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DEPARTMENT OF LABOR AND INDUSTRY
AFFIRMATIVE ACTION PLAN
1989-1990

July, 1989

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AFFIRMATIVE ACTION PLAN
Fiscal Year 1989-1990 For
Minnesota Department of Labor and Industry
(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
Law Enforcement			
Craft, Maintenance, Labor Service			
Health Care Non-Professional			
Health Care Professional			
Clerical			
Technical - - - - -			X
Correctional Guards			
State University Instructional			
Community College Instructional			
Professional Engineering, Supv.			
Health Treatment Professional			
General Professional - - - - -	X		
Professional State Residential Instructional			
Supervisory - - - - -	X		
Commissioner's Plan - - - - -			X
Managerial Plan			
Other - - - - -	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.

Commissioner's Office, each Unit Director's Office, and First Floor employee bulletin board.

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.

Sharon Harris
 AFFIRMATIVE ACTION OFFICER

7-28-89
 DATE

4. This annual plan contains clear designations of those persons and groups responsible for implementing the attached Affirmative Action Plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

[Signature]
 AGENCY HEAD

7-28-87
 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

**DEPARTMENT OF LABOR AND INDUSTRY
COMMISSIONER'S STATEMENT OF COMMITMENT
TO AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY**

As Commissioner of the Department of Labor and Industry, I am personally committed to a policy of equal opportunity for all employees and applicants and to the Department's active pursuit of a vigorous Affirmative Action Program.

Historical inequities demand that special consideration be made to ensure that equal employment opportunities are available to minorities, women, and the disabled. The Department's goal is to eliminate artificial barriers that have traditionally caused rejection of protected group persons in employment. We will strive to provide a working environment which is harmonious and discrimination-free for all.

Managers and supervisors are accountable for ensuring that the Department's Affirmative Action programs are implemented. They will be evaluated on their affirmative action efforts during their performance reviews.

Sharon Harris is appointed as this Department's Affirmative Action Officer. She is delegated full authority for the administration of our Affirmative Action Program. She will report directly to me or my Deputy Commissioner in my absence for all affirmative action and equal opportunity matters.

The Department will not tolerate discrimination or harassment of employees or the public in the work environment. We will take prompt action on employees' complaints of harassment or discrimination.

Questions about this Affirmative Action Plan or its implementation should be addressed to the Department's Affirmative Action Officer.


KENNETH PETERSON
COMMISSIONER


DATE

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
AFFIRMATIVE ACTION GOALS

SELECTED GROUP: FEMALES

UNIT	TOTAL EMPLOYED	FEMALES EMPLOYED	IDEAL GOAL %	CURRENT STATUS %	1990 HIRING GOAL
Office	146	136	0	93.15	
Technical	10	5	44.57	50.00	
Professional	127	40	44.57	31.50*	3
Supervisors	27	12	45.00	44.44*	
Commissioner's Plan	15	12	44.57	80.00	
Managers	17	7	15.17	41.18	
Others	8	1	40.84	12.50*	1

* Underutilized

SELECTED GROUP: MINORITIES

UNIT	TOTAL EMPLOYED	MINORITIES EMPLOYED	IDEAL GOAL %	CURRENT STATUS %	1990 HIRING GOAL
Office	146	22	4.69	15.07	
Technical	10	1	4.69	10.00	
Professional	127	12	4.69	9.45	
Supervisors	27	2	7.39	7.41	
Commissioner's Plan	15	0	4.69	0 *	
Managers	17	4	7.14	25.33	
Others	8	1	3.70	12.50	

* Underutilized

SELECTED GROUP: HANDICAPPED

UNIT	TOTAL EMPLOYED	HANDICAPPED EMPLOYED	IDEAL GOAL %	CURRENT STATUS %	1990 HIRING GOAL
Office	146	18	8.20	12.33	
Technical	10	0	8.20	0 *	
Professional	127	20	8.20	15.75	
Supervisors	27	6	8.20	22.22	
Commissioner's Plan	15	2	8.20	13.33	
Managers	17	4	8.20	23.53	
Others	8	2	8.20	25.00	

