

AFFIRMATIVE ACTION PLAN

**Department
of
Veterans Affairs**

State of Minnesota

1987

COMMISSIONER'S STATEMENT OF COMMITMENT


It is the policy of the Department to provide equal opportunity in employment on the basis of merit and fitness of applicants and employees without discrimination because of race, color, creed, religion, sex, handicap, marital status, Vietnam era veterans status, dependence on public assistance or national origin. This policy applies to, and must be an integral part of, every aspect of personnel policies and practices, which include: recruitment, compensation, employee development programs, agency sponsored training, and tuition assistance and use of facilities.

This Department will continue to implement a progressive program of Affirmative Action to ensure that equal opportunity is provided on the basis of individual qualifications and to encourage all persons to seek employment and strive for advancement.

The Personnel Officer at the Minneapolis Veterans Home will serve as the Department's Affirmative Action Director. In the absence of the Personnel Officer, the Assistant to the Commissioner will serve in that function. If for any reason it becomes necessary, the Deputy Commissioner will immediately designate a new Affirmative Action Director to ensure continued implementation of this plan.

The Affirmative Action Director will report directly to me on Affirmative Action matters, or to the Deputy Commissioner in my absence. The Affirmative Action Director will have full responsibility to administer all aspects of the Department's Affirmative Action plan. This includes designating an Affirmative Action Officer at each Veterans Home.

As Commissioner, I am strongly committed to the principles and policies of an effective Affirmative Action Program. All employees, especially managers and supervisors, have responsibility for progressive Affirmative Action in their positions, and I enlist all employees' assistance in the Department's efforts to achieve equal opportunity.


William J. Gregg, Commissioner
Veterans Affairs

1-28-57
Date

AFFIRMATIVE ACTION PLAN
DEPARTMENT OF VETERANS AFFAIRS

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Commissioner's Statement of Commitment

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I. POSTING AND DISSEMINATION OF AA PLAN

- A. All managers and Supervisors shall receive a copy of the Plan for their reference and use.
- B. Copies will be posted in the Personnel Offices at the Homes and Central Office, and in conspicuous places in all locations, including employee bulletin boards.
- C. New employees will receive a summary of the plan as part of their orientation, including where the plan is posted.
- D. All publications and employment advertisements of the Department shall contain the words, "An Equal Opportunity Employer" at some point in them.
- E. The plan will be filed in Policies and Procedures books and files throughout the Department.

II. EMPLOYEE PROCESSING

A. Recruitment

The Personnel Division will prepare information on job opportunities and application procedures with the State of Minnesota and the Department. This information will be distributed to veterans' organizations, women's organizations, vocational schools, colleges and universities, rehabilitative facilities and minority organizations when appropriate.

B. Selection

All Supervisors will receive training in and be required to use a structured interview process. The Affirmative Action Director and/or designees will review all vacancies and will notify Supervisors of vacancies in job categories where the Department is disparate in the hiring of handicapped individuals, women, minorities or Vietnam era veterans so that the Supervisor will be able to act affirmatively by hiring individuals from these protected groups. Goals have been received.

C. Separation

The Department will follow all layoff review procedures related to Affirmative Action goals generated by the Department of Employee Relations. Employees whose employment with the Department is terminating (for whatever reason) shall be offered the opportunity for an exit interview. The exit interview will be conducted by the Personnel Designee at the Central Office or Homes. As part of the exit interview, the departing employee will be provided with the Exit Survey Form (see Appendix A), and a self-addressed, stamped envelope. The information provided in this form will be used to determine general causes for leaving and employee attitudes toward the Department upon termination. At no time shall this information be placed in the employee's personnel file.

III. DELEGATION OF AUTHORITY AND RESPONSIBILITY

A. COMMISSIONER OF VETERANS AFFAIRS

1. Responsibilities: The Commissioner of Veterans Affairs is responsible for administration of the Department's Affirmative Action Program for insuring the Department's compliance with all state and federal laws, rules and regulations regarding equal employment opportunity.
2. Duties:
 - a) Designate the Department's Affirmative Action Director.
 - b) Hold members of the Executive Cabinet responsible for the effectiveness of the Affirmative Action activities under their respective jurisdiction via specific program objectives in their position descriptions.
 - c) Take necessary actions on complaints of discrimination.
 - d) Issue a written statement to all staff members affirming support to the state's equal employment opportunity policy and affirmative action efforts.
 - e) Make decisions and changes in policies, procedures, or physical accommodations as may be needed to facilitate effective affirmative action.
 - f) Report to the Governor and the Legislature on the progress of the Affirmative Action Plan as contained in the reporting system section.
3. Accountability: The Commissioner of Veterans Affairs is directly accountable to the Governor and the Commissioner of Employee Relations and indirectly accountable to the State Director of Equal Opportunity.

