



## MINNESOTA STATE COUNCIL FOR THE HANDICAPPED



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AFFIRMATIVE ACTION IN STATE GOVERNMENT

TESTIMONY

TO THE GOVERNOR'S AFFIRMATIVE ACTION COUNCIL  
 BY THE MINNESOTA STATE COUNCIL FOR THE HANDICAPPED  
 RICHARD RAMBERG, EXECUTIVE DIRECTOR  
 APRIL 30, 1984

### INTRODUCTION

The goal of our Council is to promote true equal employment opportunity for all persons, including people with disabilities and other protected groups. To this end we urge full implementation of state affirmative action, removal of barriers to equal opportunity, and the closing of all disparities which currently exist.

Because of our specific expertise, our comments will be directed to affirmative action for people with disabilities. By this we mean people with all types of physical, mental, emotional, sensory, learning and other disabilities. The comments and recommendations presented today have been developed through a review of information regarding the current employment of disabled persons in state government and through a series of discussions with members of the Council for the Handicapped from throughout Minnesota and other knowledgeable persons within and outside of state government.

We share with Governor Perpich the desire that state government set an example for all Minnesota employers with regard to affirmative action and equal opportunity. We are pleased to provide this testimony to the Governor's Affirmative Action Council and will be happy to provide whatever additional assistance your Council may wish.

### BARRIERS

An effective affirmative action/equal opportunity program must encompass a number of important elements: commitment; responsibility and accountability; goals and tracking; recruitment and testing; training; accommodations; and authority, reportability and organization. We believe that barriers exist in these program elements which must be removed if Minnesota State Government is to achieve our goal of an effective

affirmative action/equal opportunity program.

Commitment: We need an effective affirmative action program, not just plans.

We need a clear emphasis and commitment for affirmative action on all levels beginning with the Governor, his department commissioners and agency directors, and on down. We need enforcement of existing laws and regulations.

We recommend legislative and executive action to establish clear responsibility, authority, accountability and enforcement mechanisms for state affirmative action.

#### GOALS AND TRACKING

Statistics regarding the employment of people with disabilities are difficult to obtain, but are important for affirmative action planning and tracking. In this regard, agreement on the definition of disability to be used is crucial. Various specific state programs utilize definitions of eligibility which are necessary for their own program operation. Varying and variable definitions for affirmative action, however, will perpetuate confusion and make goal setting and tracking impossible. It is essential therefore that there be agreement on a definition so that a stable affirmative action program can be established.

The current goal for handicapped employment in state government of 8.2% was developed by the Department of Employee Relations utilizing the Division of Vocational Rehabilitation Incidence and Prevalence Study as a base. We believe this a good starting point. However, we agree with department staff that this goal may well not accurately reflect the employment needs of handicapped persons. For example, no information was available which would differentiate between various state government job classifications or with regard to the severity of disability or skills of individual persons. In any case, the disparity between current employment of disabled persons in state government, i.e., 5.32%, and the goal of 8.2% is the largest disparity of any protected group.

We recommend that the Council for the Handicapped facilitate a new incidence and prevalence study with the cooperation of all appropriate agencies to provide

updated information regarding disabled persons in Minnesota with specific reference to employment.

We recommend that the Federal Section 504 and State Human Rights Act definition of disability continue to be used as the basis for state affirmative action planning and programs.

We recommend that the Department of Employee Relations increase its efforts to verify the status of state employment by people with disabilities and to determine how disabilities effect an individual's ability to do the job.

We recommend that the overall goal of 8.2% for state employment by disabled persons be maintained at this time and that the Department of Employee Relations together with the Council for the Handicapped investigate the possible use of techniques such as the vocational rehabilitation case difficulty index which may better identify the severity of individual disabilities and thus enable increased focus on employment opportunities for persons with severe disabilities.

We recommend that affirmative action goals be established for every state manager, supervisor, or other person with hiring and/or promoting authority and that performance indicators be developed which will recognize both the quality and quantity of action by such individuals within their individual authority.

We recommend that the Equal Opportunity Division of the Department of Employee Relations place priority emphasis on assisting agencies and on enforcing affirmative action requirements in agencies which have not achieved the goal of 8.2% handicapped employment by July 1, 1984.

We recommend that the goal of 8.2% be achieved by every agency within every bargaining unit by July 1, 1986.

#### RECRUITMENT AND TESTING

Handicapped persons often do not appear on state certification lists: they are not aware that job openings exist or they have not applied. To be successful, recruitment must be consistent and must develop positive relationships in the community. It is perceived by many that state government does not make most effective use of job promotion opportunities. We believe firmly that we must maximize the number of handicapped

persons where eligible for state jobs and who appear on certification lists. A major outreach effort will be needed to accomplish this objective.

We recommend that DOER as the central employment agency of state government increase its contacts with disabilities organizations and, moreover, initiate a major, statewide publicity outreach effort through the print and electronic media.