* Underutilized

PROGRAM OBJECTIVES

OBJECTIVE: To increase the number of disparate group candidates available for hire on Labor and Industry certification lists.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Identify and use effective recruitment sources for disparate groups when exams are announced.	Affirmative Action Officer (HRD)	Jan.-March, 1990 April-June, 1990 July-Sept., 1990 Oct.-Dec., 1990
2.	Develop appropriate cover letter for disparate groups recruiting to be sent with exam opening announcement.	Affirmative Action Officer (HRD)	Jan.-March, 1990 April-June, 1990 July-Sept., 1990 Oct.-Dec., 1990
3.	Send notice to groups representing disparate groups when vacancy occurs and monitor effectiveness of recruitment sources.	Affirmative Action Officer, Personnel Officer	Jan.-March, 1990 April-June, 1990 July-Sept., 1990 Oct.-Dec., 1990
4.	Advertise in disparate group newspapers and monitor effectiveness of various publications.	Affirmative Action Officer, Personnel Officer	Jan.-March, 1990 April-June, 1990 July-Sept., 1990 Oct.-Dec., 1990

OBJECTIVE: Increase number of Department hires from disparate groups through monitoring of pre-hire review process.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	AA Officer will deliver certification list to hiring manager when disparities are present in vacancy class and will discuss Affirmative Action goals and pre-hire review process.	Affirmative Action Officer	Jan.-March, 1990 April-June, 1990 July-Sept., 1990 Oct.-Dec., 1990

2. Written pre-hire review process will be delivered to hiring authority with certification list.
3. When member of disparate group is not hired, the hiring authority will submit the reasons for the decision in writing.
4. Written reasons for non-hire of disparate group person will be reviewed by AA Officer prior to hire and each will be discussed with Department's AA Council.

OBJECTIVE: To provide training on the 1990 Affirmative Action Plan to the Department's supervisors and managers in order to gain a greater commitment to affirmative action principles.

<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1. Provide training to all supervisors and managers on provisions of 1990 Department Affirmative Action Plan.	Affirmative Action Officer	January, 1990
2. Provide a copy of the Affirmative Action Plan to all new employees.		Jan.-March, 1990 April-June, 1990 July-Sept., 1990 Oct.-Dec., 1990

OBJECTIVE: To raise awareness within the Department's employees regarding cultural diversity in order to facilitate a more harmonious workplace.

<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1. Arrange mandatory training for all employees on the subject of valuing cultural diversity in the workplace.	Affirmative Action Officer	July, 1990

OBJECTIVE: To make Department employees more aware of the issues which may contribute to discrimination or sexual harassment related problems in the workplace.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
I.	Consult with Department employees and outside sources regarding appropriate subjects to be addressed.	Affirmative Action Officer	October, 1989
2.	Hold an on-site series of "brown bag" one-hour seminars on issues related to discrimination or sexual harassment.	Affirmative Action Officer	June, 1990

OBJECTIVE: To hold Department supervisors and managers accountable for their affirmative action efforts.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
I.	Audit supervisors' and managers' position descriptions to determine presence of affirmative action in accountability statement.	Personnel Officer	December, 1990

OBJECTIVE: To increase awareness of persons with disabilities. Managers and supervisors will be provided disability awareness training as offered by DOER.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
I.	Coordinate delivery of the training with DOER.	Affirmative Action Officer	June 30, 1990

PRE-HIRE REVIEW PROCESS

This procedure will be followed when hiring:

