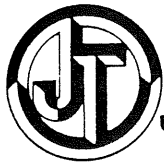


Affirmative Action Program 1990

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MINNESOTA DEPARTMENT OF

Jobs and Training

Office of the Commissioner
390 North Robert Street • St. Paul, MN 55101
612/296-3711
TTY 612/297-3944

I. POLICY STATEMENT: EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Minnesota Department of Jobs and Training exists to provide services for the people of Minnesota. It is the aim of this agency to direct employees and clients into programs that will enable them to reach their full potential.

No employee or client will be denied an opportunity for employment advancement or program participation based on race, color, creed, sex, age, national origin, religion, disability, marital status, status with regard to public assistance, or political affiliation. Harassment, or any verbal or physical behavior which is perceived as creating an intimidating or hostile environment, will not be tolerated in this agency.

In my administration, I expect all personnel to actively strive in removing barriers to employment, advancement and receipt of agency services.

Equal opportunity and affirmative action policies will be given high priority. These policies ensure excellence in employment, service-delivery, and in meeting agency objectives.

Joe Samargia
Commissioner



EQUAL OPPORTUNITY EMPLOYER

DJT-11C 11/85 (JT-00133)



Equal Employment Opportunity Policy Statement

This statement is to affirm Jobs and Training policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and local governing bodies or agencies, specifically Minnesota Statute 363.

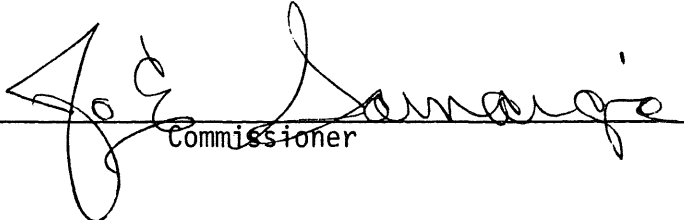
Jobs and Training will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, disability, age, marital status, or status with regard to public assistance.

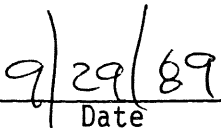
Jobs and Training will take affirmative steps to ensure that all employment practices are free of discrimination, such as but not limited to; hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, and termination, rates of pay or other forms of compensation and selection for training.

Jobs and Training will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

Jobs and Training will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of the agency who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this Statement and Plan will be subject to disciplinary action.

Jobs and Training has appointed Linda St. Sauver to manage the Equal Employment Opportunity Program. Her responsibilities, along with those of her staff, will include monitoring all Equal Employment Opportunity activities and reporting to whom the effectiveness of this Affirmative Action Program, as required by State and Federal agencies. The Commissioner and Deputy Commissioner of Jobs and Training will receive and review reports on the progress of the program. If any employee or applicant for employment believes he or she has been discriminated against, please contact Linda St. Sauver at 390 North Robert St., St. Paul, MN 55101 or call (612)296-1823.


Commissioner


Date

II. Development and Execution of the Affirmative Action Plan

By locating disparities within the Department of Jobs and Training, we can identify the barriers to equal employment. Through the Affirmative Action Program we can take the steps necessary to achieve a balanced workforce.

All specific responsibilities and accountability for carrying out the Affirmative Action Program are explained in the Department of Jobs and Training's Affirmative Action Plan's "Responsibilities for Implementation" section and in the appropriate position descriptions.

It is the responsibility of all managers and supervisors to ensure that affirmative action and equal opportunity are provided to all employees, potential employees, program participants and clients.

All managers and supervisors shall follow the Department's pre-employment screening procedure for hiring when a disparity exists.

The Affirmative Action Director will be responsible for assuring that all hiring is done in accordance with the pre-employment screening procedure.

Copies of documentation used in pre-employment screening will be maintained in the Affirmative Action Office records.

If a manager or supervisor does not wish to hire an individual identified as a dispaired group member, they must meet with the Affirmative Action Director to provide justification. A written statement from the hiring authority will be required as part of this procedure. No offer of employment can be made to any candidates until the manager or supervisor has met, discussed and arranged a mutually satisfactory decision with the Affirmative Action Director. The Affirmative Action Director has the authority to approve or disapprove if the hire in question cannot be mutually resolved. At this point, the Assistant Commissioner and/or Commissioner will enter the mediation of the hiring situation.

The overall Affirmative Action Program will be developed and implemented from two perspectives. The first perspective is that portion of the program which remains constant including the active promotion and support of Equal Employment Opportunity and Affirmative Action policies by the management of the Department of Jobs and Training. All management personnel will be held accountable for fulfilling responsibilities related to Equal Employment Opportunity and Affirmative Action, for promptly completing all Equal Opportunity and Affirmative Action monitoring and reporting requirements, as requested, for all employees being aware of the Department of Jobs and Training's Equal Employment Opportunity and Affirmative Action matters, and for maintaining an Internal Complaint Procedure to be used by anyone who believes s/he has been discriminated against on the basis of race, creed, color, national origin, religion, sex, age, marital status, disability, public assistance status, political affiliation or sexual preference in the City of Minneapolis, in his/her dealings with the Department of Jobs and Training.

The second perspective is based on needs uncovered by the monitoring and reporting activity of the program. Goals, timetables, programs and program objectives will be established to eliminate underutilization of protected class employees. The program objectives will include action steps related to recruitment, selection, promotion, training, special program development, employee retention, expanded certifications, and the use of the pre-employment screening process by the Affirmative Action Director. The final responsibility for establishing these goals, timetables, programs and program objectives rests with the Department of Jobs and Training Commissioner.

III. Responsibility for Implementation

I. Commissioner/Deputy Commissioner

Responsibilities: To oversee and ensure implementation of the Department's Equal Opportunity and Affirmative Action Program, in compliance with existing municipal, federal and state laws, and regulations.

