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MINNESOTA
DEPARTMENT OF REVENUE

AFFIRMATIVE ACTION PLAN

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STATE OF MINNESOTA
DEPARTMENT OF REVENUE

May 15, 1987

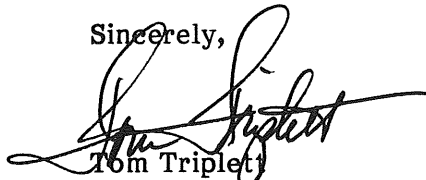
Elsa Vega-Perez, Director
Equal Opportunity Division
Department of Employee Relations
520 Lafayette Road, 3rd Floor
St. Paul, MN 55101

Dear Mrs. Perez:

Pursuant to Minnesota Statutes, Section 43A.191 and Affirmative Action Rules, State of Minnesota 2MCAR, Section 2.293, the attached Affirmative Action Plan is submitted for approval. This plan has been reviewed and accepted by the Department's Affirmative Action Advisory Committee.

The Affirmative Action Plan reflects my views towards the implementation of Affirmative Action Policy to provide equal employment opportunity within the Department of Revenue.

Sincerely,



Tom Triplet
Commissioner of Revenue
(612) 296-3401

AFFIRMATIVE ACTION PLAN

Fiscal Year 1987

For

Department of Revenue

(Agency or Agency Subdivision)

1. This annual review revealed underutilization of the following protected group(s) in the following goal units: (Check each unit appropriate)

GOAL UNITS	PROTECTED GROUPS			
	WOMEN	MINORITIES	HANDICAPPED	VETERANS
Law Enforcement				
Craft, Maintenance, Labor Service	X	X	X	
Health Care Non-Professional				
Health Care Professional				
Clerical			X	X
Technical				X
Correctional Guards				
State University Instructional				
Community College Instructional				
State University Administrative				
Professional Engineering Supervisory				
Health Treatment Professional				
General Professional	X		X	
Professional State Residential Instructional				
Supervisory	X	X	X	
Commissioner's Plan	X		X	
Managerial Plan	X		X	X
Other				

2. This annual plan is and will be posted at the following central location so that every employee is aware of the department's commitments in affirmative action for the year.
Copies of the plan will be posted on all bulletin boards in each operating location within the Department.

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

J. Williams
Affirmative Action Officer

5-15-87
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.

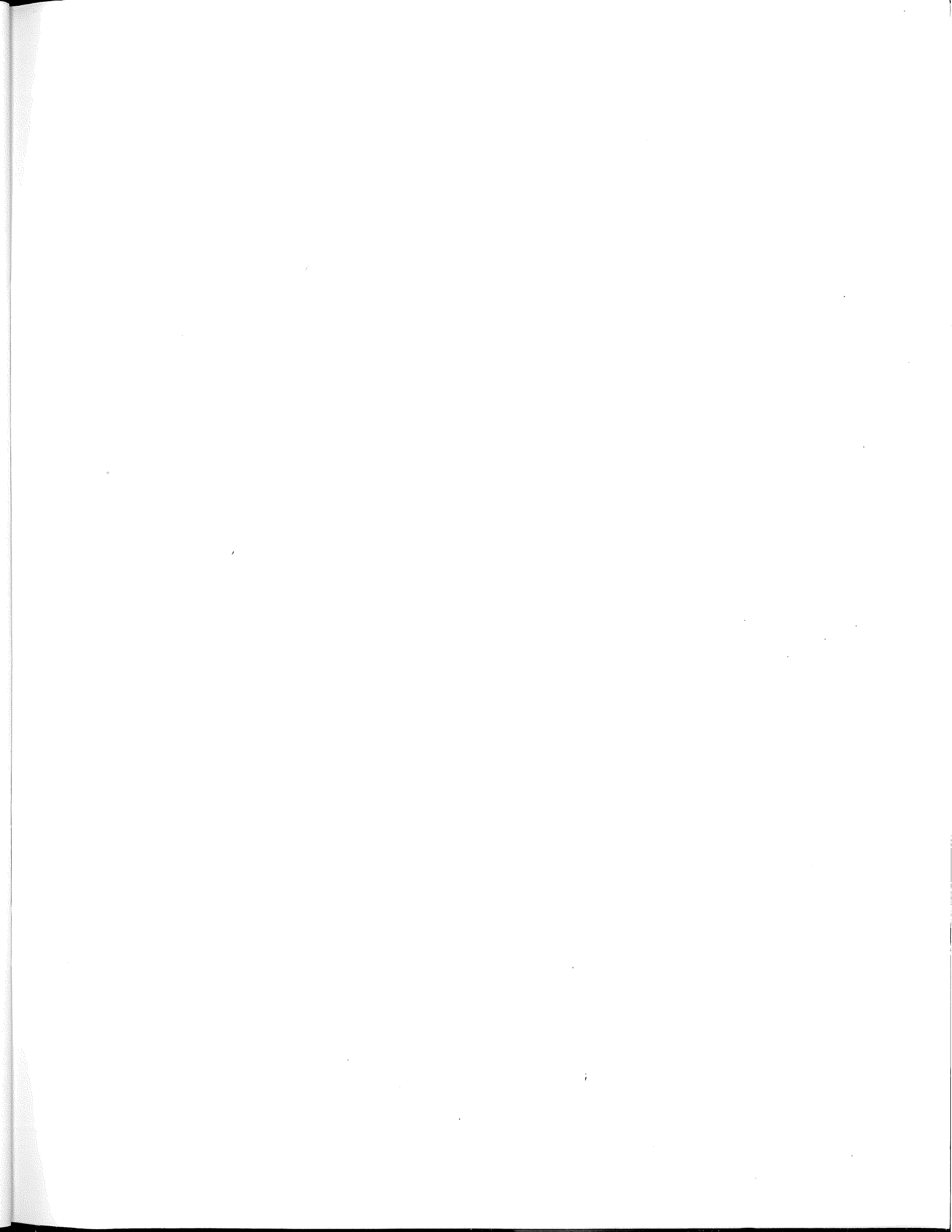
A. Hughes
Agency Head

5/2/87
Date

5. This annual plan meets the rules governing affirmative action, Chapter 20: 2 MCAR 2.290-2.299, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Bonnie Watkins
Equal Opportunity Division