We recommend that DOER accept applications for employment at any time, whether or not a specific job classification test is open.

We recommend that DOER notify persons who have applied for state employment when the specific test for which they have applied is open.

We recommend that DOER develop a system to notify disabilities organizations when classification tests are to be open.

We recommend that DOER communicate to all disabled applicants their rights and responsibilities and the grievance procedures which are available to individuals if needed.

We recommend that DOER promote and publicize both current jobs and trends in future state employment opportunities so as to allow individuals and rehabilitation agencies to best prepare disabled persons for state employment.

We recommend that the Council for the Handicapped assist by publicizing general state employment information in its newsletter and by information and referral to individuals and employers who contact the Council from throughout the state.

We recommend that, when a disparity exists, a job examination be open on request by a handicapped person who is interested in applying for that specific examination.

We recommend that consideration be given to requiring that every certification list include a certain percentage, to be determined, of handicapped persons or that all certification lists be open permanently to allow for disabled persons to test and thus to become qualified for state employment in a more timely fashion.

We recommend that vocational rehabilitation agencies work more closely with the

Department of Employee Relations to assure effective communication and application for state employment by interested persons.

We recommend that state agencies and DOER fully utilize the "HireAbility" project hotline for employers, 1-800-328-9095, so as to assure earliest possible contact between job openings and qualified disabled persons.

#### 700 Hour Trial Work Period:

We believe that the regular testing process for state employment with accommodations provided for specific disabilities should always be used unless a person absolutely cannot test fairly through this regular process. The 700 Hour Trial Work Program is a valuable alternative to permit an individual to demonstrate ability to do a job when the regular testing process cannot be utilized. New legislation simplifies the procedures to be used for this program. It is important, however, that the program be operated as intended.

We recommend that the rules for the 700 Hour Trial Work period to be developed by the Department of Employee Relations include criteria of performance so as to assure that an individual will move out of this trial work period into regular employment as soon as he or she has demonstrated ability to do the job.

We recommend that the rules to be developed include grievance procedures and advisory assistance by the Council for the Handicapped when disputes in the 700 Hour Trial work program occur.

We recommend that consumer involvement be utilized to the fullest degree possible in the development of rules for this program.

#### TRAINING

Affirmative action officers and other who are involved in the hiring and promoting processes often do not know the laws and regulations which govern affirmative action and equal opportunity for disabled persons nor do they often know from experience or training how to effectively work with disabled persons.

We recommend that all state managers, supervisors, union officials, and Department of Employee Relations staff be required to receive training in disabilities awareness, laws and regulations, available resources, the application of reasonable

accommodations, development of position descriptions, and interviewing techniques. We recommend that a pilot project be initiated to train selected line employees in the areas specified above and that, if successful, this training be offered to all state employees.

#### ACCOMMODATIONS

Studies show that 51% of all accommodations needed by disabled persons to be employed cost nothing and that an additional 30% cost from \$1.00 to \$500.00. Yet, accommodations are often not implemented by employers. To date, only approximately 60% of state agencies with which the Council has worked have developed reasonable accommodations is an individual decision process based on the needs of the employee, we believe that it makes sense for an agency to plan ahead so as to be best able to meet individual and agency needs.

We recommend executive leadership to require all agencies to develop reasonable accommodations plans.

We recommend that the advisory assistance of the Council for the Handicapped be utilized by state agencies even more fully than is now the case.

We recommend that the Department of Employee Relations provide reasonable accommodations to applicants for state employment and that the Council for the Handicapped be utilized by the department when problems or disputes in the provision of such accommodations arise.

#### AUTHORITY, REPORTABILITY AND ORGANIZATION

Affirmative action officers often report to other employees whose responsibilities conflict with those of the affirmative action officer. In many cases, affirmative action officers have other responsibilities which take time away from affirmative action. The authority levels established by individual agencies often make action by the AAO difficult. In addition, several different entities, for example the Statewide Affirmative Action Council and the Section 504 Coordinators' Network, are addressing affirmative action and equal opportunity issues independently.

We recommend that DOER evaluate affirmative action officer positions to develop a

more rational system with performance indicators aimed at effective program implementation.

We recommend that affirmative action officers report directly to their department heads or to deputy department heads with agency-wide authority.

We recommend that the Equal Opportunity Division remain in the Department of Employee Relations, but that it be strengthened with regard to its ability to monitor affirmative action performance by agencies and individual managers and supervisors and with regard to its ability to report to the Governor the results of affirmative action programs.

We recommend that DOER work closely with the Council for the Handicapped as the central disabilities information and advisory resource in state government to reorganize affirmative action advisory activities so as to be more cohesive and meaningful.

#### CONCLUSION

The focus of affirmative action must be on the individual. To be effective, however, it is essential that a statewide cooperative effort and a statewide commitment to affirmative action and equal opportunity be assured. The creation of the Governor's Affirmative Action Council presents a new opportunity to achieve this goal. We look forward with great and positive expectations to your recommendations.

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