B. AFFIRMATIVE ACTION DIRECTOR

1. Responsibilities: To implement and direct the Department's Affirmative Action Program and all related activities.
2. Duties:
 - a) Monitor the day-to-day activities of the Department's Affirmative Action Program.
 - b) Participate in the investigation of complaints of discrimination as outlined in the Affirmative Action Complaint Procedure.
 - c) Insure all Affirmative Action reports are completed as required.

- d) Ensure that the Commissioner's statement of commitment and copies of the Department's Affirmative Action Plan are disseminated to all managers and supervisors.
- e) Ensure that all employees have an opportunity to receive an exit interview.
- f) Act as liaison between the Department and the Equal Opportunity Division.
- g) Act as liaison between the Department and the Department of Human Rights.
- h) Review and determine affirmative action training needs and initiate the development and implementation of appropriate training programs.
- i) Review policies, procedures, programs and physical accommodations and recommend changes.
- j) Participate in the recruitment and selection of protected group persons for employment, promotion, and training opportunities where there are disparities in occupational categories.
- k) Establish a recruitment resource director for the placement and selection of protected class persons in occupational categories where there are disparities.
- l) Maintain communication with management through quarterly reports detailing the status of the Department's achievement of Affirmative action goals and any problems which may arise in this area.

Accountability: The Affirmative Action Director is directly accountable to the Commissioner of Veterans Affairs.

C. DIVISION MANAGERS

1. Responsibilities: To ensure compliance with departmental affirmative action programs and to undertake such affirmative action activities as may be deemed necessary to ensure equal employment opportunity within their respective divisions and also to place and recruit protected group members where there is a disparity in occupational categories which they employ.
2. Classifications Include: Deputy Commissioner, Administrators of the Veterans Homes and other managers.
3. Duties:
 - a) To assist the Department's Affirmative Action Director in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.

- b) To hire and promote qualified protected group members where disparity exists.
 - c) Communicate the Department's affirmative action policy to all staff members and employees within the Department of Veterans Affairs.
 - d) Ensure prompt and efficient responses to any complaints of discrimination or requests for information from the Affirmative Action Director.
 - e) Hold supervisors under their jurisdiction responsible for the effectiveness of their affirmative action efforts via specific programs objectives in the position descriptions.
 - f) Perform other duties as may be outlined elsewhere in the plan.
4. Accountability: Division managers are directly accountable to their supervisors.

D. SUPERVISORS/PROGRAM STAFF

- 1. Responsibilities: Ensure equal treatment of all employees and applications for positions under their jurisdictions.
- 2. Classifications Include: All those in the middle management bargaining unit (#216) and those engaged in carrying out or directing programs who do not meet supervisory criteria (Volunteer Coordinators).
- 3. Duties:
 - a. Respond promptly and efficiently to all complaints of discrimination brought to their attention.
 - b. Hire and promote qualified protected group members where disparity exists. If protected group members are certified eligible and not hired in an occupational group where disparity exists, inform Affirmative Action Director and/or designees prior to making a job offer of the reasons for not hiring a protected group member.
 - c. Communicate the Department's Affirmative Action policy to assigned staff.
 - d. Assign employees to attend such affirmative action related training sessions as may be offered.
 - e. Perform other duties as may be outlined elsewhere in this plan.
- 4. Accountability: Supervisors are directly accountable to their division managers or to other assigned supervisors, as appropriate.

IV. SEXUAL HARASSMENT POLICY

Sexual harassment is recognized as a major employment problem and also as a component of sex discrimination.

Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. Sexual harassment covers not only a male supervisor and a female subordinate, and visa versa, but also co-workers, volunteer workers and all other people engaged in carrying out state business. Pressure may come from a person of either sex against a person of the opposite sex, and from peers as well as supervisors. Seemingly innocent comments can be misinterpreted and lead to allegations of sexual harassment. Employees are expected to treat all people that they come into contact with, within the court of their work, with respect, courtesy and tact. Conduct that is personally offensive will not be tolerated. Abusing the dignity of anyone through ethnic, sexist or racial slurs or other derogatory or objectionable comments or conduct, is cause for disciplinary action.

Individuals who have reason to believe they have been sexually harassed may utilize the Affirmative Action Complaint procedure to seek restitution for the alleged harassment. Employees represented by AFSCME, Council #6 may request Union participation in the investigative process of the complaint procedure if a sexual harassment complaint is filed. The provisions of the Memorandum of Understanding between the State of Minnesota and AFSCME, Council #6 shall be included in the complaint process whenever the complainant is a member of the Union.

The Department has promulgated a policy and procedure addressing sexual harassment more fully (01:02:05). Additionally, the State of Minnesota has adopted a policy regarding this issue. Both policies are supportive of and are supported by this Plan. The complaint procedure outlined in this Plan has been designed to address the need for an objective method to process and investigate complaints of this type.

V. AFFIRMATIVE ACTION COMPLAINT PROCEDURE

This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. Employees are urged to use this internal procedure before filing a charge with the Department of Human Rights or any other regulatory agency. Anyone filing a complaint or serving as witness under this procedure shall do so without fear of coercion, reprisal or intimidation. Resolution of all complaints shall not exceed 60 calendar days. Final dispositions will be filed with the Commissioner of Employee Relations within 30 days of the final determination.

A. RESPONSIBILITY OF AGENCY EMPLOYEES

All employees have a responsibility to cooperate fully with the Affirmative Action Director and/or designees when a complaint has been filed. This includes prompt and honest responses to requests for information and/or requests to have access to dates and records. In addition, employees have a responsibility to assist the Department of Veterans Affairs in reaching its goals and fulfilling its Affirmative Action commitments by reporting violations of Affirmative Action plans, policies and procedures.

B. COVERED EMPLOYEES

Any employee of the Department of Veterans Affairs who believes that he/she has been discriminated against, or is aware of discrimination by reason of race, creed, color, sex, national origin, religion, reliance on public assistance, marital status, handicap, Vietnam era veteran status, or political opinion or affiliation may file a complaint. Additionally, any employee who feels that he/she has been the victim of sexual harassment or knows of harassment as defined by the policy may file a complaint. Employees who are terminated must file their complaint prior to their actual separation.

C. COMPLAINT PROCEDURE

1. Informal Procedure:

The employee must present his/her complaint to his/her immediate supervisor within 5 days of when the employee should have known about the event giving rise to the complaint. The supervisor must give a written response to the complaint within 5 days and the parties shall thereafter have 5 days to pursue resolution of the complaint by mutual agreement. The informal step is designed to provide an opportunity for the employee and supervisor to work out differences without involving outside parties. The Affirmative Action Director and/or designee may become involved in the informal step in an advisory capacity, but resolution is to be determined by the employee and supervisor. Employees may skip the informal step if they wish.

2. Formal Procedure:

The formal complaint is to be filed within 7 days of receipt of an answer from the supervisor if an informal complaint was filed. If no informal complaint was filed, the formal complaint must be filed 5 days after the occurrence of the event giving rise to the complaint or within 5 days of when the employee should have known of the event giving rise to the complaint.

3. Filing Procedure:

The complaint must be filed on the attached Discrimination/ Sexual Harassment Complaint Form." The complaint form must be signed. the Affirmative Action Director and/or designee may provide assistance in completing the form. No investigation shall be done until a complaint is made formal. The Affirmative Action Director and/or designee may counsel the employee and/or the employee's supervisor regarding problems which the employee may be encountering in the work place, but no action shall be taken unless and until the employee files a formal complaint.

4. The Affirmative Action Director and/or Designee Responsibilities:

The Affirmative Action Director and/or designee shall determine if the complaint falls within the areas properly covered by the Affirmative Action Complaint procedure, i.e., the complaint alleges sexual harassment, or a violation of an employee's right to employment on the basis of race, creed, color, etc.