6/12/87
Date



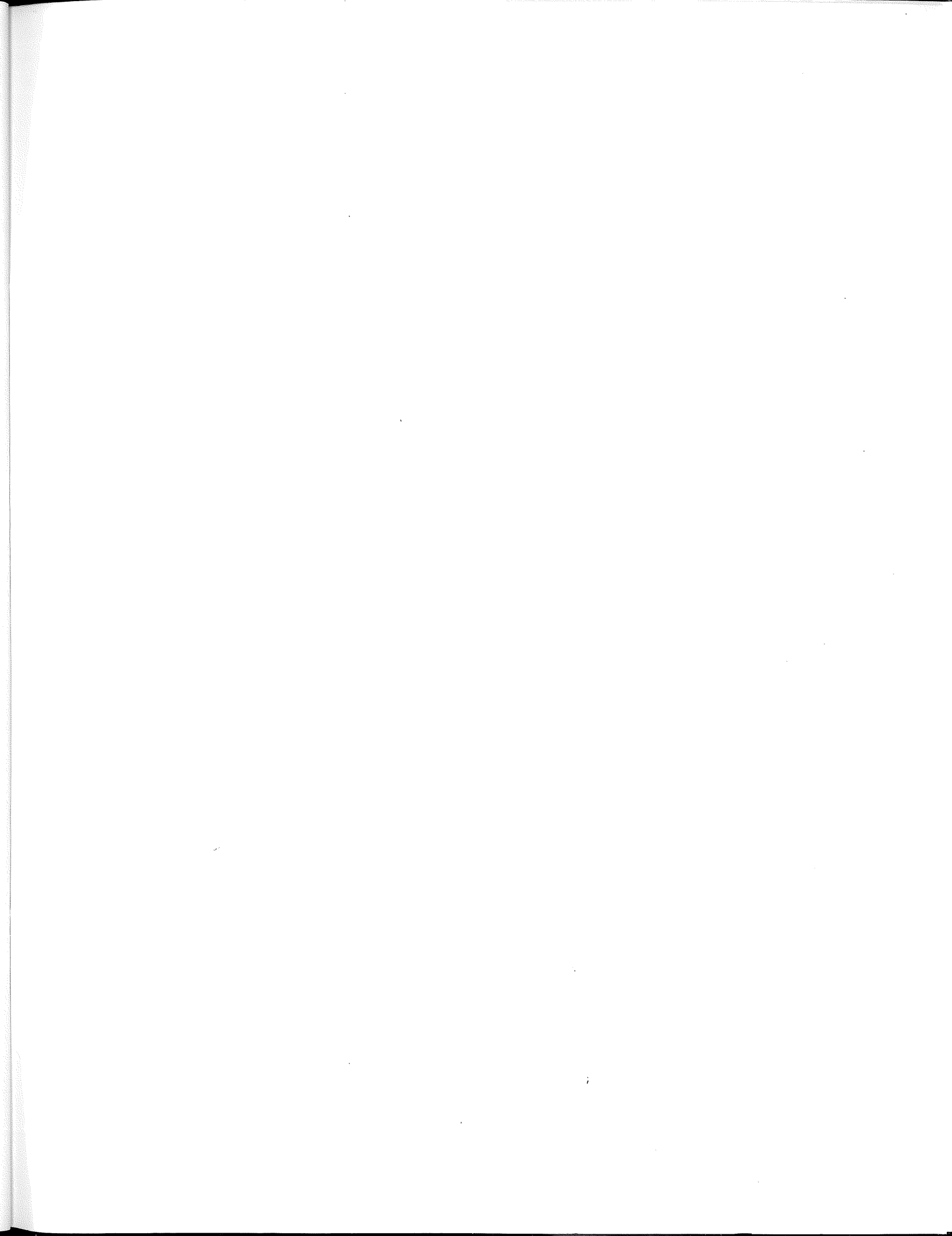
MINNESOTA DEPARTMENT OF REVENUE

AFFIRMATIVE ACTION PLAN

EFFECTIVE JANUARY 31, 1987

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STATE OF MINNESOTA

DEPARTMENT OF REVENUE

THE COMMISSIONER'S STATEMENT OF COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

There is a substantial disparity between the promise of equal employment opportunity and actual practice. With a resolve to reconcile this disparity, it is the policy of the Department of Revenue to actively pursue a vigorous program of affirmative action designed to provide equal employment opportunity to all employees and candidates for employment. The provision of equal employment opportunity is a top priority goal of the Department.

I hereby affirm my personal commitment and the commitment of the Department to an aggressive program to assure equal employment opportunity without regard to age, race, creed or religion, color, Vietnam era veteran status, handicap, sex, marital status, national origin or ancestry, or political affiliation.

The Department's policy will be implemented by an ongoing active affirmative action program. The program will affect all employment practices including recruitment, testing, certification, hiring, transfer, promotion, training, compensation, benefits, layoff, termination, and retention. I am committed to retaining the gains made in the past. A substantial effort will be made in the initiation and support of all employee development activities designed to aid retention, improve performance, and provide promotional opportunities.

It is my expectation that each employee will support the Department's Affirmative Action Program to assure that the practice of fair and equitable employment coincides with the promise. Each employee is requested to become familiar with the contents of the attached Minnesota Department of Revenue Affirmative Action Plan and to make a sincere commitment to the letter and spirit of the policy and procedures established by the Plan. Managers and supervisors will be held accountable for their role in the implementation of the plan and will be evaluated on these accomplishments when their performance and objectives are reviewed.

In summary, each person is to share full responsibility for the implementation of the policy and accomplishment of the goal of Equal Employment Opportunity. To achieve this goal each of us is required to make a complete commitment to and actively participate in the Department's program of affirmative action.

**AFFIRMATIVE ACTION NUMERICAL OBJECTIVES
LABOR MARKET STATISTICAL DATA BY OCCUPATIONAL CATEGORY**

As of October 14, 1986

Listed below are goals and timetables which have been established to
correct disparities among protected group members as indicated

EXHIBIT #1

RACIAL MINORITIES

Occupational Categories	Total Employees	Total Racial Minority *Employees	Percentage	Ideal ** Goals	Realistic ***Goals FY/87	Disparity (Number Needed To Reach Ideal Goal)	HIRING OBJECTIVES FOR FY/87
Service	3	0	0	4.69%	No Goal	1	0
Office and Clerical	397	31	7.80%	4.69%	No Goal	0	N/A
Technical	10	2	20.00%	4.69%	No Goal	0	N/A
Engineers	2	0	0	2.61%	No Goal	1	0
General Prof.	448	21	4.69%	4.69%	No Goal	0	N/A
Supervisory	74	1	1.35%	4.46%	2.70%	2	1
Comm. Plan	31	2	6.45%	4.69%	No Goal	0	N/A
Managerial Plan	22	2	9.09%	4.69%	No Goal	0	N/A

* See Appendix B for definition.

** "Ideal goals" are established by the Department of Employee Relations using Labor Market Statistics.

*** "Realistic goals" are established by the Department of Revenue based on hiring projections.

AFFIRMATIVE ACTION NUMERICAL OBJECTIVES (Cont.)

EXHIBIT #2

FEMALES

Occupational Categories	Total Employees	Total Female *Employees	Percentage	Ideal Goals	Realistic Goals FY/87	Disparity (Number Needed To Reach Ideal Goal)	HIRING OBJECTIVES FOR FY/87
Service	3	0	0	33.33%	No Goal	1	0
Office and Clerical	397	356	89.67%	44.57%	No Goal	0	N/A
Technical	10	7	70.00%	44.57%	No Goal	0	N/A
Engineers	2	0	0	7.18%	No Goal	1	0
General prof.	448	139	31.02%	44.57%	31.91%	60	4
Supervisory	74	25	33.78%	40.00%	35.13%	5	1
Comm. Plan	31	12	38.70%	44.57%	41.93%	2	1
Managerial Plan	22	3	13.64%	27.99%	22.73%	3	2

*Racial Minority Females are also included in Exhibit #1 above.

AFFIRMATIVE ACTION NUMERICAL OBJECTIVES (Cont.)

EXHIBIT #3

HANDICAPPED

<u>Occupational Categories</u>	<u>Total Employees</u>	<u>Total Handicapped Employees</u>	<u>Percentage</u>	<u>Ideal Goals</u>	<u>Realistic Goals FY/87</u>	<u>Disparity (Number Needed To Reach Ideal Goal)</u>	<u>HIRING OBJECTIVES FOR FY/87</u>
Service	3	0	0	8.20%	No Goal	1	0
Office and Clerical	397	15	3.78%	8.20%	4.03%	17	1
Technical	10	1	10.00%	8.20%	No Goal	0	N/A
Engineers	2	0	0	8.20%	No Goal	1	0
General Prof.	448	26	5.80%	8.20%	6.02%	11	1
Supervisory	74	4	5.40%	8.20%	No Goal	2	0
Comm. Plan	31	0	0	8.20%	3.22%	3	1
Managerial Plan	22	0	0	8.20%	No Goal	2	0

Note: The stated numerical affirmative action goals for handicapped (8.2%) and Vietnam era veterans (9.0%) are general statewide goals. Statistical information about the number of handicapped and Vietnam era veterans in various occupational categories in Minnesota are unavailable, so "ideal goals" percentages in each occupational category have not been determined. Therefore, the above goals were uniformly applied to all occupational categories for these two protected classes.

AFFIRMATIVE ACTION NUMERICAL OBJECTIVES (Cont.)

EXHIBIT #4

VIETNAM ERA VETERANS

Occupational Categories	Total Employees	Total Vietnam Era *Veterans	Percentage	Ideal Goals	Realistic Goals FY/87	Disparity (Number Needed To Reach Ideal Goal)	HIRING OBJECTIVES FOR FY/87
Service	3	1	33.33%	9.00%	33.33%	0	N/A
Office and Clerical	397	5	1.25%	9.00%	1.51%	31	1
Technical	10	0	0	9.00%	No Goal	1	0
Engineers	2	0	0	9.00%	No Goal	1	0
General Prof.	448	57	12.72%	9.00%	No Goal	0	N/A
Supervisory	74	7	9.45%	9.00%	No Goal	0	N/A
Comm. Plan	31	3	9.67%	9.00%	No Goal	0	N/A
Managerial Plan	22	1	4.55%	9.00%	9.09%	1	1

*"Veterans who served in the military service of this country during the period from August 5, 1964 to May 7, 1975, and separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or because of disability incurred while serving on active duty and who are permanent residents of the State of Minnesota."

