

DEPARTMENT : Health

STATE OF MINNESOTA

Office Memorandum

DATE : September 17, 1987

TO : ALL SUPERVISORS

870008

FROM : Diana M. Danielson *Diana M Danielson*
Personnel Officer, Senior

PHONE : 623-5064

SUBJECT : **AFFIRMATIVE ACTION PLAN REVISIONS**

Attached is a revised copy of the Affirmative Action Plan. Two new sections have been added. The first, the Reasonable Accommodations Provision, outlines procedures for offering reasonable accommodations to handicapped candidates or employees. All supervisors should be familiar with these procedures and should follow them when receiving requests for reasonable accommodations. The second new section (J) makes supervisors responsible for informing hearing impaired employees of weather emergencies and for evacuation of disabled employees during building emergencies.

Section "G" pertaining to the preemployment review process and interview reporting, has been revised for clarification. Supervisors are of course responsible for following these procedures when hiring.

If you should have any questions about the Affirmative Action Plan, please contact me.

DD:sd

Attachment

ATTACHMENT 1
AFFIRMATIVE ACTION PLAN
 Fiscal Year 1988
 For

HEALTH

(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
Health Care Non-Professional				
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		X	X	X
Health Treatment Professional				
General Professional		X	X	
Professional State Residential Instructional Supervisory			X	
Commissioner's Plan		X	X	X
Managerial Plan	X	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. HEALTH BUILDING: Third Floor Personnel/Training bulletin board.
 Outstate Locations: Official office bulletin boards.

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.

 Affirmative Action Officer

 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.

[Signature]

 Agency Head

6/19/87

 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.

 Equal Opportunity Division

 Date



TABLE OF CONTENTS

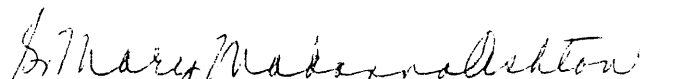
- A. STATEMENT OF COMMITMENT
- B. DELEGATION OF AUTHORITY AND RESPONSIBILITIES
- C. COMMUNICATION AND DISSEMINATION OF INFORMATION
- D. GOALS AND TIMETABLES
- E. SPECIFIC MDH PROGRAM OBJECTIVES
- F. INTERNAL AUDIT AND REPORTING SYSTEMS
- G. PRE-EMPLOYMENT REVIEW AND INTERVIEW REPORTING
- H. INTERNAL DISCRIMINATION COMPLAINT PROCEDURE AND
DISCRIMINATION COMPLAINT FORM
- I. REASONABLE ACCOMMODATIONS FOR HANDICAPPED
- J. HANDICAP EMERGENCY PROCEDURES

A. STATEMENT OF COMMITMENT

In accordance with state and federal policy and law, as the Commissioner of the Minnesota Department of Health, I am committed to providing equal opportunity in all facets of employment to current and potential employees without regard to race, color, creed, national origin, sex, age, marital status, handicap, religious or political views or affiliations, status as a Vietnam era veteran or reliance on public assistance.

To ensure that protected groups are fully utilized in all job categories, I have established and am committed to implementing this program of affirmative action. Protected groups consist of women; minorities, defined as Black, Hispanic, American Indian or Alaskan Native and Asian or Pacific Islander; handicapped persons; and Vietnam era veterans defined as permanent Minnesota residents who served in any branch of the United States armed forces during the period from August 5, 1964, to May 7, 1975, and who separated under honorable conditions after having served on active duty for 181 consecutive days or less, if having incurred a disability while serving on active duty.

Department employees shall be responsible for implementation of this plan as outlined herein.



Sister Mary Madonna Ashton
Commissioner of Health

6-30-87

Date

B. Delegation of Authority and Responsibilities

Commissioner of Health

Responsibilities:

To assure establishment and full implementation of the Minnesota Department of Health's (MDH) Affirmative Action Program in accordance with federal and state laws, policies, rules and regulations.