1. The Affirmative Action Officer will advise the Affirmative Action Council, and the Department's supervisors and managers regarding disparities and goals for the various bargaining units under them.
2. When underutilization exists and a vacancy occurs in a goal unit, the protected group members will be highlighted on the certified list of eligibles for the position. For positions filled from other than certification lists, the Affirmative Action Officer will provide information (when available) and will assist in the recruitment of protected group candidates.
3. When hiring from an eligible list, and for positions which have disparities, the hiring managers will interview all protected group applicants. If a second certification list has been obtained for a position and the protected group applicants have already been interviewed, it is not mandatory that they be interviewed again.
4. When a disparity exists in a bargaining unit and a protected person is available but is not hired for the position, the hiring manager will contact the Affirmative Action Officer prior to offering the position to another candidate.
5. If a manager does not hire a protected group member to fill a vacancy in a bargaining unit where a disparity exists, it must be because of compelling business reasons. In these cases, the manager will provide an explanation (in writing) to the Affirmative Action Officer regarding the basis for the decision. This will be reviewed by the Affirmative Action Officer and the Human Resources Director prior to offering the position to another candidate.
6. This process is not intended to override hiring decisions made under collective bargaining agreements or plans, internal transfers, or promotion.
7. A manager or supervisor's failure to follow the pre-hire review process will be reported to the appropriate Assistant Commissioner by the Affirmative Action Officer.

REASONABLE ACCOMMODATION PROVISION

I. POLICY

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

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

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

II. SCOPE:

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

III. DEFINITIONS:

A. DISABLED PERSON:

A disabled person for the purposes of this policy is anyone who meets the definition as stated in Section 504 Regulations of the 1973 Rehabilitation Act as amended in 1978, Sub-part A, Section 84.3 jl-2 and K104 and Chapter 363 of the State's Human Rights Act. A disabled person is anyone who:

- I. Has a physical or mental impairment which materially limits one or more of such a person's major life activities.

2. Has a record of such impairment which means that a person has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
3. Is regarded as having such an impairment which means:
 - a. Has a physical or mental impairment that may not substantially limit major life activities but that is treated by an employer as constituting such a limitation.
 - b. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
 - c. Has no impairment but is treated by an employer as having such an impairment.

An employee with an acute disabling condition which is expected to be temporary, such as appendicitis, broken arms, pulled muscles, etc., will meet the definition of qualified disabled 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 the permanent reasonable accommodation will be considered.

B. UNDUE HARDSHIP:

- I. 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:
 - a. The overall size of the recipient's program (i.e., number and type of facilities, size of budget).
 - b. The type of the recipient's operation including the composition and structure of the recipient's workforce.
 - c. The nature and cost of the accommodation needed.
 - d. The reasonable ability to finance the accommodation at each site of business; and
 - e. 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. 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 on requesting reasonable accommodations for current employees are:

- A. The supervisor and the disabled employee consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistive devices.
- B. The supervisor submits a written request form, #PE-00091-01 for reasonable accommodation, obtained from the Affirmative Action Officer. The request includes a justification for the accommodation, and includes a statement of the disability. A medical statement of limitations shall be included.
- C. The supervisor submits the request to the Affirmative Action Officer within five working days of receipt from the employee. The Affirmative Action Officer will notify the Deputy Commissioner of the request and gather information regarding availability and costs within five working days.
- D. The Affirmative Action Officer reports to the Assistant to the Commissioner with a recommendation. The Assistant to the Commissioner considers the available alternatives and decides whether or not to grant the requested accommodation and determines what accommodation should be provided. The decision is then provided in writing to the supervisor within three working days after the Assistant to the Commissioner makes his or her determination.
- E. If approached, the Affirmative Action Officer completes the Reasonable Accommodations Agreement Form, #PE-00092-01, and obtains necessary signatures.
- F. The Assistant to the Commissioner shall coordinate the submissions of the documents to the purchasing agent if equipment, furniture, or other assistive devices must be purchased.

V. METHODS OF PROVIDING REASONABLE ACCOMMODATIONS FOR EMPLOYEES:

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

A. Modifications of equipment or assistive devices.

The provision of equipment may include special telephone equipment, "talking" calculators, one-handed typewriters, closed circuit televisions, specifically designed desks and files, TDD 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.

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, reallocation of the job-site to an accessible area, provision of special parking facilities, modifications in ventilation, heating, cooling, and lighting systems, and other types of similar modifications. The Affirmative Action Officer will coordinate efforts to provide needed job-site modification.