Note: The stated numerical affirmative action goals for handicapped (8.2%) and Vietnam era veterans (9.0%) are general statewide goals. Statistical information about the number of handicapped and Vietnam era veterans in various occupational categories in Minnesota are unavailable, so "ideal goals" percentages in each occupational category have not been determined. Therefore, the above goals were uniformly applied to all occupational categories for these two protected classes.

RESPONSIBILITIES, DUTIES, AND ACCOUNTABILITIES

I. Commissioner

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

- Duties:**
1. To appoint or designate an Affirmative Action Officer.
 2. To appoint the members to the Affirmative Action Advisory Committee and take action on their recommendations.
 3. To include accountability for the administration of the Agency's Affirmative Action Plan in his/her position description.
 4. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
 5. To take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
 6. To issue a written statement to all employees affirming support of the State's Equal Opportunity Policy and the Department's Affirmative Action Program.
 7. 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

Responsibilities: To administer the Department's Affirmative Action Program.

- Duties:**
1. To monitor the day to day activities of the Affirmative Action Program.
 2. To investigate alleged discrimination complaints and apprise the Affirmative Action Advisory Committee, on a monthly basis, of the nature of Affirmative Action complaints received by the Affirmative Action Officer and/or the Human Resource Management Office. This will allow the Committee to develop an awareness of employee concerns and enable the Committee to make recommendations for corrective action.
 3. To complete all affirmative action reports as required.
 4. To serve as a member of the Affirmative Action Advisory Committee; and also provide staff assistance to the Committee.

5. To ensure that the Equal Opportunity Policy and Affirmative Action Program is disseminated to the Agency staff.
6. To encourage employees to make themselves available for an exit interview and submit a summary report monthly to the Affirmative Action Advisory Committee regarding the interviews.
7. To act as the liaison between the Department and the Equal Opportunity Division, Department of Employee Relations.
8. To determine, in consultation with the Affirmative Action Advisory Committee, the need for affirmative action training and to initiate the development of appropriate training programs.
9. To review department policies, procedures, programs, and reasonable accommodations for handicapped persons and to recommend changes to the Commissioner.
10. To participate in the recruitment of protected class persons for employment, promotion, and training opportunities, and monitor the upward mobility of protected classes. A monthly report of these activities will be submitted to the Affirmative Action Advisory Committee.
11. 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. Managers and Supervisors

Responsibilities: To ensure compliance with statewide and Department affirmative action programs 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.
 3. To communicate and demonstrate a personal commitment to the Department's Affirmative Action Policy to all employees in their area of responsibility.
 4. To ensure that sufficient time is allowed so that the Affirmative Action Committee members can fully participate in Committee activities.

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 provide for an annual affirmative action orientation for all employees under their supervision.

Accountability: The Assistant Commissioners, directly, and the Commissioner, indirectly.

IV. Human Resource Management Director

Responsibilities: The Human Resource 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 Human Resource Management Director shall include, but not be limited to, the following:

1. To make available to the Affirmative Action Officer all records and all informational data necessary to perform affirmative action duties and responsibilities.
2. To provide the Affirmative Action Advisory Committee with informational data and documents necessary to perform Committee functions.
3. To allow the Affirmative Action Officer to participate in the decision making process of all personnel actions, such as hiring, promotion, disciplinary actions, reallocation, transfer and termination.
4. To initiate and report on specific Affirmative Action Program objectives which are incorporated into the Affirmative Action Plan.
5. To serve as an ex officio member of the Affirmative Action Advisory Committee.
6. 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.

V. All Employees

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the State's Equal Employment Opportunity Policy by refraining from any actions which would interfere with an employee's work performance with respect to race, creed, color, sex, national origin, age, marital status, disability or handicap, reliance on public assistance, religion, Vietnam era veterans status, political opinions or affiliations and arrest or conviction records (whenever appropriate). Employees who believe they have been subject to unlawful discrimination are encouraged to notify the Department management by using the Department discrimination complaint procedure.

VI. Affirmative Action Advisory Committee

Authorization: The Committee is authorized by the Commissioner and shall function in accord with the Constitution and By-Laws established by the members of the Committee.

Responsibilities: To monitor the Department's progress in affirmative action and convey employee concerns and recommendations to the Commissioner.

Duties: The general duties of the Affirmative Action Advisory Committee is to function in an advisory capacity to the Commissioner of Revenue in the accomplishment of a department-wide affirmative action program. The specific duties shall include, but not be limited to, the following:

1. Review and recommend the establishment of affirmative action programs and provide advice and consultation to the Commissioner on the Department's policies, plans, programs, and activities as they relate to personnel management, affirmative action and equal employment opportunity.
2. Recommend solutions to the Commissioner of problems which relate to affirmative action and equal employment opportunity.
3. To serve as a forum for transmitting employee concerns to management.
4. To participate in the development of the Affirmative Action Plan through review and recommendation.
5. To assist the Affirmative Action Officer in the implementation of the Department's Affirmative Action Plan.
6. To attend all Committee meetings and to devote the necessary time for active participation in Committee activities.
7. To participate in training sessions and conferences pertaining to equal employment opportunity and affirmative action and become familiar with all current changes in laws, policies and procedures affecting these programs.
8. To perform such other activities as are outlined in the Department's Affirmative Action Plan.

9. To recommend and support affirmative action/equal opportunity legislation rules or procedures which strengthen the Affirmative Action Program.

Accountability: The Commissioner.