Duties:

1. To charge managers and supervisors with responsibility for implementing affirmative action in their program areas and for including an affirmative action responsibility in their position description.
2. To ensure that MDH employees are informed of the Affirmative Action Program and of their rights and responsibilities under current laws.
3. To appoint the Department's Affirmative Action Officer and Affirmative Action Committee members.
4. To ensure that complaints of unfair discrimination are handled impartially and in accordance with the procedure set forth in the Affirmative Action Plan.
5. To establish or change policies and procedures necessary to facilitate effective affirmative action and to comply with changes in laws or rules.
6. To provide comments for inclusion in the Department of Employee Relations' annual Affirmative Action report, with regard to data pertaining to the Department of Health.

Accountability:

The Commissioner of Health is directly responsible to the Governor and to the Commissioner of the Department of Employee Relations.

Affirmative Action Officer

Responsibilities:

To administer the MDH Affirmative Action Program.

Duties:

1. To coordinate and monitor affirmative action activities.

2. To investigate complaints of unfair discrimination and report findings to the Commissioner of Health or designee.
3. To fulfill all affirmative action reporting requirements.
4. To disseminate Equal Employment Opportunity/Affirmative Action Policy (EEO/AAO) and Affirmative Action Plan.
5. To chair Affirmative Action Committee and to serve as ex-officio member.
6. To serve as liaison between MDH and the Equal Opportunity Division.
7. To determine affirmative action training needs and develop appropriate training programs.
8. To review policies, procedures, programs and physical accommodations to recommend changes to the Commissioner of Health.
9. To support and participate in recruitment and selection of protected class persons and to maintain contacts with protected class sources for recruitment purposes.
10. To advise agency management of the requirement to notify contractors and subcontractors of their affirmative action responsibility.
11. To revise MDH Affirmative Action Plan.
12. To perform other duties, as required.

Accountability:

The Affirmative Action Officer is responsible to the Commissioner of Health.

Affirmative Action Committee

Responsibilities:

To assist Affirmative Action Officer with administration of the Department's Affirmative Action Plan.

Duties:

1. To attend Affirmative Action Committee meetings.
2. To serve as a forum for transmitting employee affirmative action concerns to management.
3. To assist with revision of MDH Affirmative Action Plan.

4. To recommend affirmative action policies and procedures.
5. To review progress in hiring protected group members on a quarterly basis to identify problems and recommend solutions.
6. To assist with the development and presentation of training workshops.
7. To perform other duties as necessary.

Accountability:

The Affirmative Action Committee is responsible to the Affirmative Action Officer.

Managers and Supervisors

Responsibilities:

To implement the MDH Affirmative Action Plan and to ensure equal treatment of all employees.

Duties:

1. To assist the MDH 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 MDH Affirmative Action policy to assigned staff.
4. To facilitate staff participation on MDH Affirmative Action Committee.
5. To include Affirmative Action responsibility statement in position description.
6. To attend any scheduled affirmative action training workshops.
7. To take corrective or disciplinary action in response to or to prevent complaints of sexual harassment.
8. To comply with reporting requirements outlined in the MDH Affirmative Action Plan.

Accountability:

Supervisors and Managers are responsible to the Commissioner of Health.



C. Communication and Dissemination of Information

INTERNAL

The EEO Policy will be communicated and disseminated to MDH employees as follows:

1. New employees will be informed of it at their orientation session.
2. Each manager and supervisor will be informed of changes in the Affirmative Action Plan and his/her responsibility for implementation.
3. A copy of each of the following will be posted on the second and third floor Personnel/Training bulletin boards and in each work location outside the Health Building:
 - a) the EEO Policy and Affirmative Action Plan;
 - b) a list of all Affirmative Action Committee members and their office phone numbers;
 - c) a schedule of Affirmative Action Committee meetings and a statement that all employees may attend; and
4. A copy of the EEO Policy will be included in the MDH Policy and Procedure Manual.