- a. If it is determined that the complaint is not properly an Affirmative Action complaint, but is rather a complaint related to general personnel concerns, the Affirmative Action Director shall inform the complainant within 5 days of the submission of the complaint. A response shall explain to the employee the reasons for the determination and what alternative action the employee may take (i.e., referral to other individuals, contract provisions, etc.) to resolve his/her complaint.
- b) If it is determined that the complaint is properly covered by the Affirmative Action Complaint procedures, the Affirmative Action Director shall, within two days of receipt of the complaint, transmit a copy of the complaint to all parties named as respondents. The copy will be accompanied by a memo outlining the basic facts of the complaint and requesting a response within a specific period of time. No extension of the response time shall be allowed.
- c) The respondent(s) shall respond in writing to the Affirmative Action Director and/or designee within the period of time specified in the memo. The respondent(s) shall describe his/her understanding of the situation and the events which may have given rise to the complaint.

- d) The same day that a copy of the complaint is forwarded to the Respondent(s), a memo shall be sent to the complainant informing him/her that the complaint has been determined to be properly Affirmative Action-related, that an investigation is ongoing and that the complaint has been forwarded to the respondent. If the respondent(s) fails to answer the complaint within the time period specified, the allegations contained in the complaint shall be considered to be denied and the Affirmative Action Director and/or designee shall continue to investigate the complaint.
- e) The same day that a copy of the complaint of Sexual Harassment is forwarded to the respondent(s), a notice of complaint in progress will be sent to the Union as stipulated by the various Union contracts. All other union contract stipulations pertaining to Prohibition of Sexual Harassment will be complied with. (See contracts for specifics.)

5. Investigation

An Affirmative Action investigation shall include, but not be limited to the following:

- a) Interviews with or written statements from the parties involved in the complaint: complainant and respondents.
- b) Interviews with or written statements from all witnesses named by the respondent.
- c) Interviews with or written statements from any officials who may have knowledge relatives to the complaint.
- d) A review of all records pertinent to the case in whatever form they may appear (i.e., written, recorded, filmed, etc.)
- e) All investigatory activities shall be conducted in conformance with the provisions of the Minnesota Government Data Practices Act. Additionally, all information collected may at some point become evidence in civil or criminal proceedings against the respondent pursuant to Minnesota Statutes, Chapter 363 or appropriate federal statutes.

6. Findings

At the conclusion of the investigation, all information and findings shall be reviewed and summarized. A summary shall be submitted to the Administrator or the Commissioner of Veterans Affairs, who will make a final determination within 10 days of receipt of findings. All final dispositions shall be sent to the Commissioner of the Department of Employee Relations. The claimant and respondents will be notified within 3 days of final determination.

7. Appeal

If the employee is not satisfied with the final Department response, he/she may file with an appropriate regulatory agency.

VI. REASONABLE ACCOMMODATION PROVISION

I. POLICY

It is the policy of this agency to encourage the employment and promotion of any qualified person including the handicapped. If the reason for the denial of employment or advancement in employment is the need to make reasonable accommodations to the physical or mental needs of a handicapped employee or job applicant, it must be demonstrated that: a) the accommodation would impose an undue hardship on the agency; b) the accommodation does not overcome the effects of the person's handicap; or c) the handicapped person is not qualified to perform that particular job. This agency's reasonable accommodations policy applies to all departmental employees with any known physical or mental limitations, and any job applicant requesting accommodation prior to employment interview.

This agency will provide accommodations to qualified handicapped employees/job applicants when such accommodations are directly related to performing a job or competing for a job on an equal basis. Accommodations will not be required for non-job related personal needs of individuals even though they may be a qualified handicapped individual. In such cases, questions may arise as to whether the accommodation is personal or job related. The primary factors 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 in the most integrated setting possible.

Transportation to and from work is the responsibility of the employee. This agency will not provide transportation to and for work as the part of reasonable accommodation.

II. SCOPE

This policy statement establishes the department's workforce standard for accommodation to the needs of handicapped employees. Reasonable accommodation requirements apply to both job applicants as well as current employees.

III. DEFINITIONS

A. Handicapped Persons

A handicapped person for purposes of this policy is anyone who meets the definition as stated in the Sec. 504 regulations of the 1973 Rehabilitation Act as amended in 1978, Sub-part A, Section 84.3 j1-2 and k104 and Chapter 363 of the state's Human Rights Act. A handicapped person 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 impairment which means that a person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

3. Is regarded as having such an impairment which means:
 - a. 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.
 - b. 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
 - c. Has no impairment but is treated by an employer as having such an impairment.

