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MINNESOTA DEPARTMENT OF PUBLIC SAFETY
AFFIRMATIVE ACTION PLAN

February 20, 1987

Minnesota Department of Public Safety

Affirmative Action Plan Revisions

Table of Contents

Transmittal Page: Metro	1
Outstate	2
Equal Employment Opportunity Policy and Statement of Commitment to Affirmative Action	3
Policy on Harassment/Sexual Harassment	4
Persons Responsible for Affirmative Action in the Department	6
Dissemination of Policy and Plan	12
Informal Complaint Resolution Procedure	13
Formal Complaint Resolution Procedure	14
Interim Goals (Metro and Outstate)	16
Affirmative Action Plan Objectives for F.Y. 1987	19
Procedures for Pre-Employment Review	21
Weather Emergency	23
Emergency Procedures for Handicapped	24
Appendix A - Memo to All Managers and Supervisors	
Appendix B - Reasonable Accommodations for the Handicapped Under M.S. 43A.191	
Appendix C - Employee Request for Reasonable Accommodation	
Appendix D - Reasonable Accommodation Agreement	
Appendix E - Discrimination Complaint Form	
Appendix F - Sexual Harassment Report	

ATTACHMENT 1
AFFIRMATIVE ACTION PLAN
Fiscal Year 1987
For

Public Safety - Metro
(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	X	X		
Craft, Maintenance, Labor Service	X	X		
Health Care Non-Professional				
Health Care Professional				
Clerical			X	X
Technical	X	X	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	
Commissioner's Plan	X	X	X	
Managerial Plan		X	X	X
Other	X	X	X	X

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.

Room 210, Transportation Building, St. Paul, MN 55155

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

3-2-87

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.


Agency Head

2/27/87

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

ATTACHMENT 1
AFFIRMATIVE ACTION PLAN
Fiscal Year 1987
For

Public Safety - Outstate
(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	X	X		
Craft, Maintenance, Labor Service	X	X	X	
Health Care Non-Professional				
Health Care Professional				
Clerical			X	X
Technical	X	X	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	X
Commissioner's Plan	X		X	X
Managerial Plan				
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.

Room 210, Transportation Building, St. Paul, MN 55155

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.

John C. Sullivan
Affirmative Action Officer

3-2-87

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.

Paul J. Fukuda
Agency Head

2/27/87

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


STATE OF MINNESOTA

DEPARTMENT of Public Safety

Office Memorandum

TO : All Public Safety Employees

DATE: February 12, 1987

FROM : Paul J. Tschida
Commissioner 

PHONE: 296-3899

SUBJECT: Equal Opportunity and Affirmative Action

The department of Public Safety is committed to a policy of equal opportunity for its employees and the public it serves. I affirm my personal and official endorsement of this policy which provides:

- * That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, marital or public assistance status, physical or mental handicap, or Vietnam era veteran status.
- * That the department will further strive to ensure equal access and opportunity in the services it provides to the public.
- * That the department will continue to actively promote a program of affirmative action, wherever minorities, women, the handicapped and Vietnam era veterans are underrepresented in the workforce. This will be carried out through the Department's Annual Affirmative Action Plan.

Successful implementation of this policy involves more than a policy statement. Each employee must assume responsibility for promoting and applying principles of equal opportunity in their work. Managers and supervisors are responsible for equal opportunity and affirmative action efforts. Their progress in this area will be a factor in performance evaluation.

Noah Shelton is the Department's Affirmative Action Officer and can be reached at (612) 296-3899.

Our goal is fairness - I strongly urge your active involvement in carrying out this policy and welcome all comments and suggestions as to how we may improve our department and provide the best possible service to the citizens of Minnesota.

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STATE OF MINNESOTA

DEPARTMENT of Public Safety

Office Memorandum

TO : All Public Safety Employees

DATE: February 12, 1987

FROM : Paul J. Tschida
Commissioner 

PHONE: 296-3899

SUBJECT: MINNESOTA DEPARTMENT OF PUBLIC SAFETY
POLICY ON HARASSMENT/SEXUAL HARASSMENT
(Department Affirmative Action Plan, adopted July, 1981)BACKGROUND

The Department of Public Safety is committed to the principles of Equal Employment Opportunity and Affirmative Action. In this spirit, the department actively encourages the enrichment and professional development of all employees. We have long regarded harassment of others in the workplace as unacceptable behavior on the part of employees. A Minnesota Supreme Court decision (Continental Can Co. vs. State of Minnesota, June 6, 1980) and other recent court decisions, dictate the need for restatement of explicit policy on the subject, particularly regarding sexual harassment.

DEFINITIONS

Under Section 703 of Title VII of the Civil Rights Act of 1964 harassment on the basis of race, color, religion, sex or national origin is a form of discrimination. Such discrimination, therefore, is prohibited under federal and state laws. Further, the Minnesota Supreme Court has ruled that an employer can be held legally liable for the harassment of one of its employees towards another, if that employer knows or should have known that the harassment has occurred.

Harassment is any behavior which is not welcome, which is personally offensive and which, therefore, may affect morale and interfere with the employee's ability to perform. Harassment may include any verbal or physical conduct relating to an individual's race, color, religion, sex or national origin. (U.S. Equal Employment Opportunity Commission Guidelines on Discrimination, 1980.)

Sexual Harassment has been specifically defined by the Equal Employment Opportunity Commission: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
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". (Equal Employment Opportunity Commission Guidelines on Discrimination because of Sex, November 10, 1980.)

POLICY

The Department of Public Safety will maintain a working environment free of discrimination including, but not limited to, sexual harassment, discriminatory insult, intimidation and all other forms of harassment. The department will take all necessary reasonable measures to rid the workplace of bias, will investigate all such allegations and will take prompt and appropriate remedial action against those employees who harass.

RESPONSIBILITIES:

The department assumes responsibility for informing all employees of this policy and eliminating harassment in the workplace. However, acts of harassment are often informal and unofficial. Moreover, there can sometimes be instances of unintentional harassment. Such situations can have damaging effects on working relationships. Therefore, employees who believe that they are being harassed should notify the department. These procedures should be followed:

Harassed employee:

- a) Clearly explain to the person(s) harassing you what behavior you find objectionable and ask that it stop - or - report the behavior to your supervisor (if your supervisor is the offending party, to his/her supervisor) - or contact the Department's Affirmative Action Officer at 296-3899.
- b) Make notes of instances of harassment and the names of any witnesses.
- c) If the harassment continues, follow the departmental complaint procedure which is attached. Where AFSCME Council 6 labor agreement applies, the attached complaint reporting form will also be used.