EXTERNAL

The EEO Policy will be disseminated to outside sources as follows:

1. MDH letterhead and all advertisements for employment will include the statement "An Equal Opportunity Employer."
2. All persons and organizations doing business with MDH will be informed of the Department's EEO Policy.

D. Goals and Timetables

New goals were established for women and minorities using 1980 census data. Statewide percentage goals were established for each bargaining unit. Following is a list of goals for women and minorities.

	<u>WOMEN</u>	<u>MINORITIES</u>
	<u>Goal</u>	<u>Goal</u>
SERVICE	44.57	4.68
HEALTH CARE PROF.	NONE	1.81
CLERICAL	NONE	4.68
TECHNICAL	NONE	4.68
ENGINEERING	7.18	2.61
GENERAL PROF.	44.57	4.68
SUPERVISORY	44.57	4.68
MANAGEMENT	36.08	5.15

Goals for handicapped and Vietnam era veterans are 8.2% and 9% for all bargaining units.

When the percent employed is less than the percentage goal, the goal has not been met. In such cases, supervisors must follow the Pre-Employment Review Procedure outlined in Section G when filling vacancies.

Conversely, when the percent employed is greater than the percentage goal, the goal has been met and affirmative action should no longer be a factor in hiring decisions. Even when this occurs, however, it still remains a violation of law to exclude candidates from consideration because of their race, color, creed, national origin, sex, age, marital status, handicap, religious or political views or affiliations, status as a Vietnam era veteran or reliance on public assistance.

Supervisors will be provided with quarterly updates of goal progress, so that they are better able to fulfill their responsibilities.



E. Specific MDH Program Objective

OBJECTIVE:

To present training and information sessions related to affirmative action, so that department supervisors might better meet their responsibilities in this area, and both supervisors and employees have a better understanding of affirmative action and protected groups.

<u>ACTION STEP</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1. Investigate available training programs.	AAO/AAC	January, 1988
2. Determine training and informational programs which should be offered.	AAO/AAC	April, 1988
3. Take all necessary steps to offer selected programs.	AAO/AAC	July, 1988

F. Internal Audit and Reporting Systems

The Minnesota Department of Health is required by federal and state law to maintain various personnel records for the purpose of preparing reports. To meet this requirement, a centralized reporting system has been established and will be maintained.

In the event that the Division of Equal Opportunity and/or a federal enforcement agency should conduct an intensive on-site audit and evaluation of the Department's efforts to comply with laws, regulations and orders mandating Affirmative Action, the following information will be made available:

1. A copy of the Department's Affirmative Action Plan;
2. Copies of work force and/or utilization analysis which may have been done within the past two years;
3. Copies of all certification lists from which hiring was done in the past twelve months;
4. Copies of any personnel affirmative action policies or procedures that are unique to MDH;
5. Copies of Affirmative Action Committee meeting minutes;
6. Records of all hires, promotions, transfers, terminations, disciplinary actions and discrimination complaints.



G. Pre-employment Review and Interview Reporting

Pre-Employment Review

When the names of one or more protected class candidates are certified and one or more such candidates are available for a vacancy in a bargaining unit where there is an unmet goal, the interviewing supervisor must consult with the Affirmative Action Officer, prior to making a job offer, when s/he does not want to hire such a candidate. If after such consultation the supervisor chooses not to hire a protected group candidate, his/her reasons must be outlined in a memorandum to the Commissioner, with a copy to the Affirmative Action Officer. Such justification must be signed by the Division Director prior to submitting to the Commissioner.

Interview Report Forms

Supervisors shall complete an "Interview Report Form" each time a selection decision is made. Completed forms should be submitted to the Personnel Section.

H. Internal Discrimination Complaint Procedure

Any MDH employee who believes that s/he has been unfairly treated, or discriminated against, in any aspect of employment because of his/her race, color, creed, national origin, sex, age, marital status, handicap, religious or political views or affiliations, status as a Vietnam era veteran or reliance on public assistance, may file a grievance under this procedure. Potential employees who believe that they were unfairly treated in the selection process may also use this procedure by filing grievances at Step 2.