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 disabled employees to meet such needs as medical appointments and medical dietary requirements.

D. Support service.

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

VI. FUNDING FOR REASONABLE ACCOMMODATION:

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

VII. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS:

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

VIII. DENIAL OF ACCOMMODATION (FOR EMPLOYEES):

All denials of requests for reasonable accommodation will be documented and kept on file by the Affirmative Action Officer. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. The Affirmative Action Officer will notify the employee of the denial and inform the employee of his/her right to appeal and to file with other government agencies.

IX. APPEALS (FOR EMPLOYEES):

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Commissioner within five working days of the decision. The Commissioner will review all pertinent material and information within five working days of the individual's appeal.

The Commissioner will make a final determination. The Affirmative Action Officer will then convey written copies of the Commissioner's decision to the employee and supervisor. If the employee is still dissatisfied with the decision, he/she may file with federal, state and local human rights departments.

X. REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS:

- A. All initial communication with job applicants 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 requesting the accommodation or the individual who receives 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 accommodation requested is reasonable, the Affirmative Action Officer shall request approval of the accommodation from the Assistant to the Commissioner.
- E. If the accommodation is substantial, the Affirmative Action Officer shall request approval of the accommodation from the Commissioner.
- F. If the accommodation is approved, the Affirmative Action Officer will take the necessary steps to see that the accommodation is provided.

XI. DENIAL OF ACCOMMODATION FOR JOB APPLICANTS:

If the requested accommodation is denied, the Affirmative Action Officer shall advise the applicant of his/her right to file a complaint with other State agencies.

5. Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of social or sexual favors to any other employee, supervisor, or manager.
6. The deliberate or careless creation of an atmosphere of discrimination, sexual harassment, or intimidation.
7. The deliberate or careless expression of jokes or remarks of a discriminatory or sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive.
8. The deliberate or careless dissemination of materials (such as cartoons, articles, pictures) which have a discriminatory or sexual content to employees who may find such materials offensive.

Any employee who: 1) feels that she or he is being subjected to discrimination or sexual harassment in any form; or 2) believes he or she has witnessed discrimination or sexual harassment, should promptly contact the Department's Affirmative Action Officer, or any facilitator, supervisor, or manager.

**DEPARTMENT OF LABOR AND INDUSTRY
DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT PROCEDURES**

I. OVERVIEW

These complaint procedures are to help the Department and all its employees informally or formally resolve concerns and complaints of discrimination or sexual harassment. No job-related retaliation of any kind against persons participating in these procedures will be tolerated.

The Affirmative Action Officer, managers, supervisors and facilitators are available to assist Department employees who use these procedures. Facilitators are Department employees elected by their co-workers and trained to assist any employee through the complaint procedure.

In addition to these procedures, the bargaining units' representatives and Department management remain responsible for enforcing all the non-discriminatory/sexual harassment articles in all collective bargaining agreements.

Department employees are encouraged to use these procedures but may also file a complaint with the Minnesota Department of Employee Relations, the Federal Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, or they may file a lawsuit in the appropriate court.

Complaints which are determined by the Affirmative Action Officer to be general harassment rather than discrimination/sexual harassment will be referred to the appropriate manager or supervisor.

Employees who have questions or concerns about discrimination or sexual harassment or who feel they have been discriminated against or sexually harassed may use the following options:

INFORMAL PROCEDURE

Provides a prompt and uncomplicated method to resolve matters of concern or informal oral complaints.

FORMAL PROCEDURE

Under this method of resolution, a written complaint is filed and an investigation of the complaint is done by the Department's Affirmative Action Officer to determine whether unlawful discrimination or sexual harassment has taken place.

If it is found that unlawful discrimination or sexual harassment has occurred, disciplinary action up to and including discharge may be taken by the Department.

All data generated under this procedure will be maintained in accordance with the Government Data Practices Act.