An employee with an acute disabling condition which is expected to be temporary, such as appendicitis, broken arms, pulled muscles, etc., will meet the definition of qualified handicapped person. If the disabling condition is the result of a compensable work-related illness or injury, the employee will be considered for a light duty job. If the disabling condition is not work-related, the employee is determined not qualified to perform the particular job.

IV. Request for reasonable accommodations.

In order to avoid processing delays, the procedures for processing requests for reasonable accommodations should reflect the least number of approval steps necessary. The steps in requesting reasonable accommodations for current employees are:

- A. The supervisor and the handicapped employee consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistant devices.
- B. The supervisor submits a written request form obtained from the Affirmative Action Officer/Designee for reasonable accommodation. The request includes a justification for the accommodation, and includes a statement of the disability. A medical statement of limitations must be included.
- C. The supervisor submits the request to the Affirmative Action Officer/Designee within three working days upon receipt of the request. The Affirmative Action Officer will notify Manager of the request and gather information regarding availability and cost within five working days.
- D. The Affirmative Action Officer reports to the agency head with a recommendation. The agency head considers the available alternatives and decides whether or not to grant the requested accommodation and determines what accommodation should be provided. The decision is then provided in writing to the supervisor with five working days after the agency makes his or her determination.
- E. The Affirmative Action Officer fills out the Reasonable Accommodations Agreement Form and obtains necessary signatures.

- F. The Affirmative Action Officer submits appropriate purchasing documents to the purchasing agent if equipment, furniture, or other assistive devices must be purchased.
- V. Methods of providing reasonable accommodation. The following are some methods of providing reasonable accommodations to qualified handicapped individuals. Other forms of reasonable accommodations may also be provided.

A. Modification of equipment or assistive devices.

The provision of equipment may include special telephone equipment, "talking" calculators, one-handed typewriters, closed circuit televisions, specifically designed desk and files, TDD communications equipment and other types of equipment to facilitate the performance of job duties. These items include: off-the-shelf devices as well as highly specialized, customized and/or prescription items.

B. Job site modification.

The planning and provisions 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, chair, etc., addition of electrical outlets, rearrangement of furniture and equipment, widening doorways, reallocation 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. This agency will negotiate any changes with Physical Plant Director through Real Estate Management Division, Department of Administration to determine costs. involved.

C. 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 permanent, part-time permanent, and intermittent employment.

D. Support services.

Support services such as interpreters for hearing impaired individuals, readers for blind, special attendants, etc., must be provided when it is clearly demonstrated that these services are required for a disabled employee's performance of the essential functions of the job. Support services may also be needed for job applicants during the interview process. This agency may directly or on a contractual basis of any agency outside the department provide the training necessary to allow staff members to provide support services when such training and provisions of such support services are administratively feasible.

VI. UNDUE HARDSHIP

- A. In determining whether or not the making of a reasonable accommodation would impose "undue hardship" on the operation of a recipient's program, factors to be considered must include:
1. The overall size of the recipient's program (i.e., number and type of facilities, size of budget).
 2. The type of the recipient's operation including the composition and structure of the recipient's workforce.
 3. The nature and cost of the accommodation needed.
 4. The reasonable ability to finance the accommodation and 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.

VII. Funding for reasonable accommodation.

This agency will make funds available in order to provide reasonable accommodations to handicapped employees/job applicants. (The amount will be determined by the agency head and funds will be used only when a reasonable accommodation request has been approved and signed by the agency head.)

VIII. Purchase and maintenance of accommodations.

- A. This agency is free to choose the specific accommodation provided to qualified handicapped persons. The person requesting reasonable accommodations will suggest appropriate accommodations. This agency may provide another accommodation equal or superior to the one proposed--in terms of practicality, usefulness, or cost effectiveness.
- B. All tangible accommodations purchased by this agency will be the property of the State of Minnesota and shall be used only for job-related functions. The maintenance of equipment will be the responsibility of the department, and projected maintenance costs will be a factor in the initial decision to provide accommodations. Example: repair special office equipment, etc.