Supervisors:

- a) Investigate and process each informal and formal complaint of harassment.
- b) Take prompt and appropriate action to eliminate the harassment. Such action may include verbal warning, written reprimand, and other disciplinary action, up to and including discharge.

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PERSONS RESPONSIBLE FOR AFFIRMATIVE ACTION IN THE DEPARTMENT

A. Direction and implementation of the program.

1. Responsible

The following people are responsible for directing the Affirmative Action Program.

Commissioner	Paul J. Tschida
Equal Opportunity Officer	Frank Dougherty, Asst. Commissioner
Affirmative Action Officer	Noah C. Shelton

2. Responsible Staff

The following people are responsible for implementing the Affirmative Action Program.

Managers and Supervisors

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IV CONTINUED

AFFIRMATIVE ACTION RESPONSIBILITIES - ON-GOING

COMMISSIONER

Objective

Through firm commitment and active support of the Affirmative Action Program to ensure equal employment opportunity and encourage the professional growth of all employees and applicants for employment.

Responsibilities: The Commissioner has final responsibility to direct the overall administration of the department's affirmative action program and to set forth the principles of equal opportunity in departmental policy.

Duties:

- A. To designate the Department Equal Opportunity Officer.
- B. To approve and sign the Department Affirmative Action Plan and all other policies relating to affirmative action.
- C. To require the inclusion of affirmative action objectives in the performance evaluations of each assistant commissioner, division director, and staff office director.
- D. To take action, if needed, on complaints of discrimination.
- E. To make final determination of employee complaints of discrimination.

Accountability: The Commissioner shall be accountable directly to the Governor and indirectly to the Commissioner of the Department of Employee Relations and the Director of Equal Opportunity Department for all Equal Employment Opportunity and Affirmative Action matters.

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EQUAL OPPORTUNITY OFFICER

Responsibilities: To assist the Commissioner in the administration of the Department Affirmative Action Plan.

Duties: The duties of the Equal Opportunity Officer shall include:

- A. To ensure that the Commissioner's policies and directives regarding Affirmative Action are carried out.
- B. To evaluate managers on their annual job performance review and appraisal regarding their efforts to fulfill their Affirmative Action responsibilities and duties as described by the plan.

Accountability: The Equal Opportunity Officer is directly accountable to the Commissioner.

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MANAGERS/SUPERVISORS

Responsibility: To apply the Affirmative Action Policy in all phases of employment as well as to all phases of day-to-day operations.

Duties:

- A. To communicate the policy and spirit of the plan to employees under their immediate supervisor. The Affirmative Action Officer will be available to assist them if necessary.
- B. To choose candidates for new positions or promotional opportunities on the basis of training, experience, the Agency's Affirmative Action goals, and the pre hiring review.
- C. To submit to the Affirmative Action Officer written documentation of the reason for non-selection of a protected group candidate for which a disparity exists.
- D. To comply with the Department's complaint resolution procedure as outlined in this plan.

Accountability: Managers and supervisors will be evaluated on the results of their Affirmative Action efforts on their performance review and appraisal.

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PERSONNEL DIRECTOR

Responsibility: To review personnel policies and practices in order to ensure that all employees are treated fairly and equitably in terms and conditions of employment.

Duties:

- A. To review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationship to job performance.
- B. To maintain records that will enable the analysis of all portions of the selection process to include a breakdown by sex, race, handicap, job category, job classification, location, and division of the following information: applicants tested, interviewed, selected, promoted, salary; employees receiving promotions, achievement awards, training; grievances, disciplinary actions, and separations by reason.
- C. Oversees all openings in each division and section and publicize both competitive and promotional examinations through the department.

Accountability: The Personnel Director is directly accountable to the Commissioner.

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AFFIRMATIVE ACTION OFFICER

Responsibility: The Affirmative Action Officer is responsible for the daily direction and implementation of the Departments Affirmative Action Program.

Duties:

- A. To review and recommend changes in policies, procedures and programs to facilitate Affirmative Action within agency.
- B. To recruit protected group persons for any openings within the agency where there is a disparity.
- C. To conduct equal opportunity seminars, orientation programs, and participate in other agency programs and seminars.
- D. To submit Affirmative Action reports as required and coordinate communications involving Affirmative Action and Equal Opportunity.
- E. To identify and eliminate barriers to equal employment opportunity within the Department.
- F. To conduct a pre-employment review of all appointments to under represented job categories before hiring decisions are authorized.
- G. To act as liaison between the Department and the Department of Employee Relations.
- H. To play an active part in the Informal and Formal Complaint Resolution Procedures outlined in this plan.

Accountability: The Affirmative Action Officer is directly accountable to the Commissioner and indirectly to the Equal Opportunity Department.

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DISSEMINATION OF POLICY AND PLAN

A. Internal Communication

1. Written Communication:

- a. The Affirmative Action Officer will post the full Affirmative Action Plan in each division indicating that copies of the policy may be obtained from the Affirmative Action Office/Personnel Office.
- b. The Affirmative Action Officer ensures that the Affirmative Action Program is disseminated through:
 - 1) The new employee packet that is distributed to all new employees upon their first day of work by the personnel officers.
 - 2) The plan will be prominently displayed on the employee bulletin boards in each operating location.
 - 3) The affirmative action officer will conduct a section on Affirmative Action for new employee orientation.
 - 4) The department's newsletter.
 - 5) Posters
 - 6) Other appropriate publications.

B. External Communication

1. The commitment of the department to affirmative action will be aggressively publicized through the widest variety of media so that minority, female, handicapped, and Vietnam era Veteran applicants are encouraged to seek employment and promotion in the department.
2. The Affirmative Action Officer will inform recruitment organizations, including those identified by the Department of Employee Relations, secondary schools, and those who make their existence known by filing notice with the department, of vacancies occurring within the department by requesting assistance in recruitment efforts.
3. All communications on job opportunities will include the statement, "The Minnesota Department of Public Safety is an affirmative action and equal opportunity employer".
4. Each division and staff office will be responsible for including a nondiscriminatory clause in all division contracts as defined in the Minnesota Human Rights Act, Section 363.073, Subd. 1, "Certificates of Compliance for Public Contracts", and will ensure that such contracts are in compliance with Title VI of the Civil Rights Act of 1964, as amended.

