESOTA BOARD OF PHARMACY
2829 UNIVERSITY AVE. SE. #530
MINNEAPOLIS, MN 55414-3251

MAR 08 2000

PHONE (612) 617-2201

2000-2002

Affirmative Action Plan

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STATEMENT OF COMMITMENT

The Board of Pharmacy 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, membership or activity in a local commission.
- 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 Programs are implemented, since I am the individual who can ultimately make the most impact on this program. I shall have a statement in my position description on my affirmative action responsibilities.

In order to administer the plan most effectively, I have delegated this responsibility to the Affirmative Action Designee, Patricia Eggers, who will act as the Board's Affirmative Action Officer and who will be responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the Board'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 Board's official bulletin board.



Executive Director



Date

INTERNAL DISCRIMINATION AND/OR HARASSMENT COMPLAINT PROCEDURE

The Board of Pharmacy has established the following discrimination/harassment complaint procedure, to be used by all employees, eligibles, or applicants. This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. We encourage employees to use this internal procedure before filing a charge with the Department of Human Rights or other agencies. 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/Designee (AAO) for information and for access to data and records, for the purpose of enabling the AAO to carry out his/her responsibilities under the 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 race, creed, color, sex, sexual orientation, age, national origin, religion, status with regard to public assistance, marital status, disability, membership or activity in a local commission may file a complaint.

Filing Procedures

1. The employee, eligible, or applicant completes the "Complaint of Discrimination Form," provided by the AAO. Employees should file the formal complaint within 10 days of the occurrence of the event-giving rise to the complaint. The AAO will, if requested, provide assistance in filling out this form.
2. The AAO determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age; or if the complaint is of a general personnel nature. 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, within 10 working days, named as respondents and outline the basic facts of the complaint. The respondent will be asked to provide a response to the allegations within ten to fifteen working days. The AAO will also notify the complainant of the determination.
3. The AAO shall investigate the complaint and provide a written answer within sixty (60) days after the formal complaint is filed.
 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, i.e. 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 complainant, the respondent(s), and the Executive Director dismissing the complaint.
 7. The AAO shall maintain records of all complaints and any pertinent information or data for three years after the case is closed.
 8. Dispensation of the complaint will be filed with the Commissioner of DOER within 30 days of final determination.
 9. All documentation, associated with a complaint, shall be considered confidential information during the course of an investigation. The status of the complaint, however, will be provided to the complainant and respondent. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

MN Board of Pharmacy
 2829 University Avenue SE, Suite 530
 Minneapolis, MN 55414-3251
 (612) 617-2201

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
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Affirmative Action Officer Signature	Date
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OBJECTIVE TO HIRE PROTECTED GROUP MEMBERS

Since the submission of our last biennial budget in 1999, the Minnesota Board of Pharmacy has had three permanent, full-time vacancies in our eleven-employee office.

The Board of Pharmacy is currently under-utilized in minority and disabled protected group members. Accordingly, when the Board of Pharmacy has a vacancy, it will make an effort to recruit and hire minorities and persons with disabilities.

REASONABLE ACCOMMODATION POLICY

POLICY

The Board of Pharmacy is committed to encouraging the promotion and employment of people with disabilities. The Board of Pharmacy will make reasonable accommodations to the limitations of a qualified applicant or current employee with a disability, unless the accommodation would impose an undue hardship on the agency.

In an effort to comply with the ADA and the Minnesota Human Rights Act, accommodations will be provided to qualified individuals, whether an employee, employee seeking promotion, or job applicant, when such accommodations are directly related to performing a job or competing for a job. Accommodations will not be provided for non job-related personal needs, such as transportation to and from work.

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

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 desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area, special parking facilities, or other types of similar modifications.
3. Job restructuring. This may include modification of work hours and/or changing job duties while retaining the basic job functions.
4. Support services. Services such as interpreters for individuals who are deaf or hard of hearing, readers for the blind, or special attendants.
5. Re-assignment to a vacant position of equal status when possible and appropriate.