- Duties:
1. Appoint an Affirmative Action Director
 2. Include accountability for the administration of the Department's Affirmative Action Plan in his/her position description.
 3. Require directors, managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
 4. Take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
 5. Issue an annual written statement to all employees affirming support of the State's equal opportunity policy and the Department's Affirmative Action Program.
 6. Make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative action.

Accountability: Governor

II. Affirmative Action Director and Officers (Affirmative Action Office)

Responsibilities: To administer the Department's Affirmative Action Program.

- Duties:
1. Monitor implementation of the Department's affirmative action plans.
 2. Investigate alleged discrimination complaints, coordinate handling of discrimination charges brought against the Department, and maintain a centralized record of such charges.
 3. Establish annual hiring goals, revise the Department's AA Plan biennially and complete all civil rights and affirmative action reports as required.
 4. Monitor and provide direction and consultation on Affirmative Action, Equal Employment Opportunity matters to Department directors, managers and supervisors.

5. Ensure that Equal Opportunity and Affirmative Action Plan information is disseminated throughout the Department.
6. Encourage employees to make themselves available for an exit interview and evaluate exit interview data.
7. Act as the liaison between the Department and the Equal Opportunity Division of the Department of Employee Relations.
8. Determine the need for affirmative action related training programs.
9. Review Department policies, procedures, programs, and reasonable accommodations for handicapped persons and recommend changes to the Commissioner.
10. Plan and participate in the recruitment of protected group applicants for Department job openings.
11. Maintain contacts with protected group recruitment sources, hold membership in professional and community organizations, and keep apprised of new developments in the area of affirmative action and equal opportunity.

Accountability: Commissioner/Deputy Commissioner

III. JT Personnel Director

Responsibilities: The Personnel Director is responsible for ensuring that personnel policies are fairly and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

Duties: The duties of the Personnel Director include, but are not limited to the following:

1. Make available to the Affirmative Action Director all records and information necessary to perform affirmative action duties and responsibilities.
2. Provide the Affirmative Action Director an opportunity to participate in decisions regarding personnel practices.
3. Recommend specific annual Affirmative Action program objectives and annual hiring goals for the Affirmative Action Plan.
4. Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities at the time of the employment interview.

5. Recommend changes in policy and procedure to improve the Department's ability to achieve affirmative action objectives.
6. Inform the Affirmative Action Director of discrimination charges brought through a union grievance process and consult with the Affirmative Action Director regarding resolution of the grievance.

Accountability: Commissioner/Deputy Commissioner

IV. Directors

Responsibilities: Responsible for overall administration of JT Affirmative Action policies in their areas.

- Duties:
1. Resolve internal discrimination complaints and notify JT Affirmative Action Director of all enforcement agency charges.
 2. Ensure that JT Affirmative Action policies are carried out and approve all actions necessary to facilitate this.
 3. Issue an annual written statement to staff communicating support of the Affirmative Action/Equal Opportunity Policies.

Accountability: Assistant Commissioner

VII. All Employees

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the State's Equal Employment Opportunity Policy by refraining from any actions which would interfere with any employee's work performance with respect to race, creed, color, sex, national origin, age, marital status, disability or handicap, reliance on public assistance, religion, political opinions or affiliations or sexual preference in the City of Minneapolis. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves of the Department's discrimination complaint procedure. All employees acting in a public service capacity will not discriminate against any person regarding access to, admission to, full utilization of or benefit from any service provided by the Department because of race, creed, color, sex, national origin, age, marital status, disability or handicap, reliance on public assistance, religion, political opinions or affiliations or sexual preference in the City of Minneapolis.

IV. Affirmative Action Committee

Mission

The mission of the Affirmative Action Committee is:

1. To monitor the Affirmative Action Plan,
2. To advise and assist the Commissioner and Affirmative Action Director in their efforts to implement the Department's Affirmative Action Program, and
3. To educate the committee members and all employees in Affirmative Action.

Duties

The duties of the Affirmative Action Committee shall include, but not be limited to, the following:

1. To establish committee by-laws,
2. To request relevant studies of Department activities, review affirmative action reports, and to recommend improvement or changes when appropriate,
3. To review all sections of the Affirmative Action Plan at least annually and recommend changes,
4. To serve as a forum for transmitting Affirmative Action concerns to management, and
5. To assist the Affirmative Action Director and Personnel Director in the implementation of the Department's Affirmative Action Plan, as necessary.

Accountability: The Commissioner

Committee Membership

The Affirmative Action Committee shall consist of not fewer than eleven (11) and not more than twenty-five (25) members. Term of the appointed members shall be two (2) years with selection of approximately one-half the members annually. Openings on the Committee shall be announced to the employees via the Departmental newsletter with the invitation to submit an application to the Office of the Commissioner. Applicants shall be considered by the Affirmative Action Committee Chairperson and Affirmative Action Director who will make recommendations to the Commissioner for appointments.

Co-Chairpersons

The Affirmative Action Committee Co-Chairpersons shall be appointed by the Commissioner for a two (2) year term. The Committee may elect other offices as appropriate.

Meetings and Procedures

Meetings shall be called by the Co-Chairpersons at a regularly scheduled time. At least one (1) meeting per year shall be held outside the Twin Cities Metropolitan Area. Approved minutes and agendas shall be posted on major employee bulletin boards in every location.

V. Internal and External Dissemination of the Policy

The Equal Employment Opportunity Policy and Affirmative Action Plan for the Department of Jobs and Training is available to all Department employees/clients. The Department of Jobs and Training will undertake the following steps to ensure that all persons are advised of, and understand its policy of non-discrimination and its interest in actively and affirmatively providing equal opportunity in all employment practices.