INFORMAL COMPLAINT RESOLUTION PROCEDURE

- I. An employee who has a complaint of discrimination may bring it to the attention of his/her supervisor in an attempt to reach a satisfactory resolution by administrative remedy; or
- II. An employee may follow the procedure outlined below:
 - A. The Complainant files a verbal complaint with the Affirmative Action Officer.
 - B. The Affirmative Action Officer shall determine if the employee has a valid affirmative action complaint.
 - C. If the complaint is not valid, the Affirmative Action Officer will recommend an alternate course of action.
 - D. If the complaint is valid, the Affirmative Action Officer will investigate the complaint within three (3) working days and will:
 1. Interview Complainant, Respondent(s), and any other persons deemed necessary to complete a thorough investigation.
 2. Inform (both) parties of the findings within five (5) working days of receiving the complaint.
 3. Attempt to resolve the complaint.
 4. Advise the complainant about procedures for filing a formal complaint if the complaint is not resolved to the complainant's satisfaction by this method.
 5. Prepare a written report of final outcome. A record of the number of informal complaints pursued or dismissed shall be kept by the Affirmative Action Officer.

FORMAL COMPLAINT RESOLUTION PROCEDURE

Step 1 Filing a Complaint:

- A. If the Complainant does not feel that the complaint has been resolved through the Informal Complaint Resolution Procedure, the complainant shall file a written complaint with the Affirmative Action Officer. The written complaint shall set forth the nature of the complaint, the facts upon which it is based, the relief requested, and other items as indicated on the Complaint Resolution Form (Appendix E). The Affirmative Action Officer will provide assistance in filling out the form if needed and review the appropriate union contract to ensure that proper procedures have been followed. (Additional copies of this form are available from the Affirmative Action Officer.)
- B. A copy of the completed form shall be sent by the Affirmative Action Officer via certified mail or other receipted communication. The Affirmative Action Officer will send copies of the complaint to the complainant's division director, the Equal Opportunity Officer, and all persons named as respondents within two working days of receipt.

Step 2: Investigation:

Within five working days, a thorough investigation shall be conducted by the Affirmative Action Officer and may include, but not be limited to, interviews or written interrogatories with all parties involved in the complaint, i.e., complainant, respondent(s), their respective witnesses, officials having pertinent records or files, etc. (All data collected, whether written, audio recorded, filmed, or in any other form may become evidence in civil or criminal legal proceedings pursuant to Minnesota Statutes, Chapter 363, or appropriate federal statutes.) This investigation must be completed within three working days.

Step 3: Recommendations for Resolution of Complaint:

The Affirmative Action Officer shall attempt to resolve the complaint by taking the following progressive steps:

1. Meeting with immediate supervisor(s).
2. Meeting with next-level supervisor.
3. Meeting with Appointing Authority.
4. Referral to Department of Employee Relations' Equal Opportunity Division.

General Information

1. The time limits in any step in the grievance procedure may be extended by the agreement of both parties.

Step 4: Reporting Requirements:

- A. All procedures outlined above shall be completed and a written summary of results shall be sent by certified mail or other receipted communication to the complainant and all respondent(s) within 60 calendar days of the filing of the formal written complaint. Copies of this summary shall be sent to the complainant's division director, the respondent's division director (if appropriate), and the Equal Employment Opportunity and Affirmative Action Officers.
- B. The disposition of all equal employment opportunity/affirmative action complaints shall be filed by the Affirmative Action Officer with the Department of Employee Relations within 30 days of the final determination.

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METRO

Interim goals for protected groups by occupational categories.

PROTECTED GROUP: VIETNAM VETERANS

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	15.56 (28)	9.00	0.00 (0)
203 Service	15.69 (8)	9.00	0.00 (0)
206 Office	2.01 (10)	9.00	0.25 (4)
207 Technical	18.63 (19)	9.00	0.00 (0)
214 Professional	13.86 (14)	9.00	0.00 (0)
216 Supervisory	10.28 (11)	9.00	0.00 (0)
9CP Commissioners Plan	25.00 (11)	9.00	0.00 (0)
9MP Managers	7.69 (2)	9.00	0.00 (0)

PROTECTED GROUP: HANDICAPPED

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	1.11 (2)	8.20	0.04 (1)
203 Service	11.76 (6)	8.20	0.25 (1)
206 Office	4.43 (22)	8.20	0.13 (2)
207 Technical	1.96 (2)	8.20	0.08 (1)
214 Professional	2.97 (3)	8.20	0.14 (1)
216 Supervisory	0.93 (1)	8.20	0.13 (1)
9CP Commissioners Plan	0.00 (0)	8.20	0.00 (0)
9MP Managers	3.85 (1)	8.20	0.00 (0)

PROTECTED GROUP: MINORITY

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	4.07 (7)	5.00	0.04 (1)
203 Service	2.04 (1)	2.80	0.25 (1)
206 Office	5.54 (28)	4.69	0.13 (2)
207 Technical	0.00 (0)	2.80	0.17 (2)
214 Professional	4.08 (4)	2.80	0.14 (1)
216 Supervisory	6.54 (7)	5.24	0.13 (1)
9CP Commissioners Plan	2.22 (1)	4.69	0.00 (0)
9MP Managers	0.00 (0)	4.90	0.00 (0)

PROTECTED GROUP: FEMALE

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	5.00 (9)	11.00	0.08 (2)
203 Service	7.84 (4)	42.71	0.50 (2)
206 Office	87.32 (434)		
207 Technical	22.55 (23)	42.71	0.25 (3)
214 Professional	28.71 (29)	42.71	0.29 (2)
216 Supervisory	51.40 (55)	48.27	0.20 (2)
9CP Commissioners Plan	40.91 (18)	48.27	0.00 (0)
9MP Managers	26.92 (7)	22.00	0.00 (0)

OUTSTATE

Interim goals for protected groups by occupational categories.