Under current data privacy laws, when a grievance is being investigated, all information is considered private. However, once an investigation is completed, all information, with the exception of information which is always private, becomes public information. When a grievance is being processed and investigated, the Affirmative Action Officer will ensure compliance with all applicable provisions of collective bargaining agreements.

An employee shall not suffer any coercion, reprisal or unfair discrimination as a result of filing a grievance under this procedure. Nor shall an employee filing a complaint under this procedure forfeit his/her right to file, either simultaneously or at a later time, other complaints or grievances under other complaint or grievance procedures.

When practicable, an employee should first attempt to resolve a grievance with his/her supervisors. When impracticable, or when the supervisor is unable to resolve the grievance, the employee may proceed to the formal grievance procedure. However, prior to filing a formal grievance, the employee should first consult with the Affirmative Action Officer to determine if it would be appropriate to use this procedure to resolve the grievance.

Grievance Procedure

Step 1: A. An employee must present his/her grievance in writing to the Division Director within ten (10) working days after the occurrence of events giving rise to the grievance or within ten (10) working days of the time s/he became aware of the events giving rise to the grievance. The employee must outline the circumstances which caused the grievance, actions which have already been taken in an effort to resolve the grievance and the action or actions the employee believes must be taken to satisfactorily resolve the grievance.

- B. The Division Director shall have seven (7) working days to arrange a meeting and attempt to resolve the grievance with the employee and other concerned parties, and shall then have five (5) working days to provide a written response to the employee, with a copy to the Affirmative Action Officer, along with a copy of the employee's grievance. .

If the grievance is not resolved to the employee's satisfaction, the grievance may proceed to Step 2.

- Step 2:
- A. Within three (3) working days of receipt of the Division Director's response, the employee may notify the Affirmative Action Officer of his/her intention to carry the grievance to Step 2.
 - B. The Affirmative Action Officer shall have five (5) working days to investigate the grievance and shall have the responsibility and authority to question all persons and examine all documentation deemed relevant to a thorough investigation.
 - C. The Affirmative Action Officer shall then have five (5) working days to submit a copy of the employee's grievance and a report outlining the findings of the investigation to the Commissioner of Health, or her designee.
 - D. The Commissioner, or her designee, shall then have ten (10) working days to meet with all parties concerned and shall have an additional fifteen (15) working days to issue a written decision to the employee, with copies to the Division Director and the Affirmative Action Officer.

The time limits set forth in the above procedure may be extended by mutual consent of all parties involved. All decisions of the Commissioner are final.

The Affirmative Action Officer shall submit copies of all grievance dispositions to the Director of Equal Opportunity within thirty (30) days of a final determination.

MINNESOTA DEPARTMENT OF HEALTH
DISCRIMINATION COMPLAINT FORM

PRINT OR TYPE THE FOLLOWING INFORMATION:

YOUR NAME: _____ JOB TITLE: _____

DIVISION: _____ SUPERVISOR: _____

SS# _____ WK. PHONE: _____

BASIS OF COMPLAINT (RACE, SEX, AGE, ETC.): _____

PRINT OR TYPE THE FOLLOWING INFORMATION FOR ALL OF THE PERSONS YOU FEEL UNFAIRLY DISCRIMINATED AGAINST YOU:

<u>NAME</u>	<u>JOB TITLE</u>	<u>DIVISION</u>	<u>WK. PHONE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

What was the date when you first became aware of the alleged act of discrimination: MONTH _____ DAY _____ YEAR _____

If you have filed this complaint with another agency, please list the agency and the date you filed: _____

Briefly describe the circumstances which caused you to believe that you have been discriminated against. (If additional space is needed, please continue on a separate sheet of paper.): _____

I. REASONABLE ACCOMMODATIONS FOR THE HANDICAPPED

This section applies to all MDH employees and potential employees who are handicapped. A handicapped person is defined as one who: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or, (3) is regarded as having such an impairment. *

Qualified handicapped candidates may not be denied employment, promotion, or reassignment because they are handicapped; neither may they be denied such opportunities when reasonable accommodations will enable them to compete for or perform the duties of a position, even though they would not be able to do so otherwise. The variety of possible reasonable accommodations may be as diverse as handicapped individuals themselves. Therefore, each situation should be considered separately. Reasonable accommodations may include, but are not limited to, modification of the work site or equipment, job restructuring, or providing support services.