Internal

- I 1. A copy of the Equal Opportunity/Affirmative Action Plan and Internal Complaint Procedure will be available to each Department employee/client annually, along with the Commissioner's Affirmative Action Policy Statement. These documents are included in the Department Policy and Procedure Manual.
- I 2. Copies of the Department of Jobs and Training's reasonable accommodation and pre-employment screening procedure policies are contained in the Department Policy and Procedure Manual.
- I 3. A copy of the Affirmative Action Plan, Affirmative Action Committee meeting minutes, agendas or policy revisions will be posted in a conspicuous place. Any revision of the Policy and Plan will be noted in the employee publication, NEWSLINES.

External

- Ex. 4. A policy statement encouraging referrals and applications will be provided to recruitment sources and organizations working with protected classes.
- Ex. 5. The Department will maintain an on-going AA/EEO compliance program with its vendors, contractors and other state agencies.
- Ex. 6. Publications and stationery will contain references to the Policy in the use of the statement: "An Equal Opportunity/Affirmative Action Employer."
- I 7. All new employees will receive an orientation checklist which will include instruction in Affirmative Action.
- I 8. Annual affirmative action training sessions will be conducted for managers and supervisors. If significant revisions in the policy are made, the managers and supervisors will receive updates.
- I 9. All Department staff and subrecipients will receive training according to a schedule to be developed as set forth in Civil Rights guidelines, to include, but not be limited to, sexual harassment, cultural awareness, government data practices regulations, discrimination and employment law, legal interviewing, physical and mental disabilities, affirmative action goals and hiring, reasonable accommodation, and affirmative action complaint procedures.

I 10. Whenever possible, include pictures of both men, women, minorities, non-minorities and disabled persons in department publications.

Ex.11. Positions will be advertised in appropriate protected class publications.

VI. Affirmative Action Hiring Goals

Attached are the Affirmative Action Plans for local subdivisions:

- a. Duluth
- b. Metro Area
- c. Moorhead
- d. Outstate
- e. Rochester
- f. St. Cloud

DEPARTMENT :

Office Memorandum

September 25, 1987

DATE :

Diane Pariana

TO : Department of Employee Relations

Fred Matson

FROM : Deputy Commissioner

296-1821

PHONE :

Affirmative Action Goals

SUBJECT :

The Department of Jobs and Training has been faced with continual reduction in federal funding resulting in a large number of layoffs.

Because of this situation, we have implemented a policy on filling positions with the end result of bringing back to work those employees who were laid off.

Basically, our policy is that any vacant position we intend to fill will be filled by employees of this department conforming with the appropriate labor agreement contract language on filling positions. If the position is not filled by bidding, recall from layoff.

Our vacancies are filled by bidding, internal transfers, recall from layoff, agency promotional list and employees on layoff not from the class of the vacant position but who qualify, usually through advisory testing and can be appointed to the position.

There are situations when all avenues for filling the job internally have been exhausted and it may become necessary to fill the job by considering candidates outside of the department. I review each request to fill from the outside which must have my approval. Not all requests are approved.

Under these circumstances, with our current hiring policy, we will not be setting interim goals.

When filling positions from the outside in categories where disparities do not exist, we will continue to take an affirmative approach in filling our positions with protected group candidates.

FM:LS:kt

AFFIRMATIVE ACTION PLAN

Fiscal Year 90

For

Duluth

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

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.

Linda J. Hauner
Affirmative Action Officer

9/29/89
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.

Joe Samayda
Agency Head

9/29/89
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

AFFIRMATIVE ACTION PLAN

Fiscal Year 1990

For

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 | | | | |
| Craft, Maintenance, Labor | | | | |
| Service | X | | X | |
| Health Care Non-Professional | | | | |
| Health Care Professional | | | | |
| Clerical | | | X | |
| Technical | | | | |
| Correctional Guards | | | | |
| State University Instructional | | | | |
| Community College Instructional | | | | |
| State University Administrative | | | | |
| Professional Engineering Supervisory | | | | |
| Health Treatment Professional | | | | |
| General Professional | X | | | |
| Professional State Residential Instructional | | | | |
| Supervisory | X | X | X | |
| Commissioner's Plan | | X | X | |
| Managerial Plan | | | | |
| Other | 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.

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.

Shirley S. Bauer
Affirmative Action Officer

9/29/89
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.

J. S. Larnage
Agency Head

9-29-89
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

AFFIRMATIVE ACTION PLAN
Fiscal Year 90
For

Moorehead

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

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.

Spencer H. Sauer
Affirmative Action Officer

9/29/89
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.

Joe Samaris
Agency Head

9.29.89
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

AFFIRMATIVE ACTION PLAN
Fiscal Year 90
For _____

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 | | | | |
| Craft, Maintenance, Labor Service | | | | |
| Health Care Non-Professional | | | | |
| Health Care Professional | | | | |
| Clerical | | X | X | |
| Technical | | | | |
| Correctional Guards | | | | |
| State University Instructional | | | | |
| Community College Instructional | | | | |
| State University Administrative | | | | |
| Professional Engineering Supervisory | | | | |
| Health Treatment Professional | | | | |
| General Professional | X | | | |
| Professional State Residential Instructional Supervisory | X | | | |
| Commissioner's Plan | | | | |
| 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.

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.

Linda J. Sauer
Affirmative Action Officer

9/29/89
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.

J. D. Samaniego
Agency Head

9-29-89
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

AFFIRMATIVE ACTION PLAN

Fiscal Year 90

For

Rochester

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

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.

Lincoln J. Sauner
Affirmative Action Officer

9/29/89
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.

Joe Lamanna
Agency Head

9-29-89
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

AFFIRMATIVE ACTION PLAN

Fiscal Year 90

For

St. Cloud

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

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.