II. COMPLAINT PROCEDURES

The Department encourages any employee who feels he or she has been unlawfully discriminated against or sexually harassed in the workplace to take his or her concerns or complaints to the Affirmative Action Officer, or any supervisor, manager, or facilitator.

Employees are encouraged to file complaints promptly following the occurrence so that a fair and complete investigation can be conducted to assist in resolving the complaint.

A. INFORMAL PROCEDURES

Matters of Concern/Informal Complaints

A matter of concern is an occurrence that may reflect discrimination or sexual harassment. Although it may not be specifically defined by law, a matter of concern may still cause employees to feel uncomfortable in the work place.

The informal oral complaint may be somewhat more serious than a matter of concern and can be used when an employee has chosen not to file a formal written complaint.

An employee may take a matter of concern or an informal oral complaint to the Affirmative Action Officer, any supervisor or manager, or to a facilitator.

As quickly as possible, the person who receives the concern or informal oral complaint will take the following actions:

1. Discuss confidentiality with the employee.
2. Provide the employee with a copy of this policy and procedure.
3. Inform the employee about the rights and options he or she has in resolving the concern or complaint.
4. Consult with the Affirmative Action Officer to determine if the matter is to be considered a matter of concern or an informal oral complaint.
- 5a. If it is a matter of concern, attempt to resolve it. If resolution is not achieved, refer concern to Affirmative Action Officer for further processing.

- 5b. If it is an informal oral complaint, inform the Affirmative Action Officer, who will notify the complainant of his/her rights, if any, to union representation and who will then try to resolve the complaint.

Note: Managers and supervisors may attempt to resolve informal oral complaints within their own work unit.

6. If necessary, assist the complainant in taking the concern or complaint to the Affirmative Action Officer.
7. Unresolved informal oral complaints will either be treated as formal written complaints or will be withdrawn at the discretion of the complainant. However, if the Affirmative Action Officer decides that the nature of the complaint requires further investigation, the oral complaint will be treated as a formal written complaint.

B. FORMAL PROCEDURES

Written Complaint

A formal written complaint is used when the issue is serious enough to warrant a formal investigative process.

An employee may file a formal written complaint whether or not the informal procedures have been previously used to resolve the complaint.

Formal written discrimination or sexual harassment complaints must be filed directly with the Affirmative Action Officer on a Complaint of Discrimination form available from any supervisor, manager, facilitator, the Affirmative Action Officer or the Human Resources Office.

The Affirmative Action Officer will take the following action after receiving the complaint:

1. Inform the employee of his or her rights and options, including confidentiality and union representation, the investigative process, and how the information will be used and disseminated.
2. Provide the employee with a copy of this policy and procedure and assist the employee through the process.
3. Notify appropriate bargaining units and the Human Resources Director that a formal complaint has been filed.
4. Conduct a formal investigation into the charges (with few exceptions).
5. Keep the complainant informed of the investigation's progress.

6. Except in unusual circumstances, prepare a report for the Commissioner summarizing the findings of the investigation within 21 days of receipt of the formal complaint.

III. RESOLUTION OF COMPLAINTS

A. MATTERS OF CONCERN

1. A supervisor or manager in the employee's own unit may use the authority of his or her position to attempt to resolve the problem.
2. Facilitators or supervisors and managers outside the employee's unit may try to resolve a matter of concern after discussion with the Affirmative Action Officer, the Human Resources Director, or the Deputy Commissioner.
3. If the matter of concern is not resolved within five working days, the Affirmative Action Officer will either approve a time extension or will assist in resolution of the concern.

B. INFORMAL ORAL COMPLAINT

1. A supervisor or manager in the employee's own unit may use the authority of his or her position to resolve informal oral complaints in his or her own work unit within five working days of receiving the complaints.
2. If the informal complaint cannot be resolved within five working days, the Affirmative Action Officer will assist in resolution, or will approve an extension of the timelines.
3. Facilitators or supervisors and managers outside the employee's unit will not attempt resolution of informal oral complaints but will refer the employee to the Affirmative Action Officer for resolution and will provide assistance to the employee in the process.