PROTECTED GROUP: VIETNAM VETERANS

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	20.31 (66)	9.00	0.00 (0)
203 Service	13.79 (4)	9.00	0.00 (0)
206 Office	0.00 (0)	9.00	0.13 (2)
207 Technical	14.85 (15)	9.00	0.00 (0)
214 Professional	14.81 (4)	9.00	0.00 (0)
216 Supervisory	7.14 (2)	9.00	0.13 (1)
9CP Commissioners Plan	9.52 (4)	9.00	0.00 (0)
9MP Managers			

PROTECTED GROUP: HANDICAPPED

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	0.31 (1)	8.20	0.00 (0)
203 Service	6.90 (2)	8.20	0.25 (1)
206 Office	3.85 (3)	8.20	0.13 (2)
207 Technical	3.96 (4)	8.20	0.17 (2)
214 Professional	7.41 (2)	8.20	0.14 (1)
216 Supervisory	0.00 (0)	8.20	0.50 (4)
9CP Commissioners Plan	0.00 (0)	8.20	0.50 (4)
9MP Managers			

PROTECTED GROUP: MINORITY

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	1.54 (5)	5.00	0.08 (2)
203 Service	0.00 (0)	2.80	0.50 (2)
206 Office	2.56 (2)	1.53	0.13 (2)
207 Technical	0.99 (1)	2.80	0.17 (2)
214 Professional	3.70 (1)	2.80	0.14 (1)
216 Supervisory	0.00 (0)	2.80	0.13 (1)
9CP Commissioners Plan	4.76 (2)	1.53	0.50 (2)

PROTECTED GROUP: FEMALE

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Interim Goal</u>
201 Law Enf.	1.85 (6)	11.00	0.08 (2)
203 Service	3.45 (1)	42.71	0.25 (1)
206 Office	98.72 (77)		
207 Technical	15.84 (16)	42.71	0.17 (2)
214 Professional	0.00 (0)	42.71	0.25 (2)
216 Supervisory	10.71 (3)	19.47	0.13 (1)
9CP Commissioners Plan	23.81 (10)	40.84	0.00 (0)

AFFIRMATIVE ACTION PLAN OBJECTIVES FOR FY 1987

- 1) Objective: To present information to all employees on their rights and responsibilities, as related to the sexual harassment policy and procedures.

Actions: 1) New Employee Orientation
 2) New Supervisory Class
 3) Supervisors Class

Persons Responsible: Affirmative Action Officer, Department of Training Coordinator, Office of Personnel

Time Frame: Dates will depend on Employee turnover

- 2) Objective: To inform Directors of goals and disparities by division.

Actions: 1) Memo to all Directors
 2) Attachments of goals & disparities
 3) Affirmative Action Officer will meet with the Director to discuss division goals.

Persons Responsible: Affirmative Action Officer

Time Frame: February, 1987

- 3) Objective: To ensure that state and department fair employment policies and procedures are known by employees.

Actions: 1) Establish a regular schedule of New Employee and Supervisor Orientation.
 2) Affirmative Action Policy will be distributed to all new employees by-way of personnel officers upon the first day of work.

Persons Responsible: Affirmative Action Officer, Training Coordinator

Time Frame: Dates will depend on Employee turnover

- 4) Objective: To correct underutilization of minorities and women in the Law Enforcement goal unit.

Actions: 1) Work with Law Enforcement Academic Institutions
 2) Review and analyze selection process
 3) Identify improved methods of awareness and publicity.
 4) Law enforcement program for student interns is being used to impact underutilization of minority and women.

Persons Responsible: Affirmative Action Officer, Personnel Director

Time Frame: Recruitment Plan 03-31-87

- 5) Objective: To create a barrier free work environment for protected group members and to ensure that the evaluation of employees and applicants are based solely on job related criteria.

Actions: Provide training as needed for supervisors to better equip them to objectively assess the abilities of employees and to recognize negative working environment problems. The Affirmative Action Officer will carefully monitor the selection and promotional process and discuss problem areas with the Personnel Director and the Commissioner.

Persons Responsible: Training Coordinator, Personnel Director and Affirmative Action Officer.

Time Frame: 12-31-87

- 6) Public Services - Non-English Speaking Applicants for Drivers License

Objective: To ensure equal opportunity and access to public services provided by the department.

Actions:

- 1) Increase outreach and public information on drivers licensing procedures to the non-english speaking communities.
- 2) Meet with community organizations representing non-english speaking persons to identify barriers to communication and establish procedures to address these barriers.
- 3) Conduct staff awareness training to support and enhance provision of services to the non-English speaking public.

Persons Responsible: Affirmative Action Officer, Driver and Vehicle Services, Office of Public Information

Time Frame: December 31, 1987

- 7) Objective: To inform employees and first line supervisors of the reasonable accommodation policy for disabled employees and applicants.

Actions:

- 1) Public information in P.S./post policy.
- 2) Provide information to supervisors through in-service training.

Persons Responsible: Affirmative Action Officer, Division & Staff Office Directors, Training Coordinator.

Time Frame: Information published and training completed by May, 1987.

APNCSNA09C

PROCEDURES FOR PRE-EMPLOYMENT REVIEW

Objective: To establish the course of action to be taken during the 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 goal units under their control by the Affirmative Action Officer.

2. Personnel Selection Process: Pre-employment review

- a. The Personnel Office is notified in writing of job vacancies.
- b. If a disparity exists, the Affirmative Action Officer works closely with the personnel director, monitoring and collecting data each step of the hiring and/or promotional process.
 - (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 on the position description will be determined.
 - (4) The Personnel Director ascertains whether there exists an appropriate Certification List or if a job announcement is in order.
 - (5) If a job announcement is in order, the Affirmative Action Officer will recruit affirmatively for the position.
 - (6) Managers/Supervisors will be notified regarding the Affirmative Action goal disparity that exists, and will be informed of their obligation to interview protected group members certified.
 - (7) If an appropriate certified list exists, 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.
 - (8) A list of uniform job related questions will be devised by the supervisor. The Affirmative Action Officer will check the questions to make sure that they are job related and within legal limitations.
 - (9) Interviews will be conducted by the supervisor and/or others. Results of the interview will be kept.