Simon J. St. Sauver
Affirmative Action Officer

9/29/89
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.

Joe L. Lanza
Agency Head

9-29-89
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 Jobs and Training
Region - Outstate

Handicapped

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> | <u>Employee Turnover Number 1986-87</u> | <u>Estimated Vacancies Filled</u> | | |
|------------------------|---|--|--|---------------------------------|---|---------------------------------------|-------------|-------------|
| | | | | | | <u>1989</u> | <u>1990</u> | <u>1991</u> |
| Service | | | | | | | | |
| Office | 123 | 4 3.25% | 10 8.20% | -6 | 44 | 3 | 3 | 2 |
| Technical | | | | | | | | |
| Professional | 225 | 32 14.22% | 19 8.20% | +13 | 25 | 0 | 0 | 0 |
| Supervisory | 39 | 3 7.69% | 3 8.20% | 0 | 3 | 3 | 4 | 6 |
| Commissioner's Plan | | | | | | | | |
| Managerial | | | | | | | | |
| TOTAL | <u>387</u> | <u>39 10.07%</u> | <u>32 8.2%</u> | <u>+7 +1.8%</u> | <u>72</u> | | | |

Department of Jobs and Training
Region - Outstate

Minorities

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | 123 | 0 0.00% | 2 1.53% | -2 -1.53% |
| Technical | | | | |
| Professional | 225 | 3 0.95% | 3 1.53% | 0 |
| Supervisory | 39 | 2 5.00% | 1 1.53% | +1 |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>387</u> | <u>5 1.29%</u> | <u>6 1.53%</u> | <u>-1 -26%</u> |

Department of Jobs and Training
Region - Outstate

Women

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office* | | | | |
| Technical | | | | |
| Professional | 225 | 65 28.89% | 92 40.84% | -27 -11.95% |
| Supervisory | 39 | 7 17.95% | 19 47.56% | 12 -29.61% |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>264</u> | <u>72 27.27%</u> | <u>111 42.05%</u> | <u>-39 -14.78%</u> |

*Office is not included because there are no goals set for this category.

Department of Jobs and Training
Region - Moorhead

Handicapped

| | Number of Employees <u>as of 1/89</u> | Current Employee Number & <u>Percent</u> | Ideal Goal Number & <u>Percent</u> | Actual vs. <u>Ideal</u> |
|------------------------|---|---|---|-------------------------------|
| Service | | | | |
| Office | | | | |
| Technical | | | | |
| Professional | 12 | 2 16.67% | 1 8.20% | +1 |
| Supervisory | -- | | | |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>12</u> | <u>2</u> <u>16.67%</u> | <u>1</u> <u>8.2%</u> | <u>+1</u> <u>+16.47%</u> |

Department of Jobs and Training
Region - Moorhead

Minorities

| | Number of Employees as of 1/89 | Current Employee Number & Percent | Ideal Goal Number & Percent | Actual vs. Ideal | Employee Turnover Number 1986-87 | Estimated Vacancies Filled | | |
|------------------------|--------------------------------------|--|--------------------------------------|---------------------------|---|-------------------------------|------|------|
| | | | | | | 1989 | 1990 | 1991 |
| Service | | | | | | | | |
| Office | | | | - | 0 | 0 | 0 | 0 |
| Technical | | | | | | | | |
| Professional | 12 | 1 8.33% | 0 1.53% | +1 | 3 | 0 | 0 | 0 |
| Supervisory | | | | | 1 | 0 | 0 | 0 |
| Commissioner's Plan | | | | | | | | |
| Managerial | | | | | | | | |
| TOTAL | <u>12</u> | <u>1</u> <u>8.33%</u> | <u>0</u> | <u>+1</u> <u>+6.8%</u> | <u>4</u> | | | |

Department of Jobs and Training
Region - Moorhead

Women

| | Number of Employees as of 1/89 | Current Employee Number & Percent | Ideal Goal Number & Percent | Actual vs. Ideal | Employee Turnover Number 1986-87 | Estimated Vacancies Filled | | |
|------------------------|--------------------------------------|--|--------------------------------------|-----------------------------|---|-------------------------------|------|------|
| | | | | | | 1989 | 1990 | 1991 |
| Service | | | | | | | | |
| Office | | | | | | | | |
| Technical | | | | | | | | |
| Professional | 12 | 2 16.67% | 5 40.84% | -3 | 3 | 2 | 1 | 0 |
| Supervisory | | | | | | | | |
| Commissioner's Plan | | | | | | | | |
| Managerial | | | | | | | | |
| TOTAL | <u>12</u> | <u>2</u> <u>16.67%</u> | <u>5</u> <u>40.84%</u> | <u>-3</u> <u>-24.17%</u> | <u>4</u> | | | |

*Office has not been included because there are not goals set for this category.

Department of Jobs and Training
Region - Rochester

Women

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | | | | |
| Technical | | | | |
| Professional | 20 | 10 50% | 9 46.41% | +1 +3.5% |
| Supervisory | - | | | |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>20</u> — | <u>10</u> <u>50%</u> — | <u>9</u> <u>46.41%</u> — | <u>+1</u> <u>+3.5%</u> — |

Department of Jobs and Training
Region - Rochester

Minorities

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|-------------------------------------|
| Service | | | | |
| Office | | | | |
| Technical | | | | |
| Professional | 20 | 0 | 1 2.14% | -1 -2.14% |
| Supervisory | - | | | |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>20</u> — | <u>0</u> — | <u>1</u> <u>2.14%</u> — | <u>-1</u> <u>-2.14%</u> — |