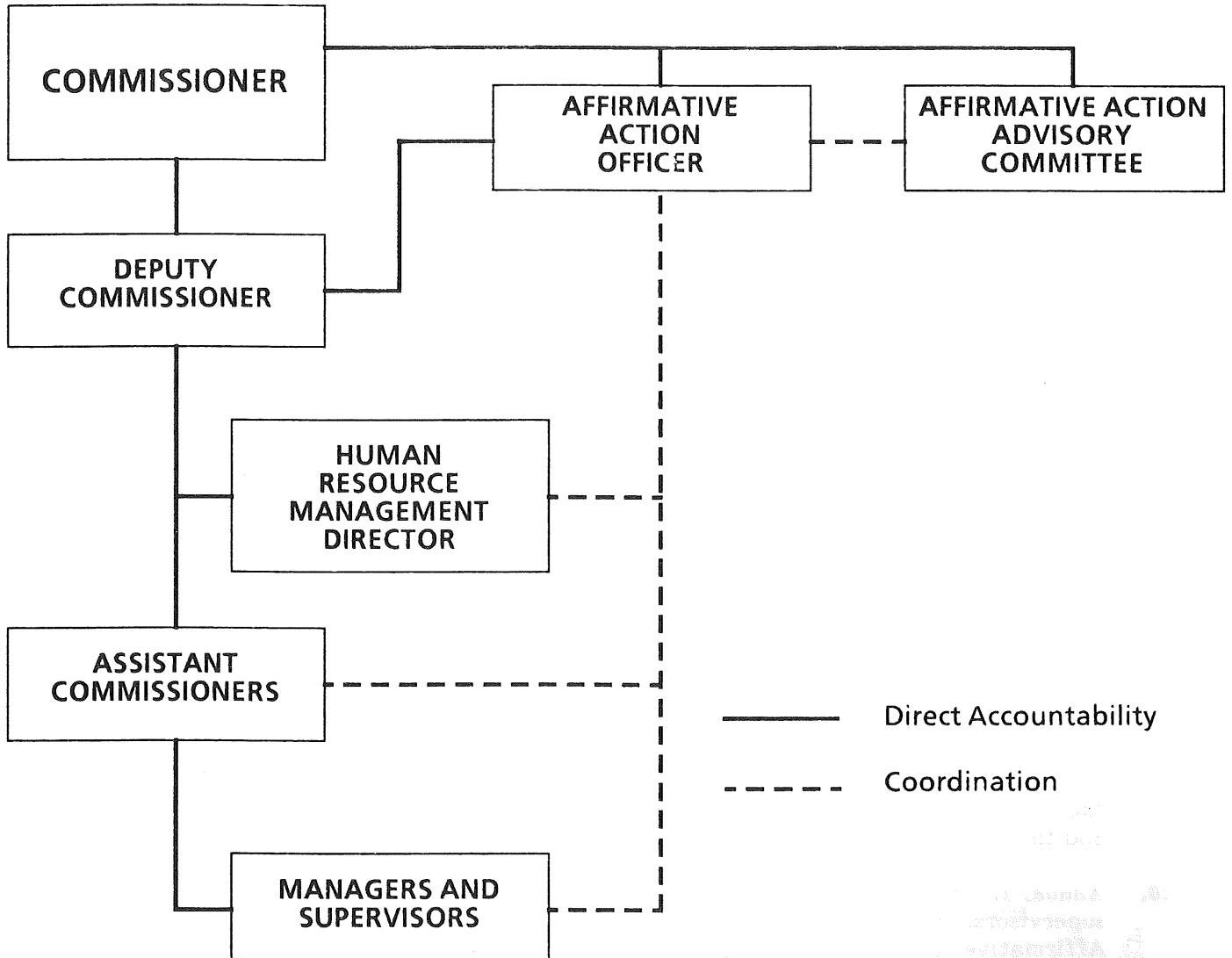
COMMITTEE MEMBERSHIP

1. The Affirmative Action Advisory Committee shall consist of as many members as deemed necessary by the Committee to carry out its assigned tasks.
2. It is recommended that members serve a maximum of four years in two year increments unless an extension is requested by the member and approved by the Committee. Extension of membership may be considered in order to maintain continuity and provide adequate representation from all sections of the Department.
3. Recommendations for appointments to the Affirmative Action Advisory Committee shall be solicited from divisions of the Department by the Affirmative Action Officer who will submit the names of prospective appointees to the Chairperson for presentation to the Committee and the Commissioner. The appointment shall be made by the Commissioner upon the recommendation of the Committee. Members shall include representatives from all relevant compensation schedules and protected classes. Only persons who have shown a personal commitment to affirmative action will be recommended for appointment.

MEETINGS AND PROCEDURES

1. Meetings shall be called monthly with written announcements made to all Committee members and posted on all Department bulletin boards one week prior to the meetings. Employees with affirmative action concerns can attend meetings with supervisory permission.
2. Attendance is a very important element towards the conduct of Committee business. Therefore, if a Committee member is absent from three consecutive meetings, the Committee shall inquire into the reason for absence and determine whether or not the member should be retained on the Committee.
3. A recording secretary will be appointed by the Commissioner to transcribe minutes of the Committee meetings.
4. Copies of the minutes will be posted on bulletin boards in each operating location within a reasonable time after each Committee meeting.

DEPARTMENT OF REVENUE
 AFFIRMATIVE ACTION
 ORGANIZATION CHART



DISSEMINATION OF POLICY

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

1. Copies of the Affirmative Action Plan will be furnished to all assistant 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. A copy of the Affirmative Action Plan will also be furnished to the employee bargaining units.
3. The Equal Employment Opportunity Policy will be included in the Department's Annual Report.
4. The Plan will be prominently displayed on the employee bulletin boards in each work location.
5. The Department's employee newsletter will include notification of revisions in the Affirmative Action Plan. Other items regarding Departmental affirmative action activities will be included as determined by the Affirmative Action Officer or the Affirmative Action Advisory Committee.
6. Job application forms, job opening advertisements, and Department stationery shall bear the masthead "An Equal Opportunity Employer."
7. A policy statement will be provided to recruitment sources and organizations working with protected classes with a letter encouraging referrals and applications.
8. Publications prepared for distribution outside the Agency will contain periodic references to the Policy in order to enhance the employment of protected classes.
9. Managers/supervisors shall conduct orientation sessions for all new employees and shall include a topic on affirmative action. All employees will also receive an annual affirmative action orientation, conducted by managers/supervisors and assisted by the Affirmative Action Officer when requested. Immediately following each session supervisors shall report to the Affirmative Action Officer the date the orientation was conducted, the number of employees who attended and the subject matter discussed.
10. Annual affirmative action training sessions will be conducted for managers, supervisors, the Human Resource Management staff and all members of the Affirmative Action Advisory Committee. This will be coordinated by the Training Coordinator and the Affirmative Action Officer with the cooperation of the Human Resource Management Director.
11. The Affirmative Action Officer will be identified in the Agency section of the State Telephone Directory.

Goal - MISSION STATEMENT

To establish a workforce in all occupational categories which is representative of the labor market population within the Department's jurisdiction.

SPECIFIC PROGRAM OBJECTIVES:

1. To remove all unnecessary barriers to employment practices and policies within the Department.

ACTION STEPS

- a. To provide information to managers and supervisors to assist them in objectively assessing the abilities of applicants and employees.
- b. To monitor and evaluate the selection and promotional processes used by managers and supervisors.
- c. To recommend corrective action as deemed necessary.

EVALUATION

- a. Managers and supervisors will be advised on Affirmative Action policies through periodic staff meetings and/or distribution of informational literature.
- b. Managers and supervisors will document reasons for rejection of protected class members in hirings and promotions. Quarterly Affirmative Action reports will be reviewed to determine if protected class members are being hired and promoted.
- c. Reports will be made to the Commissioner as needed, recommending changes where hiring and promotional barriers exist.

ASSIGNMENT: Affirmative Action Officer
Human Resource Management Director
Affirmative Action Advisory Committee Members

TARGET DATE: Quarterly

SPECIFIC PROGRAM OBJECTIVE:

2. To identify disparities in protected classes by occupational category within the Department.

ACTION STEPS

- a. To analyze the Department's workforce by protected class status and job classification.
- b. To make projections of the number of positions to be filled to eliminate existing disparities.

EVALUATION

- a. Managers and supervisors will be consulted and personnel records will be reviewed to make analysis of workforce.
- b. As part of the Department's Affirmative Action Plan, a report will be prepared showing the Department's hiring objectives for the next fiscal year.

ASSIGNMENT: Affirmative Action Officer
Human Resource Management Director

TARGET DATE: August 1, each year

SPECIFIC PROGRAM OBJECTIVE:

3. To set goals and take steps to eliminate disparities.

ACTION STEPS

- a. To establish long and short range goals and time tables for the Department to correct disparities among protected group members.
- b. To maintain a sufficient number of qualified protected class applicants on eligible lists.
- c. To establish a recruitment program designed to attract qualified applicants and encourage them to apply for examinations.
- d. To hire and promote qualified protected class applicants where disparities exist.
- e. To provide job counseling to protected class employees to improve their opportunities for upward mobility.

EVALUATION

- a. "Realistic goals" will be determined in conjunction with "ideal goals" set by Department of Employee Relations and will be shown in the annual Affirmative Action Plan.
- b. Eligible lists will be reviewed prior to filling a Department position to assure that protected class applicants are available for consideration.
- c. Educational institutions, employment and community agencies will be contacted, with recruiting emphasis on protected class applicants showing the greatest disparity.
- d. Qualified protected class applicants will be hired or promoted, except where in conflict with bargaining unit agreements.
- e. Managers, supervisors, training coordinators, and/or the Affirmative Action Officer will counsel employees and assist them in career development planning.

ASSIGNMENT: Managers, Supervisors (Steps d and e)
Affirmative Action Officer (Steps a, b, c, and e)
Human Resource Management Director (Steps a and d)
Training Coordinator (Step e)

TARGET DATE: Quarterly

SPECIFIC PROGRAM OBJECTIVE:

- 4. To monitor the Department's progress in achieving Affirmative Action goals and objectives.

ACTION STEPS

- a. To prepare a statistical progress report of the Department's Affirmative Action program.
- b. To develop and maintain a progress report of protected class applicants from recruitment to hiring and promotion within the Department.
- c. To periodically review all progress reports to determine if goals and objectives are being met.