- (10) The qualifications of candidates will be compared, based on all available evidence of qualifications and the requirements of the job. The Affirmative Action goals and current disparities will be considered in the selection process.
- (11) When a Supervisor fails to select a protected group member where there is a disparity, the Supervisor must explain in writing, with sufficient specificity, why such protected group person(s) was not selected. The written justification shall be reviewed by the Personnel Director and the Affirmative Action Officer, and no selection will be made until such written reasons have been reviewed. Where the Affirmative Action Officer believes that the reasons for non-selection are insufficient, the Affirmative Action Officer will advise the Manager/Supervisor of his/her decision and advise selection in favor of the protected group member.
- (12) All candidates will be notified of the hiring decision.
- (13) Documentation will be kept on the selection process for all appointments. Data on every appointment where there is a disparity will explain what the Department did to remedy the disparity.

APNCSNA09Q

WEATHER EMERGENCY NOTIFICATION
FOR HEARING IMPAIRED EMPLOYEES

The Department of Public Safety employees have been notified on procedures to use when a weather emergency is declared (see attached). Hearing impaired employees have been advised by their supervisors that special arrangements will be made in case of a weather emergency, which include notification of relatives and use of TTY. This will ensure that all employees regardless of disabilities have been notified of weather emergency procedures.

APNCSNA09L

EMPLOYEE RELATIONS - 3RD FLOOR
DEPARTMENT 520 LAFAYETTE ROAD

Office Memorandum

TO: All State Employees

DATE: 11/05/86

FROM: Nina Rothchild
Commissioner

PHONE: 296-8366

SUBJECT: Weather Emergencies

It's that time of year again. Summer is over and severe weather may be on its way. In order to refresh our memories, I'd like to repeat what I have written before concerning weather emergencies.

It helps to remember that winter is often difficult in Minnesota. The weather emergency is not meant for your usual hassles with snow, wind, ice, or whatever. It is meant only for those extreme cases when it would be literally impossible for most employees to travel to or from home. That means that there will always be times when some employees cannot get to work, or will wish to leave early, but the State will remain open. These employees have the option of using accrued leave or leave without pay with the approval of their supervisor.

When the weather appears to be getting severe, I am in close touch with the Emergency Services Division of the Department of Public Safety. They monitor the Weather Bureau, the Highway Patrol, bus lines, road crews, and so on. On the basis of their information, and in consultation with Commissioner Paul Tschida, I make my determination on whether or not conditions are so hazardous that we should declare an emergency.

As a general rule of thumb, I am not likely to declare an emergency if the buses are running and the plows are on the road. In the Twin Cities, most people would be able to take a bus; even those who normally drive. There are, of course, other factors which are taken into consideration, such as extremely low temperatures and high winds, which would make it life threatening to be outdoors for very long.

After a determination is made that we should close, we notify the media: the radio stations of WCCO, KSTP, KSJN, and the wire services of AP and UPI. We also call the Governor's Office and call each of the cabinet members. The announcement specifies the time of the emergency and the geographic areas covered. If the severe weather develops during the night, I will make my determination prior to 5:00 a.m.

Specific responsibilities are spelled out in the Department of Employee Relations Administrative Procedure 5.4, Time Off in Emergencies. It might be well to review those procedures while the temperature is relatively balmy and the sun is still shining.

Nina Rothchild

STATE OF MINNESOTA

DEPARTMENT of Public Safety

Office Memorandum

TO: State Capitol Complex Personnel

DATE: March 3, 1986

FROM: Captain Richard Smith
Commander, District 4600
Capitol Security Division

PHONE: 296-6741

SUBJECT: EMERGENCY PROCEDURES

I. FIRE

A. When Building Alarm Sounds:

1. Immediately evacuate via the nearest exit and:
 - a. Close all doors and windows
 - b. Shut off all unnecessary electrical appliances
 - c. Relocate mobility impaired employees within safe areas of the building free from any smoke or fire.
 1. Handicapped employees should be accompanied by two (2) "buddies" in the event an evacuation must be made.
 2. Third helper should immediately evacuate and inform fire department of handicapped individuals' location.

B. When fire and smoke are seen and no alarm is sounded:

1. Immediately activate a manual pull station,
2. Attempt to put out fire if safe to do so.
3. Evacuate and follow procedure under "A" above.

C. DO NOT upon hearing an alarm:

1. Call Capitol Security.
 - a. Capitol Security Communications will not initially know what caused the alarm and will be coordinating emergency agencies responses.
 - b. Calling Capitol Security could tie up the switch board and delay requested calls for help.
2. Hesitate to begin evacuation process.
3. Try to return to your office location.
4. Use building elevators.

II. SEVERE WEATHER

A. Tornados

1. Capitol Security monitors the National Weather Services Bulletins through the National Air Warning System, (NAWAS).
 - a. The Weather Service will set off the Metropolitan Siren System when a verified tornado has been sighted or when urgent emergency information is being broadcasted on the radio.
 1. Sirens do not mean that you are always in immediate danger, but that you may be.

- b. If Capitol Security is informed through the NAWAS system that St. Paul is in danger, immediately a public address announcement will be made directing the Capitol population to re-locate.
 1. In the tunnel system;
 2. In interior offices of the building on lower floors away from glass windows and doors.

III. BOMB THREATS

A. The following public address announcements will be made upon receipt of a bomb threat:

1. YELLOW ALERT

- a. This notice will indicate that a bomb threat has been received.
 1. Immediately, request all office employees to survey their work areas for any item they can not identify.
 - a. If an item is discovered, DO NOT TOUCH OR MOVE IT but call Capitol Security at 6-2100 immediately.
 - b. Capitol Security personnel will search all high risk public areas known to be typical places for hiding explosive devices.

2. BLUE ALERT

- a. This notice will advise the building population that an unidentified package has been found. Occupants will be advised to avoid the designated area and employees will be asked to temporarily relocate until the contents are known.

3. RED ALERT - FIRE ALARM

- a. This announcement will signify that the package prompting the Yellow Alert is indeed an explosive device.
- b. All occupants shall evacuate until the entire building is re-checked for additional explosive packages.

4. CLEAR OF ALERTS

- a. This message will be made upon completion of a building search in which all known packages have been identified. Employees should continue to be cautious of all items unknown to them and contact Capitol Security if suspicious of anything or anybody.