C. FORMAL WRITTEN COMPLAINT

1. Formal written complaints may be resolved informally by the Affirmative Action Officer at any point in the process.
2. After receiving the investigative report from the Affirmative Action Officer, the Commissioner will determine what (if any) disciplinary or other action will be taken.

IV. RESPONSIBILITIES

Everyone in the Department has a responsibility to contribute to a respectful workplace.

A. AGENCY MANAGEMENT

In addition to the duties and responsibilities listed in the Affirmative Action Plan, the Department has a responsibility to:

- conduct discrimination/sexual harassment training for all Department employees;

- provide elections for facilitators; and
- provide comprehensive and periodic training to facilitators, supervisors and managers on their roles in the discrimination/sexual harassment process; and to promote fair and efficient handling of all matters of concern and complaints.

B. EMPLOYEES

Employees have a responsibility to promptly report matters of concern and complaints, participate in training, and cooperate with requests from the Affirmative Action Officer for information and data that will help the Affirmative Action Officer to carry out his or her responsibilities under these procedures.

The failure of any employee to comply with the request of the Affirmative Action Officer in an investigation may result in disciplinary action.

C. SEXUAL HARASSMENT AND DISCRIMINATION ADVISORY COMMITTEE/FACILITATORS

Facilitators, who make up the Advisory Committee on Discrimination and Sexual Harassment, have the following responsibilities:

1. Participate in training on discrimination/sexual harassment provided by the Department in relation to their role as facilitators and committee members.
2. Serve individually as facilitators who provide information and consultation to employees on discrimination/sexual harassment matters of concerns and complaints.
3. Review the Department's discrimination/sexual harassment policy and procedures at least annually and make recommendations to the Affirmative Action Council regarding policy, procedures and training programs on discrimination/sexual harassment.

D. COMPLAINT HANDLERS

Facilitators, supervisors, managers, the Affirmative Action Officer, and others involved in handling matters of concern or complaints have the responsibility to honor the confidentiality of the participants in these procedures to the extent possible under the Government Data Practices Act.

The nominating period shall begin one month prior to the expiration of the committee members' terms.

If sufficient numbers of employees to represent constituent groups do not indicate an interest in serving, the Commissioner will encourage direct nomination or encourage constituent group to recruit nominees.

Nominees' names will be published in the Department newsletter and then posted on employee bulletin boards for one week. Employees will then be asked to cast their vote by secret ballot at a designated election center for one representative from each constituent group on the ballot.

The Affirmative Action Officer will coordinate the voting process and be responsible for the integrity of the election. Election results will be published and posted.

If a Committee vacancy occurs more than two months before the next election, it will be filled by a majority vote of the committee.

DUTIES AND RESPONSIBILITIES OF THE COMMISSIONER

- To appoint or designate an Affirmative Action Officer
- To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
- To take action on complaints of discrimination.
- To issue a written statement to staff affirming support of the state's equal opportunity policy.
- To make decisions and/or changes in policy, procedure, physical accommodations, and emergencies, as may be needed to facilitate an effective Affirmative Action Program within the agency.
- To report annually to the Governor and the Legislature through the Commissioner of Employee Relations, the agency's progress on affirmative action.
- To oversee the agency's Affirmative Action Program in compliance with existing federal and state laws, rules and regulations.
- To direct the agency's Affirmative Action Council and appoint its membership.

DEPARTMENT OF LABOR AND INDUSTRY

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.

DEPARTMENT OF LABOR AND INDUSTRY

AFFIRMATIVE ACTION COUNCIL

David Abrams	Deputy Commissioner	297-2826
Jeff Blodgett	Assistant Commissioner	297-7958
Ann Clayton	Assistant Commissioner	296-6490
Linda Finney	Assistant Commissioner	296-6529
Karen Hanson	Human Resources Director	297-2648
Sharon Harris	Affirmative Action Officer	297-4474
Kenneth Peterson	Commissioner	297-4795