Requests for Reasonable Accommodations for Employees or Employees Seeking a Promotion

The steps to request a reasonable accommodation are:

1. The supervisor or AAO and the individual with the disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job site modification, and accessible devices.
2. The supervisor must inform the affirmative action officer of the request and submit a request for accommodation. The request will include a justification for the request, including a statement of the limitations, the suggested accommodation, approximate cost, and any other pertinent information.
3. The affirmative action officer will assist the supervisor by providing the necessary resources.
4. If approved by the supervisor and AAO, the supervisor will forward the request form to the Affirmative Action Office within seven (7) working days upon receiving the request.
5. The Affirmative Action Officer will review the request and assist the supervisor in making the accommodation. If the accommodation will cost a significant amount (an amount already determined by each agency head), the affirmative action officer will forward it along with his/her recommendation to the agency head within three (3) working days.
6. The decision is provided, in writing, to the supervisor and employee within five (5) working days after the determination is made by the Executive Director.
7. The Affirmative Action Officer will maintain all documents pertaining to the accommodation.
8. The AAO shall request documentation of the individual's functional limitations to support the request, however all medical documentation will remain separate and confidential.

Funding for Reasonable Accommodation

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.

Request for Reasonable Accommodations for Job Applicants

1. All initial communication between a job applicant and the Executive Director, 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 Executive Director 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. If the job applicant is dissatisfied with the AAO's decision he/she may appeal the decision to the agency head.

If the job applicant believes that the requested accommodation was denied for discriminatory reasons, the Affirmative Action Officer shall inform the job applicant of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

Supported Work

The Board of Pharmacy will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported workers candidates will be requested from DOER. The Board of Pharmacy will work with, Jonna Morken Hardy, the State ADA/Disability Coordinator, to recruit and hire individuals for supported employment if such a position is created.

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 employees who are deaf or hard of hearing 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 uses a TTY to communicate over the phone, and an emergency is called, the supervisor will contact the employee via the Minnesota Relay Service (MRS) at 1-800-627-3526 to inform the employee of the weather emergency.

Minnesota
Department of
Employee
Relations

Leadership and partnership in
human resource management

RECEIVED AT
NOV 17 1997
MINNESOTA BOARD
OF PHARMACY

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.

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

BUILDING EVACUATION

All Board employees have received a copy of the University Park Plaza tenant handbook, which contains the building evacuation procedure.

HARASSMENT POLICY

Statement of Policy

It is the policy of the Board of Pharmacy to prohibit verbal and physical harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, age, sexual orientation, or disability. Any employee subjected to such harassment should file a complaint with the Affirmative Action Officer or Executive Director. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

The Executive Director is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior, and the Executive Director will be responsible for orienting his/her staff to the Board policy. The Affirmative Action Office will be expected to keep the organization apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, the Executive Director will be responsible for:

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

Definitions

Harassment is any behavior which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform and the basis of which is race, religion, creed, color, age, national origin, sex, sexual orientation, disability, marital status, status with regard to public assistance, membership or activity in a local commission. 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 Equal Employment Opportunity Commission as "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Sexual harassment may take different forms.

1. One form is the demand for sexual favors.
2. Verbal: unwelcome innuendoes, suggestive comments, and jokes of a sexual nature, sexual propositions, or threats.
3. Non-Verbal: unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
4. Physical: unwelcome physical contact, including touching, pinching, brushing by the body, coerced sexual intercourse, or assault.

Employees who experience harassment should bring the matter to the attention of a supervisor or the agency Affirmative Action Officer or Executive Director. In fulfilling the obligation to maintain a positive and productive work environment, the Executive Director is expected to stop such harassment between co-workers through appropriate action based on the seriousness of the incident. S/He is also expected to prevent any reprisal taken against an employee who initiates a complaint.

Employees who experience harassment from members of the public should bring the matter to the attention of a supervisor or the agency Affirmative Action Officer or Executive Director. In fulfilling the obligation to maintain a positive and productive work environment, the Executive Director is expected to address such harassment. S/He is also expected to address any reprisal against an employee who initiates a complaint.

Procedure

Any employee of the Board, who believes that s/he has been harassed based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, age, sexual orientation, or disability, may file a complaint.

Complaints of harassment should be filed using the internal discrimination complaint procedure included in the Board affirmative action plan.