IV. MEDICAL EMERGENCIES - Either Plan is Acceptable

A. Plan A.

1. Call 9-911 and give:
 - a. The exact location of the medical emergency.
 1. The address of the Capitol Complex where the emergency is;
 2. The room number;
 3. Which exterior door to come to;
 - b. The symptoms of the victim;
 - c. Your name;
 - d. Any other requested information.

2. Support the victim's medical needs;
3. Send someone to the designated exterior door to meet the paramedics and lead them to the scene;
4. Call Capitol Security Emergency Line 6-2100 and inform us of the situation.

B. Plan B.

1. Call Capitol Security Emergency 6-2100 and give:
 - a. The exact location of the incident;
 - b. The symptoms of the victim;
 - c. Your name and office phone number;
 - d. Any other requested information.
2. Capitol Security will:
 - a. Contact the appropriate medical responder;
 1. A complex nurse if medical situation is of a minor nature and transport nurse to scene; or
 2. St. Paul paramedics if determined serious; or
 3. Both nurse and paramedics.
 - b. Respond with an officer trained in C.P.R. and basic first aid to support victim's medical needs until emergency medical responder arrives;
 - c. Meet paramedics at designated location and lead to scene.

STATE OF MINNESOTA

DEPARTMENT of Public Safety

Office Memorandum

TO : Managers/Supervisors

DATE: February 17, 1987

FROM : Noah C. Shelton
Affirmative Action Officer

PHONE: 296-3899

SUBJECT: Affirmative Action

Over the past years, a new trend has entered the picture. On occasion, managers/supervisors are being sued with the possibility of personal liability. Managers/supervisors have asked what they can do to prevent such situations and limit their own risk of liability. This article is intended to answer their questions.

It is necessary that a preventive approach be utilized by all of us rather than a posture of defense. Public Safety believes that the policies, programs and tools exist. Our point here is simply to encourage managers/supervisors to make even better use of them.

The following are examples and are intended to illustrate management/supervisor actions and decisions which can result in lawsuits naming both agencies and individual.

A Manager/Supervisor Who Willfully Discriminates Against a Minority or a Woman - The most recent trend in the area of individuals who are being named in suits along with their company is where both are sued for actions that have a discriminatory effect against minorities and women in areas such as promotion, transfer and pay. Damages, back pay, as well as attorney's fees, are usually sought.

A Manager/Supervisor Exceeding his Authority - A manager/supervisor offering or even implying that an individual has a job with the agency before the offer has been approved, may imply to the individual that the manager/supervisor has the authority to hire and may, thereby, commit the agency. In court, the applicant seeks either the job or damages, or both.

Description of Job Being Offered - A manager/supervisor who promises a set of responsibilities and authority and describes the career opportunities to an applicant in glowing terms, but when the employee accepts the position he or she finds the job having far less responsibility than described and the opportunities to which it leads far less probable than described by the manager/supervisor. The employee might attempt to sue the agency and the manager/supervisor for damages. A similar situation might arise if promises are made during promotion or transfer discussions.

Appendix A

Affirmative Action

Page 2

A Manager/Supervisor Responds to a Reference Check - A prospective employer of an individual who once worked for a manager/supervisor called and asked for a reference check. Despite a policy that reference checks will be given only by the personnel department and even then, only certain types of information would be verified, the manager/supervisor talked freely and critically about the individual. Of course, the individual did not get the job and pressed the prospective employer on why. In that conversation, the employer cited the bad reference. As a result, the agency and the manager/supervisor were sued for loss of potential lifetime earnings.

Handicapped Status - Affirmative action in hiring and promotion must be taken when qualified handicapped individuals apply for positions and, can with reasonable accommodations, perform the essential functions of the job in question.

Age Discrimination - The age of an otherwise qualified individual must not be a factor in hiring, promotion, transfer, discharge, or in considering the terms and conditions of employment.

Equal Pay - Men and women who perform jobs involving equal skill, effort and responsibility, under similar working conditions in the same establishment, must be paid equally.

Pregnancy Disability - The definition of sex discrimination has been expanded to include pregnancy, childbirth or related medical conditions and, therefore prohibits terminating or refusing to hire or promote a woman solely because she is pregnant.

Termination of an Employee - Terminating an employee without establishing misconduct documenting unacceptable performance, unavailability or inability to perform the work, or any other cause, may open the door for allegations by employees of discriminatory treatment.

Comments Regarding Employees - Manager/supervisors must exercise selective and prudent judgment when discussing their employees with others. Matters of an unauthorized or private nature regarding employees should never be discussed with individuals outside the agency.

SOME GENERAL INFORMATION TO HELP YOU AVOID EXPOSURE TO SUITS

1. Inappropriate actions taken by a manager/supervisor, or the failure to act when action was necessary, can create the possibility of a lawsuit against the agency and the manager/supervisor and the risk of financial liability.
2. As a manager/supervisor you are a representative of Public Safety. When you speak as a manager/supervisor, you speak for the agency. Care must be taken that you do not exceed your authority, or imply that you have authority not delegated to you.

Appendix A

Affirmative Action

Page 3

3. If a matter is brought to your attention that may create some liability, even if the issue is outside of your authority, you must bring it to the attention of one in a position to delay the matter until a thorough review can occur.
4. Failure to know the law or a policy or procedure that should have been followed probably is not a defense in a lawsuit, either civil or criminal.

WHAT THE AGENCY EXPECTS OF YOU AS A MANAGER/SUPERVISOR THAT ALSO MINIMIZES YOUR RISK OF LIABILITY

1. Know the policies and procedures of the agency and the laws, rules and regulations applicable to your duties. Take the agency courses made available to you. They help you reduce personal risk, not just the agency's risk.
2. Be sensitive to how policies and procedures apply in your area of responsibility, and anticipate where they specifically apply to what you do.
3. Know the limits of the authority delegated to you and operate within those limits. Don't act or make promises that imply more than the authority given you.
4. Recognize the authority given to others, either in line or staff functions and follow the guidelines, processes, and procedures established by them. It is part of their responsibility to build the legal requirements into the guidance they give.
5. When issues arise, carefully ascertain all the facts.
6. If you do not have authority to act, accurately reflect those facts to someone who can, e.g., on an employee relations matter, by going to Personnel.
7. Handle only issues you are competent to handle. When you are not sure, ask for help. Your management or personnel management can help you identify the resource you need. If legal advice is necessary, it too can be obtained through these same channels.