Department of Jobs and Training
Region - Rochester

Handicapped

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | | | | |
| Technical | | | | |
| Professional | 20 | 3 15.0% | 2 8.2% | +1 +6.8% |
| Supervisory | | | | |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>20</u> — | <u>3</u> <u>15.0%</u> — | <u>2</u> <u>8.2%</u> — | <u>+1</u> <u>+6.8%</u> — |

Department of Jobs and Training
Region - St. Cloud

Women

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | | | | |
| Technical | | | | |
| Professional | 49 | 13 26.53% | 21 41.81% | -8 -15.28 |
| Supervisory | 8 | 2 25.0% | 4 44.08% | -2 -20.0% |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>57</u> | <u>17 29.82%</u> | <u>25 43.9%</u> | <u>-10 -14.08%</u> |

Department of Jobs and Training
Region - St. Cloud

Minorities

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | 23 | 0 | 1 1.53% | -1 -1.53% |
| Technical | | | | |
| Professional | 49 | 0 | 1 1.53% | -1 -1.53% |
| Supervisory | 8 | 0 | 1 1.53% | -1 -1.53% |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>80</u> — | <u>0</u> — | <u>1</u> <u>1.53%</u> — | <u>-1</u> <u>-1.53%</u> — |

Department of Jobs and Training
Region - St. Cloud

Handicapped

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | 23 | 1 4.35% | 2 8.2% | -1 -3.85% |
| Technical | | | | |
| Professional | 49 | 3 6.12% | 4 8.2% | -1 -2.08% |
| Supervisory | 8 | 4 50.0% | 1 8.2% | +3 +41.8% |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>80</u> | <u>8 10.0%</u> | <u>7 8.2%</u> | <u>+1 +1.8%</u> |

Department of Jobs and Training
Region - Duluth

Women

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> | <u>Employee Turnover Number 1986-87</u> | <u>Estimated Vacancies Filled</u> | | |
|------------------------|---|--|--|---------------------------------|---|---------------------------------------|-------------|-------------|
| | | | | | | <u>1989</u> | <u>1990</u> | <u>1991</u> |
| Service | | | | | | | | |
| Office | | | | | | | | |
| Technical | | | | | | | | |
| Professional | 60 | 18 30.0% | 24 39.75% | -6 -9.75% | 4 | 2 | 3 | 3 |
| Supervisory | 9 | 0 | 4 48.55% | -4 48.53% | 1 | 1 | 2 | 2 |
| Commissioner's Plan | | | | | | | | |
| Managerial | | | | | | | | |
| TOTAL | <u>69</u> | <u>18 26.08%</u> | <u>28 40.58%</u> | <u>-10 -14.5%</u> | <u>8</u> | | | |

Department of Jobs and Training
Region - Duluth

Minorities

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> | <u>Employee Turnover Number 1986-87</u> | <u>Estimated Vacancies Filled</u> | | |
|------------------------|---|--|--|---------------------------------|---|---------------------------------------|-------------|-------------|
| | | | | | | <u>1989</u> | <u>1990</u> | <u>1991</u> |
| Service | | | | | | | | |
| Office | 36 | 0 | 1 1.9% | -1 -1.9% | 3 | 0 | 0 | 0 |
| Technical | | | | | | | | |
| Professional | 60 | 4 6.67% | 1 1.96% | +3 +4.71% | 4 | 0 | 0 | 0 |
| Supervisory | 9 | 0 | 1 2.17% | -1 -2.17% | 1 | 0 | 1 | 0 |
| Commissioner's Plan | | | | | | | | |
| Managerial | | | | | | | | |
| TOTAL | <u>105</u> | <u>4 3.81%</u> | <u>2 1.9%</u> | <u>+2 +1.91%</u> | <u>8</u> | | | |

Department of Jobs and Training
Region - Duluth

Handicapped

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | | | | |
| Office | 36 | 0 | 3 8.20% | -3 -8.2% |
| Technical | | | | |
| Professional | 60 | 9 15.0% | 5 8.20% | +4 +6.8% |
| Supervisory | 9 | 1 10.00% | 1 8.20% | 0 |
| Commissioner's Plan | | | | |
| Managerial | | | | |
| TOTAL | <u>105</u> | <u>10 9.52%</u> | <u>9 8.20%</u> | <u>+1 +1.32%</u> |

Department of Jobs and Training
Region - Metro

Women

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|-------------------------------------|
| Service | 15 | 3 20.0% | 7 44.57% | -4 -24.57% |
| Office* | | | | |
| Professional | 695 | 16 37.84% | 16 44.57% | -6.73% |
| Supervisory | 131 | 46 35.11% | 70 53.8% | -24 -18.69% |
| Commissioner's Plan | 65 | 38 58.46% | 29 44.57% | +9 +13.89% |
| Managerial | 55 | 11 20.0% | 20 36.36% | -9 -16.36% |
| TOTAL | <u>996</u> | <u>377</u> 37.85% | <u>452</u> 45.38% | <u>-75</u> -7.53% |

*Office has not been included because there are no goals set for this category.