IX. Denial of Accommodation.

All denials of requests for reasonable accommodation will be documented and kept on file by the affirmative action officer. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. The affirmative action officer will notify the employee of the denial and inform the employee of his/her right to appeal and to file with other government agencies such as Human Rights and Equal Employment Opportunity Commission.

X. Appeals

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the agency head within ten working days of the decision. The agency head will within ten working days of the individuals appeal, convene a reasonable accommodation review committee which shall consist of persons previously not involved. For example, an employee in the same job classification is the person requesting accommodation as rehabilitation engineer (or other person knowledgeable of the requested accommodation). This committee will review all pertinent material and steps leading to the decision according to the following criteria.

- A. Job relatedness.
- B. Effectiveness.
- C. Necessity.
- D. The relationship between the accommodation and essential job functions.
- E. Cost.
- F. Other claims of undue hardship.

The committee will make a recommendation to the agency within five working days from the date the committee was convened unless more time is needed to obtain more information from outside sources. The agency head will make a final determination within five working days from receiving the committee's recommendation. The Affirmative Action officer will then convey written copies of the agency head's decision to the employee and supervisor. If the employee is still dissatisfied with the decision, she/he may file with federal, state, local and human rights legislation. The department's affirmative action officer will provide employees and compliance agencies with information in assistance needed in the appeals process. Information will be provided in compliance with the Minnesota government Data Privacy Act. Compliance agencies which are investigating complaints will request information from the agency head and will be provided documentation relating to the denial of a request for reasonable accommodation.

- XI. Assistance with reasonable accommodation compliance, all requests for information or assistance in determining reasonable accommodation for qualified handicapped employees and employees/job applicants may be directed to the department's Affirmative Action officer, the Council for the Handicapped, or the Director of Equal Opportunity. That person also assists in locating resources or interpreting reasonable accommodation requirements.

XII. Request for Reasonable Accommodations for Job Applicants

- A. All initial communication with job applicant regarding job vacancies shall indicate the willingness of the agency to make reasonable accommodation to the known physical or mental handicap and shall invite the applicant to contact the agency for the needed accommodation.

- B. The individual contacted with the request shall contact the Affirmative Action Officer immediately. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
- C. The Affirmative Action Officer shall contact the job applicant to discuss the needed accommodation and possible alternatives.
- D. If the agreed upon accommodation requested costs no more than \$50.00, the Affirmative Action Officer shall approve the accommodation.
- E. If the accommodation costs more than \$50.00, the Affirmative Action Officer shall request approval of the accommodation from the agency head.
- F. Denial of Accommodation

If the requested accommodation is denied, the Affirmative Action Officer shall advise the applicant of his/her right to file a complaint with the Department of Human Rights alleging violation of the Minnesota Human Rights Act.

VII. WEATHER EMERGENCY NOTIFICATION

All employees at the Minnesota Veterans Homes (Minneapolis and Hastings) are exempt from Notification due to the 24-hour operation of these facilities. All other units are to follow the policies and procedures as defined by the Department of Employee Relations.

VIII. BUILDING EVACUATION

Building evacuation procedures are established and posted for all buildings at the Minnesota Veterans Homes (Minneapolis and Hastings). Employees working at other sites are to follow procedures posed at those locations.

HIRING PROCEDURES

The following hiring procedures are to be followed by all staff involved in the selection process. Please read and become familiar with these procedures. These procedures should be used along with the Minneapolis Home's Uniform Selection/Pre-Employment Screening policy and Procedure, and followed for all hiring, transferring, and demoting of employees. They will also apply in some situations where employees are promoted.