SUMMARY

Obviously, this trend towards personal liability is a real reason for concern on the part of managers/supervisors. But that concern should not inhibit managers'/supervisors' actions, but instead, it should channel their energies into understanding policy, procedures, guidelines, knowing their responsibility and authority, taking sufficient time to gather all the facts and relevant material before acting, and seeking advice from others with greater authority or in qualified staff positions.

Appendix A

Affirmative Action

Page 4

The agency has recognized your capability and the quality of your work and believes that you possess the qualifications necessary to be an effective manager/supervisor. There are resources available to enhance your ability to make sound judgments. Consistent utilization of the policies and procedures, Management Education, as well as identifying other useful training programs are positive steps you can take.

These resources, when coupled with the advice of your manager/supervisor and the services offered through your personnel department, provide the basic components of a system which fosters quality decision making in the employee relations area thus minimizing the risk to the agency and yourself.

APNCSNA008

Appendix B

REASONABLE ACCOMODATIONS FOR THE HANDICAPPED
UNDER M.S. 43A.191

DEPARTMENT OF PUBLIC SAFETY

Appendix B

TABLE OF CONTENTS

Policy.....	1
Introduction.....	2
Legal Basis.....	2
Scope.....	3
Definitions.....	4
Handicapped Persons.....	4
Recipient.....	5
Otherwise Qualified Handicapped Persons.....	6
Essential Functions.....	6
Undue Hardship.....	6
A 504 Coordinator.....	7
Methods of Providing Reasonable Accommodation.....	8
Modification of Equipment or Assistive Devices.....	8
Job Site Modification.....	9
Job Restructuring.....	9
Support Services.....	10
Funding for Reasonable Accommodation.....	10
Purchase and Maintenance of Accommodations.....	11
Request for Reasonable Accommodations.....	11
Denial of Accommodation.....	13
Appeals.....	13
Assistance with Reasonable Accommodation Compliance.....	15

Appendix B

Department of Public Safety Reasonable Accommodations Policy

Policy

It is the policy of the Department of Public Safety 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, 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. The Department of Public Safety's reasonable accommodations policy applies to all departmental employees with any known physical or mental limitation.

The Department of Public Safety will provide accommodations to qualified handicapped employees when such accommodations are directly related to performing a job. Accommodations will not be required for non-job-related personal needs of individuals even though they may be a qualified handicapped individual. In some 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, and in the most integrated setting possible.

Appendix B

Transportation to and from work is the responsibility of the employee. The Department of Public Safety will not provide transportation to and from work as a part of reasonable accommodation.

Introduction

Reasonable accommodations are efforts made by an employer to remove barriers which prevent or limit the employment of qualified handicapped persons.

Reasonable accommodation is an adaption of the work place, the equipment or the job itself which enables a handicapped employee to do a particular job for which he or she is qualified by training and ability. The Department of Public Safety is primarily concerned with providing an employment environment in which all persons can function equally and effectively. Department of Public Safety's management will not alter essential job functions or create non-essential positions.

I. Legal Basis

Both Section 504 of the Rehabilitation Act of 1973 as amended and Chapter 363 of the State's Human Right Act requires that reasonable accommodation be made to the employment needs of handicapped persons. The code of Federal Regulations promulgates the requirements of non-discrimination on the basis of handicap as required by the Rehabilitation Act. The "reasonable accommodation" requirement (45 CFR 84.12) states:

Appendix B

a recipient of federal funds shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of the program.

Chapter 363 of the State's Human Right Act requires any employer in Minnesota who hires 50 or more employees to provide reasonable accommodations for the known disability of a qualified handicapped person unless doing so would impose an undue hardship on the employer.

II. Scope

This policy statement establishes the department's work force standard for accommodation to the needs of handicapped employees. To ensure continuation of this standard, the department will conduct a self-evaluation. The self-evaluation to be done by the department's 504 Coordinator will examine topics including recruitment and job restructuring, as well as an overall assessment of Public Safety's policy of providing reasonable accommodation on a systematic basis. This will ensure that the department's policy will be flexible and adaptable to new needs and to requests by handicapped employees for providing reasonable accommodation.

Appendix B

III. Definitions

A. Handicapped Persons

A handicapped person for purposes of this policy is anyone who meets the definition as stated in the Section 504 Regulations of the 1973 Rehabilitation Act as amended in 1978, sub-part A, Section 84.3 (j) 1-2 and (k) 104 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;

Appendix B

- b. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards 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. 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 usual work schedule. If a residual, medical impairment is determined and a permanent condition is demonstrated, the provision of permanent reasonable accommodation will be considered.

B. Recipient

A "recipient" is defined as any state or its political subdivision, an instrumentality of the state or its political subdivision, any public or private agency, institution, organization or other entity or any person to which federal financial assistance is extended directly, or through another recipient including any successor, assignee, or

Appendix B

transferee of a recipient, but excluding the ultimate beneficiary of the assistance. Under Chapter 363 of the State's Human Rights Act all public and private employers with 50 or more employees are included.

C. Otherwise Qualified Handicapped Persons

"Otherwise qualified" handicapped person with respect to employment is one who can perform the essential functions of the job inspite of his/her handicap with reasonable accommodation. Within the implementing of regulations of Section 504, the terms "qualified" and "otherwise qualified" are used interchangeably.

D. 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.

E. Undue Hardship

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

Appendix B

1. the overall size of the recipient's program (i.e., number of type of facilities, size of budget);
2. the type of the recipient's operation including the composition and structure of the recipient's work force;
3. the nature and cost of the accommodation needed;
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.

IV. A 504 Coordinator

Every recipient of federal funds or recipients benefitting from federal funds that employs 15 or more persons is required to designate one person to coordinate all efforts to comply with the Section 504 Regulations. ^{The AAO Section 504 Regulations} The duties involved in coordinating compliance efforts must include, but are not limited to the following activities:

- Adoption of grievance procedures.
- Enforce Federal 504 Regulations that apply to the Department of Public Safety.