Department of Jobs and Training
Region - Metro

Handicapped

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|---------------------------------|
| Service | 15 | 1 6.67% | 2 8.20% | -1 -1.53% |
| Office | 480 | 35 7.29% | 39 8.20% | -4 -1.0% |
| Technical | 35 | 3 8.57% | 3 8.20% | 0 |
| Professional | 695 | 65 9.35% | 57 8.20% | +8 +1.15% |
| Supervisory | 131 | 7 5.34% | 11 8.20% | -4 -2.86% |
| Commissioner's Plan | 65 | 1 1.54% | 5 8.20% | -4 -6.66% |
| Managerial | 55 | 7 12.73% | 5 8.20% | +2 +4.53 |
| TOTAL | <u>1476</u> | <u>119 8.1%</u> | <u>113 8.2%</u> | <u>-3 - .1%</u> |

Department of Jobs and Training
Region - Metro

Minorities

| | <u>Number of Employees as of 1/89</u> | <u>Current Employee Number & Percent</u> | <u>Ideal Goal Number & Percent</u> | <u>Actual vs. Ideal</u> |
|------------------------|---|--|--|-------------------------------------|
| Service | 15 | 2 13.33% | 1 4.07% | +1 +9.26% |
| Office | 48 | 37 7.71% | 20 4.07% | +17 +3.64% |
| Technical | 35 | 2 5.71% | 1 4.07% | +1 +1.64 |
| Professional | 695 | 50 7.19% | 28 4.07% | +22 +3.12% |
| Supervisory | 131 | 6 4.58% | 9 6.55% | -3 -1.97% |
| Commissioner's Plan | 65 | 2 3.08% | 3 4.07 | -1 -1.0% |
| Managerial | 55 | 3 5.45% | 4 7.52% | -1 -2.07% |
| TOTAL | <u>1476</u> | <u>102</u> 6.91% | <u>66</u> 4.47% | <u>+36</u> +2.44% |

VII. Pre-Hire Review Process

Pre-employment Screening

If a vacancy is in a class with a disparity, and if the vacancy is not filled by bid, expressing interest or layoff procedures, pre-employment screening is mandatory for the position.

If the supervisor does not select a protected class member from the list, the agency Affirmative Action Officer must approve the appointment. If there are no protected class members on the list for the vacancy, the Department of Employee Relations will "expand" the list.

The Affirmative Action Officer has authority to deny permission to make the appointment.

Protected Group Recruiting

Supervisors are encouraged to recruit protected group candidates for provisional appointment. Because the supervisor is in the best position to know the local availability of protected group members who may be qualified for the provisional appointment, s/he should ask qualified candidates to apply for the appointment.

The Office of Personnel Services will contact the Affirmative Action Officer for assistance in recruiting protected group candidates and will inform the supervisor that recruiting is underway for the position. If the supervisor thinks recruiting is impractical for the particular situation, e.g. qualified persons are very rare, the Affirmative Action Officer must be contacted to waive this portion of the procedure.

Pre-employment Screening

If a protected group candidate is not selected, the supervisor must contact the Affirmative Action Officer prior to making an offer of employment to discuss the reasons for not selecting a protected group candidate and to obtain approval to make the appointment.

The supervisor must contact the personnel generalist if a situation occurs in which a provisional appointment may be appropriate. The supervisor must also write a memo to the Office of Labor Relations and Personnel Services stating the circumstances and the degree of urgency.

The Office of Labor Relations and Personnel Services evaluates the proposal and then forwards it to the Department of Employee Relations and contacts the Affirmative Action Officer for protected group recruiting.

Procedure of Unclassified Service Appointments

There are three basic types of unclassified positions allowed by statute.

1. Positions where the appointment is made by the Commissioner and reports directly to the Commissioner.

2. Temporary unclassified positions created for short-term projects with short-term funding. Such positions must be approved by the Department of Employee Relations, one year at a time for a maximum of three years.
3. Student worker positions where the employee must be enrolled in an accredited school.

The appointments made by the Commissioner are handled directly by the Commissioner and the Office of Labor Relations and Personnel Services.

The procedure for appointing a temporary unclassified worker follows.

The supervisor develops a position description; informs the assistant commissioner in writing why the position should not be in the classified service; obtains approval from the commissioner through the division's chain of command and forwards the documents to proper personnel generalist.

VIII. Internal Monitoring System

One purpose of an Affirmative Action Plan is to serve as a guide for an Affirmative Action Program. To maintain an effective Affirmative Action Program, monitoring is a necessary and an important part of an Affirmative Action Plan.

For effective monitoring, it is necessary for managers and supervisors to work with the Affirmative Action Office in providing necessary reports and information.

Department Affirmative Action Goals and Timetables are stated in Section VI of this Plan. Manager's yearly goals should reflect Department Goals and Timetables and be supported by the Department's Action Steps.

IX. Statement of Equal Opportunity - Beneficiaries

In all areas of program administration, service-delivery and receipt of benefits, no program participant, client, or potential employees (all hereinafter referred to as "beneficiaries") will be excluded from participation in any program based on race, color, creed, national origin, religion, age, sex, disability, marital status, status with regard to public assistance or sexual preference in the City of Minneapolis.

All beneficiaries shall be afforded the right of due process in resolving discrimination complaints.

The resolution of discrimination complaints shall be handled as follows:

1. All beneficiaries must file a complaint no later than 365 days of the occurrence of the legal violation.
2. The grievant must submit the complaint in written form to the local office supervisor or manager. (Local office refers to the facility at which grievant is receiving services.)
3. The supervisor or manager will then conduct an impartial investigation into the complaint as set forth in the individual grievance procedures of each local office.
4. The grievant shall be advised in writing promptly as to the findings regarding the complaint. In this same written notice, the grievant shall be advised if s/he is not satisfied with the decision, s/he may appeal to the appropriate state authorities.
5. When a complaint is filed against a Minnesota State agency, however, provisions of the "Memorandum of Agreement Between the State of Minnesota and the U.S. Department of Health and Human Services" shall take precedence over other guidelines in resolving discrimination complaints.
6. The impartial investigation portion of the complaint procedure, when directly involving areas in which the Department of Jobs and Training Affirmative Action Office has authority, shall follow the same guidelines established in Section IX, "Affirmative Action Complaint Procedures."
7. Results of all complaint procedures performed by the Department of Jobs and Training Affirmative Action Office shall be reported in written form, and shall include appeal rights to proper state or federal authorities.