EVALUATION

- a. Quarterly reports will be submitted to management showing personnel activity involving protected class members.
- b. A tracking system will be used to evaluate the progress of protected class applicants and an annual report will be prepared for management.
- c. Quarterly statistical reports will be reviewed, evaluated and recommendations made to the Commissioner as necessary.

ASSIGNMENT: Affirmative Action Officer

TARGET DATE: Quarterly, with annual summary report

SPECIFIC PROGRAM OBJECTIVE:

5. To identify hindrances to attaining goals.

ACTION STEPS

- a. To review the Department's Affirmative Action Progress reports to determine whether or not goals have been attained in the various occupational categories.
- b. To contact the Department of Employee Relations to determine if protected class members are on eligible lists in sufficient numbers.
- c. To contact the Department of Revenue's Human Resource Management Office to determine factors influencing current hiring and promotional practices (i.e. budget constraints, hiring freezes, low turnover, etc.).

EVALUATION

- a. Quarterly reports will be reviewed at Committee meetings to determine whether protected class members are being hired and promoted.
- b. Information will be obtained through periodic requests to DOER to determine numbers of protected class applicants and statistical data concerning their eligibility.
- c. Revenue Human Resource Management representatives on the Committee will be consulted at monthly Committee meetings to discuss factors influencing current hiring and promotional practices.

ASSIGNMENT: Affirmative Action Officer
Human Resource Management Director
Affirmative Action Advisory Committee Members (Steps a and c).

TARGET DATE: Quarterly

SPECIFIC PROGRAM OBJECTIVE:

6. To promote actions which will enhance the attainment of goals.

ACTIONS STEPS

- a. To inform the Department's management of the progress in Affirmative Action hirings and promotions.
- b. To recommend solutions to eliminate problems which prevent meeting goals in Affirmative Action hirings and promotions.
- c. To develop and implement programs which will promote the understanding and acceptance of affirmative action by all employees.

EVALUATION

- a. The Commissioner and all Department managers and supervisors will be informed of the Department's progress through a quarterly report stating efforts towards achieving goals and problems being encountered.
- b. The Affirmative Action Advisory Committee shall convey to the Commissioner their recommended solutions to the problems which prevent the attainment of goals.
- c. The Committee will keep all employees informed of affirmative action issues through periodic orientation programs, news releases and other means of communication.

ASSIGNMENT: Affirmative Action Officer
Affirmative Action Advisory Committee Members

TARGET DATE: Quarterly

PROCEDURE FOR PRE-EMPLOYMENT REVIEW

OBJECTIVE: To establish courses of action to be taken during the job selection process in order to meet the Department's Affirmative Action goals.

1. Consultation with Managers

Managers will be advised of the goals for the various occupational categories under their control by the Affirmative Action Officer.

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 exist, 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. This review is to ensure that the information requested is generally available to the class of applicants who are being interviewed. The questions will also be reviewed by the Affirmative Action Officer to ensure that they are within the legal perimeter of the Equal Employment Opportunity guidelines.
 - (8) An interview is planned for each candidate using uniform questions.
 - (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 protected group member where there is a disparity, the Supervisor must explain in writing, with sufficient specificity, why such protected group person was not selected. The written rejection shall be reviewed by the Human Resource Management Director and the Affirmative Action Officer, and no selection will be made until such written reasons have been reviewed. Where the Affirmative Action Officer or the Human Resource Management Director believes that the reasons for rejection are insufficient, and the matter is not satisfactory resolved, these views shall be transmitted to the Commissioner for appropriate action.
- (12) All candidates will be notified of the hiring decision.
- (13) 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.

SEXUAL HARASSMENT

Harassment on the basis of sex is a form of discrimination and is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972. It is a clear violation of Equal Employment Opportunity and is illegal.

Harassment is any behavior which is not welcome, which is personally offensive, and which, therefore, may affect morale and interfere with the employee's work performance.

Sexual Harassment has been specifically defined by the Equal Employment Opportunity Commission (EEOC), as follows.

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes 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 include such actions as:

1. Sex-oriented verbal kidding or abuse;
2. Subtle or overt pressure for sexual activity;
3. Physical contacts such as patting, pinching, or constant brushing against another's body;
4. Demands for sexual favors which affect an individual's employment status or consideration.

Therefore, there are two levels of seriousness in sexual harassment violations--those included in the EEOC definition which are most serious, punishable in the civil courts, and requiring serious levels of progressive discipline; and those which are annoying and perhaps insulting and which should be corrected early and firmly in the interest of maintaining a barrier-free workplace.

Employees who experience sexual harassment from co-workers should either make it clear that such behavior is offensive to them or bring the matter to the attention of their supervisors, the Affirmative Action Officer, or the Human Resource Management staff. In fulfilling our obligation to maintain a positive and productive work environment, supervisors are expected to halt such harassment between co-workers through appropriate disciplinary action based on the seriousness of the incident. They are also expected to protect a harassed employee who initiates a complaint from reprisal.

A form of sexual harassment which may be more difficult for employees to cope with occurs when people offer or threaten to use the power of their position to control, influence, or affect the career, salary, or job of another employee (or prospective employee such as an applicant) in exchange for sexual favors. Individuals who instigate this type of harassment are subject to the most serious disciplinary actions, including suspensions, demotions, transfer, or termination. Complaints of sexual harassment involving misuse of an individual's official position should be made to the Commissioner or the Affirmative Action Officer.

SEXUAL HARASSMENT STATEMENT OF POLICY

It is the Department of Revenue policy to prohibit verbal and physical harassment of its employees based on sex. Guidelines which have been established by EEOC will be used in implementing this policy. Any employee subjected to such harassment should file a complaint with the Affirmative Action Officer.

The Commissioner is responsible for the application of this policy within the Department and each manager and supervisor within their units. 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 each supervisor will be responsible for orienting his/her staff to the Department's policy. The Affirmative Action Officer will be expected to keep the Department apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically the Commissioner will be responsible for:

1. Making certain that each individual in the Agency who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy;
2. Notifying all employees within the Department and orienting each new employee who is hired of this policy;
3. Establishing a complaint procedure to investigate all complaints promptly and carefully, the provisions of which shall be disseminated to all employees.

DISCRIMINATION COMPLAINT PROCEDURE

GENERAL PROVISIONS

1. All documentation associated with a complaint shall be considered as private information during an investigation. The status of the complaint, however, is public.
2. The disposition of all formal complaints shall be filed with the Commissioner of Employee Relations within 30 days of final determination.
3. Those filing a complaint or serving as a witness shall do so without fear of coercion, reprisal or intimidation.
4. Complaints will not be accepted after an individual terminates employment with the Department or if the same matter is being pursued simultaneously through another formal grievance or appeal process, unless the complaint is directly related to the employee's separation from the Department.
5. Employees may elect to directly file a formal or informal complaint with the Commissioner or any member of the Human Resources Management staff in lieu of with their supervisor(s) or the Affirmative Action Officer.

1. INFORMAL

An employee who has a complaint of discrimination (complainant) may bring it to the attention of his/her supervisor(s) in an attempt to reach a satisfactory resolution by administrative remedy. The complainant should report the incident to the Supervisor within 5 calendar days after the event giving rise to the grievance. The Supervisor must give an oral or written answer within 5 calendar days in an effort to resolve the grievance by mutual agreement.

If the complainant feels uncomfortable discussing the complaint with the Supervisor, he/she may present the complaint orally to the Affirmative Action Officer or Human Resources Management staff. This should be done within 5 days after the occurrence of the event. The person receiving the complaint shall make every effort to resolve the matter through the informal process.

2. FORMAL

If the complainant does not believe the complaint has been resolved through the informal process and the complainant wishes to pursue the matter, he/she shall place the complaint in writing setting forth its nature, the facts upon which it is based and the relief requested. The attached discrimination complaint form may be used for this purpose. The written complaint may be submitted to the Department's Affirmative Action Officer. The complaint shall be filed within 21 calendar days after the occurrence or within 21 calendar days after the complainant, through the use of reasonable diligence, should have had knowledge of the event giving rise to the complaint. Complaints may be accepted after the 21 day period providing the complainant can demonstrate that due to extenuating circumstances it was impracticable to adhere to the established time limits. Complaints filed after 21 days will be reviewed and submitted to the Commissioner for appropriate action.

