

AFFIRMATIVE ACTION PLAN  
Fiscal Year 1989  
For

890317

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	X	X
Technical				X
Correctional Guards				
State University Instructional				
Community College Instructional				
State University Administrative				
Professional Engineering Supervisory			X	X
Health Treatment Professional				
General Professional		X	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 BLDG: Third floor Personnel/Training bulletin board  
OUTSTATE OFFICES: 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.

Paul D. Scherer  
Affirmative Action Officer

7-26-88  
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.

Mary Madonna Ashton  
Agency Head  
Commissioner of Health

8-22-88  
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

Pursuant to Mn Stat 43A. 191



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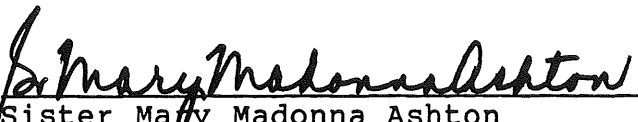


#### A. STATEMENT OF COMMITMENT

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 until December 31, 1988, 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

8-22-88

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	4.69
HEALTH CARE PROF.	NONE	1.81
CLERICAL	NONE	4.69
TECHNICAL	62.00	4.69
ENGINEERING	7.18	2.61
GENERAL PROF.	44.57	4.69
SUPERVISORY	44.57	4.69
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. 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.



## INTERIM GOALS

	Goal %	Current % (4-26-88)	Interim Goal
<b><u>WOMEN</u></b>			
Mgrs.	36.08	32.43	1
Prog. (MAPE)	44.57	49.61	no disparity
Service (AFSCME)	44.57	66.67	no disparity
Technical (AFSCME)	62.00	75.00	no disparity
Eng. (MGEC)	7.18	11.11	no disparity
Supv. (MMA)	44.57	52.58	no disparity
Comm Plan	44.57	55.00	no disparity

## **MINORITIES**

Mgrs.	5.15	2.70	0
Prof (MAPE)	4.69	3.15	2
Servie (AFSCME)	4.69	22.22	no disparity
Technical (AFSCME)	4.69	5.00	no disparity
Office/Cler (AFSCME)	4.69	4.40	1
Eng (MGEC)	2.61	3.70	no disparity
Supv (MMA)	4.69	6.19	no disparity
Nurses (MNA)	1.81	1.75	1
Comm Plan	4.69	0.00	0

## **HANDICAPPED**

Mgrs.	8.20	0.00	0
Prof. (MAPE)	8.20	2.36	1
Service (AFSCME)	8.20	0.00	0
Technical (AFSCME)	8.20	10.00	no disparity
Office/Cler (AFSCME)	8.20	6.04	1
Eng (MGEC)	8.20	7.41	0
Supv (MMA)	8.20	4.12	1
Nurses (MNA)	8.20	4.39	1
Comm Plan	8.20	0.00	0

## **VIETNAM VETERANS**

Mgrs.	9.00	8.11	0
Prog (MAPE)	9.00	8.66	1
Service (AFSCME)	9.00	0.00	0
Technical (AFSCME)	9.00	5.00	1
Office/Cler (AFSCME)	9.00	3.30	0
Eng (MGEC)	9.00	7.41	1
Supv (MMA)	9.00	12.37	no disparity
Nurses (MNA)	9.00	3.51	1
Comm Plan	9.00	0.00	0





## E. FY '88 MDH PROGRAM OBJECTIVES

### OBJECTIVE 1:

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

<u>ACTION</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1. Meet with the Commissioner's staff and Division Directors to review the MDH AA Plan and to identify specific AA training needs.	AAO	September 1988
2. Investigate available training programs and/or develop training materials.	AAO/AAC	January 1989
3. Determine training and informational programs to be offered.	AAO/AAC	April 1989
4. Schedule/offer selected training.	AAO/AAC	July 1989

### OBJECTIVE 2:

To assist supervisors and managers in recruiting more protected group candidates for classified and unclassified MDH vacancies.

<u>ACTION</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1. Review current recruitment methods/efforts.	AAO	December 1988
2. Work with EOD liaison to identify and contact additional recruitment sources.	AAO	March 1989
3. Inform supervisors and managers of the additional recruiting sources.	AAO	April 1989
4. Assist supervisors and managers in recruiting protected group members.	AAO/AAC	April 1989 and ongoing



#### **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.): \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
What action(s) do you feel must be taken to bring this matter to a  
satisfactory resolution: \_\_\_\_\_  
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\_\_\_\_\_

I hereby certify that the information I have provided in this complaint is  
true, correct, and complete to the best of my knowledge and belief.

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Submitted to DIVISION DIRECTOR: NAME \_\_\_\_\_ DATE \_\_\_\_\_

SUBMITTED TO AFFIRMATIVE ACTION OFFICER: DATE \_\_\_\_\_

## **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.

Requests for reasonable accommodations will be reviewed by the Affirmative Action Officer. The Affirmative Action Officer will forward the request, along with a recommendation, to the Commissioner or her designee for review. Requests for accommodations which are determined to be reasonable and cost effective and not to cause undue hardship for the program should be approved.

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 any accommodation that was agreed to.
2. Arrange for accommodations, or request assistance from the Affirmative Action Officer.
3. Refer requests for accommodations which have monetary considerations to the Affirmative Action Officer.

**C. Affirmative Action Officer**

1. Help supervisors to arrange for reasonable accommodations.
2. Keep records of all reasonable accommodation requests and their disposition.
3. Review requests for accommodations and submit them to the Commissioner or her designee with recommendations concerning approval or denial of the request, and possible alternatives if appropriate.

**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. Review request, including all monetary considerations, with Division Director.



3. Submit request to the Affirmative Action Officer, including an explanation of any accommodations that have been approved, an explanation of any requests for accommodation that have been denied, and the Division Director's comments/suggestions/recommendations.

**C. Affirmative  
Action Officer**

1. Review request and additional information submitted by the supervisor, investigate possible 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  
Director**

1. Approve/Disapprove requests. (Requests may be disapproved when approval would result in 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.)
2. Provide supervisors, employees, and the AAO with written approval or disapproval of each request.
3. Provide funding for accommodations as necessary.

**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.