The Department of Jobs and Training staff will not engage in reprisal against beneficiaries who file a grievance, legal charge, testify, assist or participate in any matter of an investigation or proceeding.

X. Equal Opportunity/Affirmative Action Program

**Guidelines for the Grantees of the
Department of Jobs and Training**

Low Income Energy Block Program

Work Incentive Program

Community Services Block Grant Program

Social Security Disability Insurance Program

Social Security Grant Program

General Guidelines

1. This plan, as it related to matters involving Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et. seq., replaces the Methods of Administration executed in 1972 by the Minnesota Department of Jobs and Training. This is in accordance with the requirements of Title VI and the implementing regulation, 45 C.F.R. Part 80. This civil rights plan also enacts additional methods for complying with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C 794, the Age Discrimination Act of 1975, 42 U.S.C 6101 et seq., the non-discrimination requirements of the Omnibus Budget Act of 1981 and the Department of Health and Human Services regulation implementing the aforementioned statutes.

This plan also supports the non-discriminatory provisions of the following laws, rules, and regulations which form the legal basis for affirmative action: Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972; Minnesota Human Rights Act, as amended; Federal Executive Order No. 11246, as amended; Senate File Order No. 11246, as amended; Governor's Code of Fair Practices; Equal Pay Act of 1963, as amended.

2. Equal Opportunity/Affirmative Action (EO/AA) programs, developed according to the specifications contained herein, shall be submitted to the Department of Jobs and Training by the end of each fiscal year. Programs already developed shall be updated yearly.
3. The EO/AA program shall be designed according to the attached format. Exceptions to this requirement may only be made where a grantee uses its own format accompanied by a marginal index, indicating the specific section(s) of the department's requirements addressed in each of the agency's sections of their programs.
4. Part V (B)(1) will provide the grantee affirmative action objectives, where progress will be monitored by the DJT grant managers and affirmative action office. (A) The individuals subject to the provisions of each agency's EO/AA program (i.e., employees, volunteers) are expected to be reflective of the characteristics of the client population of the geographic area served by the grantee. (B) The grantee will assure non-discrimination among clients. (C) For purposes of this document, a "significant segment" constitutes two (2) percent of the population, and shall be addressed. For example, if column 1 indicates that six (6) percent of the area's population is Hispanic, then the agency shall plan to employ, serve, etc., Hispanics. If column 1 indicates that only one (1) percent of the area's population is American Indian, no special plans shall be made to ascertain employment, service to, etc., American Indians. (D) If there are variances between any planned levels of service (column 3) and the significant segments incidence in the eligible population (column 1), grantees shall provide a justification for their planned levels of service.

5. The grantees progress in meeting affirmative action objectives will be monitored on a regular basis by DJT grant managers and the affirmative action office. Monitoring instruments for the programs will be altered to accommodate such items.
6. The grantee will maintain adequate records, for five years, so as to determine civil rights compliance.
7. The submitted EO/AA programs will be reviewed by DJT grant managers, planning staff, and the affirmative action officer. Sufficient contacts and negotiations between steps will be made to resolve problems before conclusion of sanctions. Should program not be in compliance with the attached guidelines, or should a grantee not make significant progress in achieving its objectives, the following sanctions may apply (progressive order):
 - a. Letter from the Commissioner of Jobs and Training/Affirmative Action Director allowing 30 days to achieve compliance;
 - b. Meeting with the Affirmative Action Director, allowing 30 days to achieve compliance;
 - c. Letter from the Commissioner of Jobs and Training/Affirmative Action Director, placing special conditions on the agency's grant(s), allowing 30 days to achieve compliance; or
 - d. Cancellation of grant(s) from DJT to the agency.
8. Completed documents should be submitted to:

Department of Jobs and Training
Commissioner's Office
390 North Robert Street
St. Paul, MN 55101
ATTN: Affirmative Action Director

Part I: Agency's General Policy Statement Regarding Equal Opportunity

Each grantee's equal opportunity policy should include statements to the effect that:

1. For the purposes of this document, the grantee may use the term "minority" to refer to American Indians or Alaskan Natives, Asians or Pacific Islanders, Blacks, or Hispanics. This document also pertains to the special service groups of youth and elderly, and protected classes of women and handicapped individuals.
2. The grantee assures non-discriminatory pay and other compensation and working conditions in employment.
3. The grantee will establish and assure non-discriminatory contracting for all services, including banks and suppliers.
4. The grantee assures that it will actively provide affirmative outreach, selection, and service to all clients.
5. The grantee will make efforts to hire minority, protected class, and special service group individuals for all job categories so that minority, protected class, and special service group employment in all categories of their workforce will represent a proportionate share of minority, protected class, and special service group individuals in the grantee's service area.
6. The grantee assures the appointment of representatives on the board of directors qualified to represent the interests of minority, protected class, and special service groups, and whenever possible shall be a qualified member of these constituencies.
7. The grantee will provide reasonable accommodations to handicapped and disabled employees. The grantee will also ensure that all of its programs are accessible to handicapped and disabled clients. A reasonable accommodations provision regarding clients will be included in the grantee's equal opportunity policy. (The Department of Jobs and Training Policy and Procedures Manual, Chapter 216, REASONABLE ACCOMMODATION, contains policy/procedures that may be used as a guideline for the grantee.)
8. In order to assure the refinement, implementation and administration of the above state policy statement, the grantee has designated a person and/or division within the grantee or government to carry out the equal opportunity policies.
9. The grantee will maintain accurate and complete records by race, sex, age, and handicap status so that civil rights compliance may be monitored. Records will be maintained for all individuals without regard to protected class status, although no individuals will be denied services because of refusal to provide protected class information.