Appendix B

- Maintain regular contact with appropriate federal compliance officers to keep abreast of specific activities and decisions affecting the Department of Public Safety.
- Update the status of the agency's 504 transition plan.
- Development and completion of a self-evaluation study of the department's policies and practices and their effects on the handicapped person's opportunity to achieve equal results, gain equal benefits or reach the same level of achievement as non-handicapped persons.
- Issuance of notice that the department does not discriminate on the basis of handicap.

V. ✓ Methods of Providing Reasonable Accommodation

The following are some methods of providing reasonable accommodations to qualified handicapped individuals. Other forms of reasonable accommodation 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, TTY communications equipment, 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, customized and/or prescription items.

Appendix B

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, chairs, etc., addition of electrical outlets, rearrangement of furniture, and equipment, widening doorways, relocation of the job site to an accessible area, provision of special parking facilities, modification of ventilation, heating, cooling and lighting systems and other types of similar modifications. The Department of Public Safety will negotiate any changes with Plant Management through the Real Estate Management Division, Department of Administration to determine costs involved. Public Safety lease must be amended and funds incumbered before any modifications occur.

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 and intermittent employment.

Job-sharing and flexible work hours may permit handicapped employees to meet such needs as medical appointments and medical dietary requirements.

Appendix B

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 satisfactory performance of the essential functions of the job.

The Department of Public Safety may directly or on a contractual basis with an agency outside the Department of Public Safety 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.

VI. Funding for Reasonable Accommodation

The Department of Public Safety funds reasonable accommodations for handicapped employees by division.

Appendix B

VII. Purchase and Maintenance of Accommodations

The Department of Public Safety is free to choose the specific accommodation provided to qualified handicapped persons. The person requesting reasonable accommodations will suggest appropriate accommodations. The Department of Public Safety may provide another accommodation equal or superior to the one proposed in practicality, usefulness or cost effectiveness.

All tangible accommodations purchased by the Department of Public Safety will be the property of the state of Minnesota. 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 of special office equipment, etc.

VIII. 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 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 assistive devices.

Appendix B

- B. The supervisor submits a written request (form PE00091-01) obtained from 504 Coordinator for reasonable accommodation to the division manager. The request includes a justification for the accommodation and includes a statement of the disability. A medical statement of limitations may be included if the manager deems advisable.
- C. The division manager submits the request to the 504 Coordinator within five working days upon receipt of the request. The 504 Coordinator will notify the Administrative Services Manager of the request and gather information regarding availability and cost within 15 working days.
- D. The 504 Coordinator reports to the Commissioner. The Commissioner considers the available alternatives and decides whether to provide an accommodation and determines what accommodation will be provided. The decision is then provided in writing to the division manager within five working days.
- E. The 504 Coordinator fills out the Reasonable Accommodation Agreement (form PE00092-01) and obtains necessary signatures.
- F. The 504 Coordinator submits appropriate purchasing documents to the Administrative Services Manager if equipment, furniture or other assistive devices must be purchased.

Appendix B

IX. Denial of Accommodation

All denials of requests for reasonable accommodation will be documented and kept on file by the 504 Coordinator. A copy of the document denying a request for reasonable accommodation will be given to the division manager. The division manager will notify the employee of the denial and inform the employee of his/her right to appeal.

X. Appeals

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Commissioner within 15 working days of the decision.

The Commissioner will, within 15 working days of the individual's appeal, convene a Reasonable Accommodation Review Committee, which may consist of the division manager, the department's 504 Coordinator, an employee in the same job classification as the person requesting accommodation, and a 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;

Appendix B

- C. Necessity;
- D. The relationship between the accommodation and essential job functions; and
- E. Claims of undue hardship.

The committee will make a recommendation to the Commissioner within five working days from the date the committee was convened unless more time is needed to obtain more information from outside sources.

The Commissioner will determine the response to be made to the appeal within 10 working days from receiving the committee's recommendation.

The department's 504 Coordinator will then convey written copies of the Commissioner's decision to the employee and division manager.

If the employee is still dissatisfied with the decision, she/he may file an appeal with the Federal Office of Civil Rights, Department of Health and Human Services, and/or the State Department of Human Rights.

The department's 504 Coordinator will provide employees and compliance agencies with information and assistance needed in the appeals process. Information will be provided in compliance with the Minnesota Government Data Practices Act. Department of

Appendix B

Public Safety staff will not serve as personal representatives of the appellant in an outside the agency appeal of the denial of the request for reasonable accommodation.

XI. Assistance with Reasonable Accommodation Compliance

All requests for information or assistance in determining reasonable accommodation for qualified handicapped employees may be directed to the department's 504 Coordinator. That person also assists in locating resources or interpreting reasonable accommodation requirements.

Appendix B

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 will take the necessary steps to see that the accommodation is provided.

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.

APNCSNA09P

Appendix C

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

Please Print or Type

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

- Attach Additional Sheets for Questions Below if Necessary.

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

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

5. 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
------------------	--------------------------

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

Appendix E

DISCRIMINATION COMPLAINT FORM

Information on the Complainant (person filing the complaint)

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

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

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

Names of any secondary respondents involved in this case:

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

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

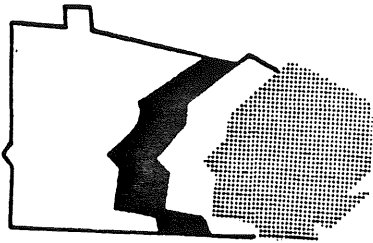
Date most recent act of discrimination occurred:

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

Describe how you have been discriminated against, giving names, dates, places, and all other pertinent information:

(over)

Appendix F



Department of Employee Relations
Division of Equal Opportunity
3rd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-4600

EOD USE ONLY

Date _____

Received _____

Resolution _____

Date _____

SEXUAL HARASSMENT REPORT

In accordance with the Agreement entered into between the UNION and EMPLOYER regarding complaints of sexual harassment, please complete this form and mail to the above address.

Affirmative Action Officer _____

Agency _____

Date Complaint was Filed _____

Comments:

I understand that a full investigation must be conducted and resolution reached within twenty-one calendar days of complaint. If there has been UNION involvement, notification shall be sent to the UNION. The Equal Opportunity Division shall be notified when resolution is proposed or reached.

Signature of Affirmative Action Officer

Date