- 1) When a Supervisor has determined that a position is to be filled, the Supervisor is to construct a list of questions to ask the candidates who are to be interviewed. After the questions are developed, one copy is to be sent to your respective personnel office and once copy is to be sent to the DVA Affirmative Action Director (myself) for approval.
- 2) It is essential that all candidates who are interviewed receive a fair and objective interview. All candidates are to be asked the same questions and all candidates are to be evaluated by the same criteria.
- 3) When the interview(s) are completed, the Supervisor will summarize the results of the interviews and recommend a candidate to whom he/she feels the position should be offered. The summary should review the strengths and weaknesses of each candidate and clearly state the criteria used by the Supervisor in making a selection. One copy of the results are to be submitted to your Personnel Office; another copy is to be sent to the Department of Veterans Affairs Affirmative Action Director. (If a selection is challenged, we will need this documentation to justify our actions.)
4. When the results of the interviews are submitted to your Personnel Office, be sure the date that you would like the individual to start is included, as well as the recommended starting salary.
5. Your Personnel Office will contact the candidate and work out a time to complete the Health Prescreening. Based on evaluation of the Health Prescreening, the job offer will be confirmed or not. They will then confirm the starting date with the candidate in writing and inform the candidate if he/she will be required to serve a probationary period and its length. A copy of this letter will be placed in the employee's file and one will be sent to the Supervisor.
6. When a position is covered by the Council #6 contract, the Supervisor should review the list before the interviews start and determine whether there are any employees on the list who are currently in the "seniority unit" within our Department. (Check with the Personnel Office if you cannot determine which candidates are seniority unit employees.) When filling a position covered by Council #6, the Supervisor should only interview those employees who are currently in Council #6 and working for the Department of Veterans Affairs.

Hiring Procedures (Cont.)

- 7) A. If you have completed your interviews and there are Council #6 "seniority unit" members on the list, and you have selected the most senior, there will be no need to write a summary of your decision. Notify the Personnel Office of the date you wish the individual to start.
- B. If there are "seniority unit" members and you **do not** select the most senior employee, you must provide documentation on how the employee with the most seniority would be unable to perform the job tasks, in addition to doing the summary of the interview. Keep in mind that the State of Minnesota has lost every case since 1975 that has gone to arbitration over the most senior employee not being selected. Under the new contract, this language applies to all Council #6 employees being considered for a vacancy in a Council #6 unit if they have worked sixty-seven (67) days or have been appointed for more than sixty-seven (67) days.
- 8) I realize that the above procedures probably create more questions than they answer. The purpose of changing the procedures is to insure that we are in compliance with all labor contracts and Affirmative Action guidelines and procedures. If you are unsure of a situation, please give the Personnel Office a call. Hopefully, we can avoid a serious situation by tightening up the selection process. The important thing to keep in mind is that **under no circumstances** is an offer of employment to be made to any candidate without the approval of the Personnel Office.

AFFIRMATIVE ACTION COMPLAINT FORM

Information on the Complainant (person filing the complaint)

me _____ Job Title _____
 partment _____ Supervisor _____
 rk Location _____ Work Phone _____

Information on the Primary Respondent (person against whom you are filing the complaint)

me _____ Job Title _____
 partment _____ Supervisor _____
 rk Location _____ Work Phone _____

mes of any Secondary Respondents involved in your complaint: _____

Information on the Complaint

believe I was discriminated against because of my: (check all that apply)

____ Race ____ Sex ____ Color ____ Creed ____ Religion ____ Handicap ____ Age
 ____ Veteran's Status ____ Marital Status ____ National Origin ____ Political affiliation
 ____ Reliance on Public Assistance ____ This is a Sexual Harassment Complaint

te on which the most recent act of discrimination/Harassment occurred _____

you filed this complaint with another organization, please give the name of that organization:

scribe how you have been discriminated against or harassed. Give names, dates, places and all
 her pertinent information. Be as specific as you can.

Witness Who May Support Your CaseNameWork Location/Phone

is complaint is being filed based on my honest belief that I have been discriminated against sexually harassed. I hereby certify that the information I have provided relative to my complaint is true, correct and complete to the best of my knowledge and belief.

igned _____ Dated _____

ceived by _____ Date _____

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

APPENDIX C

Please Print or Type

Employee Name	Classification	Date of Request
Division	*Statement of Disability (Attach medical statement if requested by manager)	

1. Attach Additional Sheets for Questions Below if Necessary

2. Type of accommodation requested to perform essential function:

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

4. Why is the requested accommodation necessary to perform the essential job function(s)?

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

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

Signature of Employee	Date
Signature of Supervisor	Date
Signature of Manager	Date
Additional Comments:	

Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14.

REASONABLE ACCOMMODATION AGREEMENT

This form is to be completed by the Department's Affirmative Action Officer after the reasonable accommodation decision has been made. The signature's on the bottom of this form indicates an agreement between the employee and the Department to the specific accommodation.

Name of Employee	Name of Division Manager
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The request for reasonable accommodation to the needs of the above named handicapped employee was:

☐ ACCEPTED ☐ DENIED

Justification for the decision (indicate specific factors considered)

If reasonable accommodation was approved, was the employee's suggestion accepted?