Step 1: Within 5 calendar days after receipt of a formal complaint, the Affirmative Action Officer shall determine if it is properly a discrimination complaint. If not, the Affirmative Action Officer shall immediately dismiss the complaint and notify the employee in writing so that other available remedies may be pursued.

If the complaint is timely and proper for resolution through this complaint procedure, it shall, within 5 calendar days of receipt, be brought to the attention of the Commissioner who shall appoint the Affirmative Action Officer or another impartial qualified person(s) to investigate it. If the complainant is suffering irreparable harm in the absence of immediate action, the Commissioner, upon the recommendation of the Affirmative Action Officer, may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

Step. 2: Within 30 calendar days after the receipt of a formal complaint, the person designated shall investigate it. The investigation may include interviews with or statements from all parties involved including the complainant, respondent, complainant's supervisors, witnesses or department officials as well as a review of all pertinent records or documents relating to the complaint.

Every effort will be made to resolve the complaint during the investigation. If a resolution is reached, it shall be reduced to writing by the investigator and signed by the parties involved.

Step 3: If the complaint is not resolved as the result of Step 2 above, the investigator shall, within 45 calendar days of receipt of the formal complaint, present his/her written summary of the issues, findings, conclusions and recommendations to the Commissioner.

The Commissioner shall review these findings and may meet with all parties involved. Within 60 calendar days of receipt of the formal complaint, the Commissioner shall respond in writing to the complainant with the final answer or remedy.

If after this response, the complainant remains dissatisfied, the complainant, through the Affirmative Action Officer, shall be advised of his/her right to file a charge of discrimination within 300 days after the occurrence with the Commissioner of the Minnesota Department of Human Rights.

NOTE:

The discrimination complaint procedure outlined above shall 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.

APPENDIX A

COMPLAINT OF DISCRIMINATION

Information on the Complainant (You)

Name: _____ Job Title: _____
Home Address: _____ Phone: _____
Work Address: _____ Phone: _____
Agency: _____ Division: _____ Supervisor: _____

Information on the Respondent (Person who discriminated against you)

Name: _____ Job Title: _____
Work Address: _____ Phone: _____
Agency: _____ Division: _____ Supervisor: _____
Others who discriminated against you: _____

Information on the Complaint

Basis (check all that apply):

Race _____ Sex _____ Color _____ Creed _____ Religion _____ Handicap _____ Veterans Status _____
Marital Status _____ National Origin _____ Age _____
Reliance on Public Assistance _____ Political Affiliation _____

Date most recent act of discrimination took place: _____

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

Describe how you have been discriminated against, giving names, dates, places, etc.

This complaint is being filed based on my honest belief that the State of Minnesota has 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.

Received by: _____ Signature: _____
Date: _____ Date: _____

Additional information on your complaint: _____

Information on Witnesses Who Can Support Your Case

<u>Names</u>	<u>Addresses</u>	<u>Phone Numbers</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

APPENDIX B

REVISED RACE/ETHNIC CATEGORIES

The U.S. Equal Employment Opportunity Commission recently has revised its race/ethnic categories for the purposes of reporting employment statistics on the EE0-4 Form (for state and local government) and on the EE0-6 Form (for educational institutions). The revised categories are defined as follows:

1. White, not of Hispanic Origin -- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. Black, not of Hispanic Origin -- Persons having origins in any of the Black racial groups of Africa.
3. Hispanic -- Persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish Culture or origin, regardless of race.
4. 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.
5. Asian or Pacific Islander -- Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands. This area includes, for example, China, Japan, the Philippine Islands, and Samoa.

With regard to the Statewide Affirmative Action Plan, the term "minority" includes all of the aforementioned categories except the first, "White." Agencies must use these categories when preparing employment status by race or ethnic origin.

APPENDIX C

MINNESOTA DEPARTMENT OF REVENUE REASONABLE ACCOMMODATIONS POLICY

Introduction

Reasonable accommodations are efforts made by an employer to remove barriers which prevent or limit the employment of qualified handicapped persons. Employers provide reasonable accommodations for persons with many different types of disabilities.

When providing reasonable accommodations, staff are not required to alter essential job functions, change the basic nature of the job, or create positions that do not exist.

Legal Basis

The Minnesota Human Rights act requires employers with 50 or more permanent full-time employees to make reasonable accommodation to the known disability of a qualified disabled person unless to do so would impose an undue hardship on the business, agency, or organization (Section 363.03).

Scope

This policy establishes the Department's Standards for reasonable accommodations for handicapped employees and applicants.

Policy

It is the policy of the Department of Revenue to encourage and promote employment of all qualified persons including handicapped persons. If the reason for denial of employment is the need to make reasonable accommodations to the physical or mental needs of a handicapped applicant or employee, it must be demonstrated:

1. That the accommodations would impose an undue hardship on the agency; or,
2. That the accommodation does not overcome the effects of the person's handicap.

This policy applies to all persons in employment status and also applicants who are seeking employment.

The Department of Revenue will provide reasonable accommodations to qualified handicapped employees or applicants when such accommodations are directly related to performing a job. Accommodations will not be made for non-job-related requirements of individuals. In some cases, questions may arise as to whether the accommodation is personal or job-related. The primary factor in evaluating an accommodation is whether the accommodation will enable the person to perform the job on an equal basis, in the most cost-effective manner, and in the most integrated setting possible.

Transportation to and from work is the responsibility of the employee, disabled or non-disabled. The Department will not purchase or provide means of transportation to and from work as a form of reasonable accommodation.

DEFINITIONS

Handicapped Persons

A handicapped person for purposes of this policy is anyone who:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
2. Has a record of such impairments; or
3. Is regarded as having such impairment.

Major life activity: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Has a record of such impairment means: has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having such an impairment means:

1. Has a physical or mental impairment that may not substantially limit major life activities, but that is treated by an employer as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits major life activities, only as a result of the attitudes of others toward such impairment;
or
3. Has no impairment, but is treated by an employer as having such an impairment.

An employee or applicant with an acute disabling condition which is expected to be temporary, such as appendicitis, broken arm, pulled muscle, etc., will meet the definition of qualified handicapped person. In most cases these individuals will require short-term methods of reasonable accommodation, such as schedule modification, limited work assignments, etc., until they can return to their assigned work. If a residual medical impairment is determined and a permanent condition is demonstrated, the provision of the permanent reasonable accommodation will be considered.

Qualified Handicapped Person

With respect to employment: A person with a disability who, with reasonable accommodation to that disability, is capable of performing the essential functions of the job or jobs.

Essential Functions

Essential functions are those tasks which are necessary or fundamental to accomplish duties of the job. Essential job functions vary with individual job descriptions and would include those physical, mental, and interpersonal activities necessary to effectively achieve anticipated job performance.

Undue Hardship

In determining whether or not the making of a reasonable accommodation would impose an "undue hardship" on the operation of the Department's program, factors to be considered must include:

1. The overall size of the business or organization with respect to number of employees or members and the number and type of facilities;
2. The type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;
3. The nature and cost of the needed accommodation;
4. The reasonable ability to finance the accommodation at each site of business; and
5. Documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

In the case of an accommodation for a job applicant, any cost in excess of \$50 imposed on the prospective employer shall be deemed an undue hardship if no alternative costing \$50 or less exists. A prospective employer need not pay for an accommodation for a job applicant which costs \$50 or less if it is available from an alternative source without cost to the employer or applicant.

METHODS OF PROVIDING REASONABLE ACCOMMODATION

The following are some methods of providing reasonable accommodation to qualified handicapped individuals. Other forms of reasonable accommodation may also be provided.

Modification of Equipment and Assistive Devices

The provision of equipment may include special telephone equipment, "talking" calculators, one-handed typewriters, closed circuit televisions, specially designed desks and files, TTY/TDD communication equipment, earphones, desk blocks, audiovisual aids and other types of equipment to facilitate the performance of job duties. These items may include off-the-shelf devices as well as highly specialized, custom designed and/or prescription items.