Since the purpose of a reasonable accommodation is to enable an otherwise qualified handicapped candidate to compete for or perform all the essential duties of a position, reasonable accommodations shall not be provided to satisfy the personal needs or wants of handicapped persons, nor shall they extend to providing transportation to or from work.

Reasonable accommodations costing \$50.00 or less must be approved by Division Directors. Those costing more than \$50.00 should be submitted to the Commissioner or her designee for approval. When an applicant requests an accommodation which is determined to be both reasonable and the most cost effective accommodation available, and the cost of such accommodation is \$50.00 or less, the accommodation must be provided.

Requests which are denied may be appealed to the Commissioner of Health. All equipment purchased as a reasonable accommodation remains the property of the State of Minnesota and may not be used or disposed of, except in accordance with state policies.

PROCEDURES

Requests

1. Candidates for MDH Positions

A. Applicant

1. Request a reasonable accommodation, either orally or in writing, at the time an interview is scheduled.

B. Interviewing Supervisor

1. Inform the MDH Affirmative Action Officer of all requests for reasonable accommodations, including the date of the request and the accommodation that was made.
2. Arrange for accommodations, or request assistance from the Affirmative Action Officer.
3. Refer requests for accommodations costing more than \$50.00 to the Affirmative Action Officer.

C. Affirmative Action Officer

1. Assist supervisors to arrange for reasonable accommodations.
2. Keep records of all reasonable accommodation requests and their disposition.
3. Research requests for accommodations costing more than \$50.00 and submit them to the Commissioner or her designee with recommendations of possible alternatives.

2. Current MDH Employees

ALL STEPS MUST BE HANDLED WITHIN TWENTY (20) WORKING DAYS

A. Employee

1. Submit written request for a reasonable accommodation to the immediate supervisor, including a complete explanation of why the accommodation is needed and, if the disability is temporary, the duration of the need.

B. Supervisor

1. Review requests and arrange non-monetary accommodations.
2. When the cost of a request is \$50.00 or less, investigate possible options with AAO and/or employee and submit to Division Director.

3. When cost of request is more than \$50.00, refer request to the AAO.
 4. Submit copies of all requests to the AAO, including an explanation of all accommodations that have been approved or disapproved.
- C. Affirmative Action Officer**
1. Investigate alternative accommodations and make recommendations to the Commissioner, Division Directors and supervisors.
 2. Maintain records of all requests and their dispositions.
- D. Commissioner of Health Division Directors**
1. Provide funding for accommodations.
 2. Approve/Disapprove requests. (Requests may be disapproved when approval would result in an undue hardship for the program or the accommodation would not overcome the effects of the person's handicap. Before disapproving a request, the following factors should be considered: the size and type of the program, the nature and cost of the accommodation, and whether or not adequate consideration was given to possible alternatives.)
 3. Provide supervisors, employees, and the AAO with written approval or disapproval of each request.

APPEALS

Applicants and employees may appeal by writing directly to the Commissioner of Health. All appeals will be handled in accordance with procedures outlined in Step 2 of the internal complaint procedure. When an appeal is denied, the handicapped individual will be told of his/her right to file a complaint with the Minnesota Department of Human Rights.



J. Handicap Emergency Procedures

Weather Emergencies

When a weather emergency is declared in accordance with state policy, supervisors of hearing impaired employees shall notify such employees of the weather emergency.

Building Emergencies

In the event of a fire, or other building emergency, supervisors of physically disabled employees will be responsible for evacuation of such employees in accordance with the department building emergency plan.