☐ Yes ☐ No ☐ Partially

REASON:

DESCRIBE specific accommodations to be made

COST ESTIMATE _____

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Department, will become the Property of the State of Minnesota.

Signature of Employee	Date
Signature of Commissioner	Date
Signature of Affirmative Action Officer	Date

AFFIRMATIVE ACTION PLAN

Fiscal Year _____
for _____Department of Veterans Affairs
(Agency or Agency Subdivision)

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	
Health Care Non-Professional			X	X
Health Care Professional		X	X	X
Clerical		X		
Technical		X	X	
Correctional Guards				
State University Instructional				
Community College Instructional				
State University Administrative				
Professional Engineering Supervisory				
Health Treatment Professional				
General Professional		X		
Professional State Residential Instructional Supervisory		X		
Commissioner's Plan		X	X	
Managerial Plan	X	X		
Other				

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.

_____ each work station

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.

_____ Affirmative Action Officer

_____ Date

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.

_____ Agency Head

_____ Date

The 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.

_____ Equal Opportunity Division

_____ Date

ATTACHMENT 3

Objective 1. Provide mandatory training for all employees dealing with the subject of sexual harassment.

<u>ACTION STEP</u>	<u>ACTION:</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Provide Sexual Harassment Training for Supervisors/Mgrs. (Training given by Carol Flynn, Dept. of Employee Relations)	Staff Dvlp. Dir.	Jan. 23, 1987
2.	Develop new In-House Sexual Harassment/Affirmative Action training course (1 hr. course) for presentation to staff.	PD/AAO; Staff Dvlp.	Feb. 10, 1987
3.	Establish calendar and assign staff to attend Sexual Harassment Affirmative Action training	PD/AAO; Staff Dvlp.	Feb. 10, 1987
4.	Provide training	Staff Dvlp.	May 10, 1987
5.	Report completion of training to Dept. of Human Rights	PD	May 15, 1987

Objective 2: Redesign and implement Affirmative Action/Sexual Harassment component of general orientation

<u>ACTION STEP</u>	<u>ACTION:</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Review current personnel/Aff. Act. component of orientation	P.O. Sr. and Pers. Aide Sr.	Aug. 31, 1987
2.	Redesign intent; develop check off and orientation module	P.O. Sr., Pers. Aide Sr., Staff Dvlp. Dir.	Sep. 30, 1987
3.	Implement new orientation	Pers. Aide Sr.	Oct. 1, 1987
4.	Evaluate new personnel/Aff. Act. component of general orientation	P.O. Sr. and Pers. Aide	Ongoing

Objective 3: To evaluate and redesign exit interview.

<u>ACTION STEP</u>	<u>ACTION:</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Compile samples of exit interviews from other agencies	Pers. Aide Sr.	May 30, 1987
2.	Review, evaluate, and design new exit interview	P.O. Sr. & Pers. Aide Sr.	June 30, 1987
3.	Implement new exit interviews	Pers. Aide Sr.	July 1, 1987
4.	Evaluate exit interviews completed	P.O. Sr. & Pers. Aide	Dec. 31, 1987

Objective 4: Revise Health History Prescreening form to allow for better self-identification of handicapping conditions.

<u>ACTION STEP</u>	<u>ACTION:</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Review Health History Prescreening forms for self-identification of handicapping conditions.	P.O. Sr. & Pers. Aide Sr.	June 1, 1987
2.	Make corrections, additions, deletions	Pers. Aide Sr.	June 30, 1987
3.	Implement use of revised form	Pers. Aide Sr.	July 1, 1987
4,	Complete EAF's and indicated by information on form	Pers. Aide Sr.	Ongoing

ATTACHMENT 4

IDEAL GOALS

The following goals have been established (1986):

Vietnam Era Veterans	=	No changes	
Handicapped	=	No changes	
Managers	=	Minorities	4.07%
	=	Female	44.44%
Supervisors	=	Minorities	4.07%
	=	Females	53.00%
Craft	=	Minorities	4.07%
	=	Females	22.28%
All others	=	No changes	

Interim Goal Changes:

Nurses	=	Handicapped	1
	=	Minority	1
Service	=	Vietnam Era	1
Hospital	=	Handicapped	1