Job-Site Modifications

The planning and provision of accessibility to existing facilities may be required in order for disabled individuals to work in them. Modifications may include adjustments to equipment height, including desks, chairs, etc.; addition of electrical outlets; rearrangement of furniture and equipment; widening of doorways; relocation of the job site to an accessible area; provision of special parking facilities; modifications of ventilation, heating, cooling, and lighting systems; and other types of similar modifications.

Job Restructuring

The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Arrangements must be considered for full-time and permanent intermittent employment. Job sharing and flexible hours may permit handicapped employees to meet such needs as medical appointments and medical dietary requirements. This does not include a change or reduction in number of work hours. The Affirmative Action Officer will be advised prior to the restructuring of any jobs.

Support Services

Support services, such as interpreters for hearing-impaired individuals, readers for blind persons, etc., can be considered:

1. When it is clearly demonstrated that these services are required for a disabled applicant's/employee's satisfactory performance of the essential functions of a job.
2. When resources of the agency are sufficient and permit accommodation without creating undue hardship.

Support services may be provided in either of the following ways:

1. By a staff member; or
2. On a contractual basis by a person who is not an employee. This may be an interim procedure to allow for the training of staff to provide support services; or
3. By an outside source at no cost to the disabled individual or the Department.

The Department may provide the training necessary to allow staff members to provide support services when such training and the provision of such support services are administratively feasible.

PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

The person requesting reasonable accommodations will suggest an appropriate accommodation. The Department may provide another accommodation equal to or superior to the one proposed in practicality, usefulness, or cost-effectiveness.

All tangible accommodations purchased by the Department will be the property of the State of Minnesota. The maintenance of equipment will be the responsibility of the Department.

REQUESTS FOR REASONABLE ACCOMMODATION

The steps in requesting reasonable accommodation are:

1. The Supervisor and the handicapped applicant or employee determine the need for the accommodation and discuss alternatives such as job restructuring, job site modification and assistive devices. The Accessibility Coordinator or the Affirmative Action Officer may be consulted if necessary.
2. The employee submits a written request for reasonable accommodation to the Supervisor. The request will include a justification for the request (including a statement of the requestor's disability), the suggested accommodations' approximate cost, and any other pertinent comments or information.
3. The Supervisor obtains all information from the Accessibility Coordinator or the Affirmative Action Officer (including bids if the request is for equipment, or of a significant cost). The Supervisor submits the request to the Division Director or Staff Manager, with a recommendation of the action to be taken.
 - a. If the cost is within reason based on budgetary considerations it is then determined if an accommodation is to be provided, what accommodation will be provided, and the funding source to be used. The decision is then

provided in writing (using the attached form Appendix C-7) within 15 working days to the person requesting the accommodation and to the Affirmative Action Officer.

- b. If the cost exceeds an amount that can be reasonably funded through the unit's budget, the Division Director or Staff Manager submits his/her recommendations to the Assistant Commissioner within 10 working days to make a determination. The decision is then provided in writing (using the attached Employee Request for Reasonable Accommodation form), to the person requesting the accommodation and the Affirmative Action Officer within 10 working days from the time it was submitted by the Division Director or Staff Manager.
- c. If a request for an accommodation is not approved, the Division Director or Staff Manager will present notification in writing to the employee and to the Affirmative Action Officer, and inform the employee or applicant of his or her right to appeal.

DENIAL OF ACCOMMODATION

All denials for requests for accommodations will be documented and kept on file by the Affirmative Action Officer.

COMPLAINT PROCEDURE

An employee or applicant who is dissatisfied with a reasonable accommodation decision can appeal by using the following complaint procedure:

Note: At any point in this procedure, if a resolution is reached, a written copy of the resolution agreement will be signed by and provided to all parties. A complaint is resolved when both the complainant and the Agency indicate satisfaction with the outcome.

- | | |
|--------------|--|
| Complainant | 1. File a written complaint including all pertinent details within 15 working days to the Commissioner of Revenue. |
| Commissioner | 2. Accept complaint and attempt to resolve problem. |
| Commissioner | 3. Direct further investigation including obtaining necessary information from relative sources. |
| Commissioner | 4. Make a final decision as soon as possible but no later than 15 working days after the initial complaint is received. Provide the written decision to the complainant and to the Affirmative Action Officer. |

If the complainant remains dissatisfied with the Commissioner's final decision, he/she shall be advised through the Affirmative Action Officer of the right to seek redress through Minnesota Department of Human Rights.

ASSISTANCE WITH REASONABLE ACCOMMODATION

Requests for information or assistance in determining reasonable accommodation for qualified handicapped employees or applicants may be directed to the Accessibility Coordinator.

Requests for information or assistance regarding reasonable accommodation compliance may be directed to the Affirmative Action Officer.

**STATE OF MINNESOTA
DEPARTMENT OF REVENUE**

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

Employee name	Classification	Date of Request
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Division	Statement of Disability (attach medical statement if requested)
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1. Type of accommodation requested to perform essential function:

2. Which essential function(s) of your job will the requested accommodation allow you to perform?

3. How will the requested accommodation be effective in allowing performance of the essential job function(s)?

4. Have any non-essential job functions been eliminated? Please describe.

5. Describe specific reasonable accommodations to be made to employee?

6. Approved _____	Denied _____	Reason for Denial:
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Signature of Employee	Date
-----------------------	------

Signature of of Division Director or Staff Manager	Date
--	------

Signature of Assistant Commissioner	Date
-------------------------------------	------

Signature of Accessibility Coordinator	Date
--	------

Signature of Affirmative Action Officer	Date
---	------

APPENDIX D

CONSTITUTION AND BY-LAWS
MINNESOTA DEPARTMENT OF REVENUE
AFFIRMATIVE ACTION ADVISORY COMMITTEE

CONSTITUTION

ARTICLE I - NAME

This group shall be known as the Minnesota Department of Revenue Affirmative Action Advisory Committee.

ARTICLE II - PURPOSE

The purpose of this Committee is to: (1) advise the Commissioner of Revenue, and the Department of Revenue Affirmative Action Officer on Department activities designed to assure compliance with federal and state equal opportunity and affirmative action requirements; and (2) convey employee concerns to the Commissioner.

ARTICLE III - MEMBERSHIP

Membership in this Committee shall be granted to permanent employees of the Minnesota Department of Revenue who have been appointed by the Commissioner of Revenue.

ARTICLE IV - OFFICERS

The officers of the Committee shall be a Chairperson and a Vice-Chairperson.

ARTICLE V - MEETINGS AND QUORUM

MEETINGS AND QUORUM

- Section 1. Regular meetings shall be held on the third Thursday of each month.
- Section 2. The annual meeting shall be the last regular meeting in December.
- Section 3. Special meetings may be called by the Chairperson or, on the application of eight members, the Chairperson shall call such a meeting.
- Section 4. Eight members of the Committee shall constitute a quorum for the transaction of business.

ARTICLE VI - AMENDMENT

This Constitution may be amended at any meeting of the Committee by a two-thirds vote, a quorum being present, at a general or special meeting.

BY-LAWS

ARTICLE I - STATEMENT OF PURPOSE

- Section 1. The Committee shall act as an advisor to the Commissioner of Revenue in the areas of equal opportunity and affirmative action.
- Section 2. It shall be the general purpose of the Committee to provide an organized structure to permit the permanent employees of the Department of Revenue to participate in the planning, development, implementation, and evaluation of the Department's Affirmative Action Program.
- Section 3. The functions of the Committee shall include:
- A. Identifying problems to be solved by the Affirmative Action Program;
 - B. Reviewing and recommending solutions from available alternatives;
 - C. Recommending operational goals to be achieved;
 - D. Recommending specific tasks and timetables for program implementation;
 - E. Arranging for a periodic evaluation of all facets of the Affirmative Action Program to provide a base for modifications necessary for Program improvements and increased effectiveness.

ARTICLE II - DUTIES OF OFFICERS

- Section 1. The Chairperson shall:
- A. Preside at all meetings of the Committee and perform all of the duties usually pertaining to that office;
 - B. Give notice of all meetings;
 - C. Plan meeting agendas;
 - D. Appoint sub-committees and sub-committee Chairpersons;
 - E. Cast deciding vote when Committee action is deadlocked;
 - F. Send notice to persons appointed to membership;
 - G. Act as Committee liaison to the Commissioner and refer all applicable matters to the Commissioner. If the matters involve a sub-committee, the sub-committee chair shall accompany the Chairperson in making the presentation.
- Section 2. The Vice-Chairperson shall:
- A. In the absence or disability of the Chairperson, perform all the duties of the Chairperson;

- B. Assist the Chairperson in the performance of his/her Committee duties.

ARTICLE III - ELECTION OF OFFICERS

- Section 1. All officers shall be elected by ballot at the annual meeting and shall assume office at the close of the meeting.
- Section 2. No member shall be eligible to hold an office who has not been a member of the Committee for one year.
- Section 3. No member shall hold the same office more than twice in succession, and filling an unexpired term shall not be considered a term in office.
- Section 4. If the Chairperson resigns during the Committee year, the Vice-Chairperson shall assume the chair temporarily and send notice of a special election at the next regular meeting, when a new Chairperson will be elected from the members present to fill the remainder of the term.

ARTICLE IV - MEMBERSHIP

- Section 1. The Committee shall consist of at least fourteen (14) and no more than nineteen (19) appointed members. This number includes the Affirmative Action Officer, but not the ex officio members.
- Section 2. The Committee shall be comprised of members representative of as many of the protected groups as possible and of the different occupational categories, namely Management, Supervisory, Professional, Technical, Paraprofessional, Office/Clerical and Service. Insofar as possible each Division within the Department shall be represented on the Committee.
- Section 3. All members of the Committee shall be appointed by the Commissioner of Revenue and shall be appointed for two-year terms. Members may be reappointed for a second term.
- Section 4. To be considered for appointment an applicant must meet the following criteria:
 - A. Current employment in a permanent status in the Department of Revenue;
 - B. Commitment to equal employment opportunity and the affirmative action policy;
 - C. Willingness to provide personal leadership on the Committee if elected or appointed.

The applicant shall submit a request for appointment to the Chairperson who shall prepare a descriptive report covering the applicant's pertinent background. The request shall be considered by the Committee and forwarded to the Commissioner of Revenue together with the Committee's recommendation concerning the applicant's appointment. The recommendation shall reflect the opinion of a majority of the members present at the meeting wherein the request is being considered.

- Section 5. If an Officer resigns, the Chairperson shall appoint a member of the Committee to fill the unexpired term until the next general election or special election is held for that purpose.
- Section 6. Resignation from membership shall be made in writing to the Chairperson.
- Section 7. On a two-thirds vote of members present at any meeting, a quorum being present, a member may be suspended for a definite period of time or have his/her membership revoked for disorderly conduct before the Committee, excessive, and unexplained absence from the regular meetings or demonstrated disinterest in the purpose and goals of the Committee.
- Section 8. Each appointed member of the Committee, except the Chairperson or person acting in his/her place, shall have one vote. The Chairperson or person acting in his/her place shall have the right to vote only in the case of a deadlock.
- Section 9. Except as stated in Section 11, members who are unable to attend a regular meeting may send substitutes to attend in their place. The substitutes shall not have voting privileges nor shall they be counted for the purpose of determining whether a quorum is present.
- Section 10. The Department of Revenue's Human Resource Management Director shall be an ex officio member. Ex officio members shall not have voting privileges nor shall they be counted for the purpose of determining whether a quorum is present.
- Section 11. A member expecting to be absent from three or more consecutive meetings may request a leave of absence from the Committee. The leave of absence may be granted at the Chairperson's discretion. Any member of the Committee may nominate a substitute for the person on a leave of absence. Upon confirmation by a majority of the persons present at the meeting, the substitute so confirmed shall have voting privileges for the period of his substitution.
- Section 12. (A) As a matter of courtesy and to promote openness the Committee Chairperson shall accept a report (Minority Report form attached) from the minority (as opposed to majority) on any issue or portion thereof acted upon by the Committee as a whole or by any duly constituted or appointed sub-committee.
- (B) The minority members of the Committee or sub-committee may, collectively or individually, present their views with the Committee or sub-committee report.
- (C) It is proper for a single member to dissent from the report or action of the majority or to agree to the report with certain stated exceptions.
- (D) A member of a sub-committee who does not agree with the report of the majority may state his/her views in writing following the filing of the sub-committee report.
- (E) A minority of a sub-committee may submit a report in which they make recommendations opposed to all or a part of the recommen-

datation of the majority or they may make recommendations concerning matters within the consideration of the sub-committee which were not covered by the majority report.

- (F) When a minority report has been presented to the Chairperson of the full Committee, it shall be sent to the Commissioner with the majority report provided it is clearly identified as a minority report and signed by the dissenting member(s).
- (G) Either a majority Committee report or a minority report may be laid on the table or voted upon without the other report adhering to or being affected by the vote or whatever action was taken.
- (H) Reports to the Commissioner of Revenue from the Committee shall be accompanied by a certified (signed and dated) copy of the minutes of the meeting of the Committee in which the majority position was adopted stating the number of Committee members voting, the number voting affirmatively, the number voting negatively or dissenting and the number abstaining.

ARTICLE V - SUB-COMMITTEES

- Section 1. The Chairperson shall be empowered to form such special committees at any time deemed necessary or upon request of the majority of the members at any meeting.
- Section 2. The Chairperson shall appoint members to special committees for specific purposes, and shall also name the sub-committee Chair.
- Section 3. Any member of a sub-committee who misses three successive meetings of the sub-committee without reasonable cause shall be removed from that sub-committee and replaced.
- Section 4. Action taken and duly passed on shall be presented to the full Committee for further disposition.

ARTICLE VI - MEETINGS

- Section 1. The regular meetings of the Committee shall be held on the third Thursday of each month. If such day is not a working day, the regular meeting will be held on the next working day.
- Section 2. Special meetings can be called by the Chairperson at any time. At the request of eight or more members of the Committee, the Chairperson shall call a special meeting. Each member shall be notified of the special meeting and, except in cases of emergency, at least three days notice shall be given. The purpose of the special meeting shall be stated in the meeting notice. Only matters in the meeting notice shall be discussed or acted upon at the special meeting.
- Section 3. A quorum for conducting business of a regular or special meeting shall be not less than eight voting members. In the absence of a quorum no official business may be conducted by the Committee.

Section 4. All regular monthly meetings shall be open to all employees of the Department of Revenue. Non-voting members may address the Committee after first obtaining the consent of the Chairperson or the consent of the majority of the voting members present at the meeting. Special meetings shall be open to non-members at the discretion of the Chairperson.

Section 5. All meetings shall be conducted by the Chairperson following standard parliamentary procedure. Roberts Rules of Order shall be the parliamentary authority on all matters not covered by the Constitution and By-Laws of this Committee.

ARTICLE VII - AMENDMENT/SUSPENSION

Section 1. These By-Laws may be amended at any meeting by a two-thirds vote, a quorum being present.

Section 2. These By-Laws may be suspended in case of emergency by a two-thirds vote of all those present at a meeting at which a quorum is present.

APPENDIX E

MINORITY REPORT
OF THE
_____ COMMITTEE
AFFIRMATIVE ACTION ADVISORY COMMITTEE

In the matter of _____.

We, the undersigned, being a minority of the _____

_____ ; and having participated and deliberated in the matter of _____,

make the following recommendations and conclusions:

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 19____.

_____	_____
_____	_____
_____	_____
_____	_____

Minority report received this _____ day of _____, 19____.

Folio _____

Chairperson

Disposition _____

APPENDIX F

Weather Emergencies

In the event of a weather emergency, the Department of Revenue will ensure that all employees, including hearing impaired employees, are properly notified of the weather emergency. This procedure will be governed by the Department of Employee Relations Administrative Procedure 5.4, Subject, Time Off in Emergencies, dated December 23, 1982, and the Department of Revenue Time Off in Emergencies Plan, dated March 28, 1983.

Building Evacuation

In the event of a building evacuation, the Department of Revenue will provide for the safe exit of all disabled employees and all disabled persons visiting the building in accordance with the department's Building Evacuation Plan.