Part II: Affirmative Action Program for Employment and Professional Services

- A. The affirmative action policy should include statements to the effect that the grantee will:
1. Assure non-discriminatory recruiting of staff by taking such steps as:
 - a. Placing employment advertisements in newspapers which serve the largest number of minority, protected class, and special service group individuals in the recruiting area.
 - b. Recruiting through schools and universities with substantial proportions of minority, protected class, and special service group students.
 - c. Maintaining systematic contacts with minority and human relations organizations, leaders, service providers and spokespersons to encourage referral of qualified minority, protected class, and special service group applicants.
 - d. Encouraging present employees to refer minority, protected class, and special service group applicants.
 - e. Making it known to all recruitment sources that qualified minority, protected class, and special service group members are being sought for consideration for professional, semi-professional and other office work whenever the agency hires.
 - f. Using "Equal Employment Opportunity Employer" statements in all advertisements for new employees.
 2. Assure non-discriminatory hiring by the grantee taking appropriate steps such as: instructing the staff who make hiring decisions that minority, protected class, and special service group individuals, such as:
 - a. Sponsoring and assisting minority youths, as well as others, to enter semi-professional and professional training and making such training available to the maximum extent.
 - b. Actively encouraging minority, protected class, and special service group employees, as well as others, to increase their skills and job potential through participation in available training and education programs.
 4. Assure non-discriminatory placement and promotion within the grantee by:
 - a. Instructing the staff who make placement and promotion decisions that minority, protected class, and special service group employees are to be considered without discrimination.

- b. Encouraging the promotion of minority, protected class, and special service group employees who have increase their skills and job potential in accordance with the grantees affirmative action policies.
 5. Assure non-discriminatory pay, other compensation and working conditions taking such appropriate steps as:
 - a. Providing employment-enhancing opportunities for all employees in such areas as training, working conditions, etc.
 - b. Examining rates of pay and fringe benefits for current employees with equivalent duties, and adjusting any inequities found.
 6. Assure non-discriminatory professional contracting taking appropriate steps such as: encouraging minority, protected class, and special service group contractors and contractors with minority, protected class, and special service group representation among their employees to submit proposals for professional contract work.
 7. Follow through, questioning, verifying, making whatever changes or additions to the Equal Employment Opportunity/Affirmative Action Program that may be necessary to assure effectiveness.
- B. The grantee should design and conduct an evaluation of the current staffing program. Items in this element should include:
 1. A comparison of percent of minority, protected class, and special service group employees to percent of minority, protected class, and special service group population in the area served.
 2. Completion of the following chart, or of some similar chart:

| Title of Community Action Action or Community Block Organization | | Estimated % of Persons in Avail- able Workforce in Area Served | %of Persons Currently Employed by the Agency | Difference (constitutes Agency's AA Objectives for the next year) |
|--|--------------------------------------|---|---|--|
| Demographic Groups | | | | |
| Sex | Male | | | |
| | Female | | | |
| Age | Under 21 | | | |
| | 21 - 59 | | | |
| | 60 & over | | | |
| Race/ Ethnic Group | White(Non-Hispanic) | | | |
| | Black(Non-Hispanic) | | | |
| | Hispanic | | | |
| | American Indian or Alaskan Native | | | |
| | Asian or Pacific Islander | | | |
| | Other | | | |
| | Handicapped | | | |

**Part III: Affirmative Action Program for Volunteer Members of
Agency, Boards of Directors, and Citizen Advisory Committees**

- A. The Department of Jobs and Training recognizes the external influences facing the grantee in meeting equal opportunity guidelines as they pertain to volunteers, boards and committees. Consequently, DJT will not mandate strict adherence to equal opportunity guidelines as they exist for such volunteer members. However, each grantee is strongly advised to consider these guidelines to the extent possible in the selection of such volunteers.
- B. The grantee should document areas in which it will make special efforts to achieve a balanced representation. The grantee should include a report of the current pattern of minority, protected class and special service group representation among volunteers, on the board and on the various advisory committees that are utilized and provide an outline of related action measures. This report should include:
1. Documentation of the percentage and number of minority, protected class, and special service group representatives and the minority, protected class, or special service group they represent serving on the board or committee.
 2. An outline of specific objectives that will be sought, particularly in those instances where the percentage of minority, protected class, and special service group representatives on the board and advisory committees is considerably below the percentage of minorities, protected classes and special service groups in the total population served by the grantee.
 3. The spelling out of specific action measures that will be undertaken to increase minority, protected class, and special services group representation on the board and advisory committees.
 4. Completion of the following chart or of some similar chart:

| Title of Community Action Action or Community Block Organization | | Estimated % of Persons in Avail- able Workforce in Area Served | %of Persons Currently Employed by the Agency | Difference (constitutes Agency's AA Objectives for the next year) |
|--|--------------------------------------|---|---|--|
| Demographic Groups | | | | |
| Sex | Male | | | |
| | Female | | | |
| Age | Under 21 | | | |
| | 21 - 59 | | | |
| | 60 & over | | | |
| Race/ Ethnic Group | White(Non-Hispanic) | | | |
| | Black(Non-Hispanic) | | | |
| | Hispanic | | | |
| | American Indian or Alaskan Native | | | |
| | Asian or Pacific Islander | | | |
| | Other | | | |
| | Handicapped | | | |

Part IV: Affirmative Action Program for Suppliers and Banks (Guidelines)

In addition to the affirmative action plan requirements, action is recommended in the following area (beyond employment and professional services contracts):

- A. The Department of Jobs and Training recognizes that some areas of the state lack minority, protected class, and special service group suppliers and banks. In consideration of this fact, grantees facing this situation should provide an explanation of their constraints in meeting Part IV of these guidelines.
- B. The grantee should detail affirmative action procedures for the awarding of purchasing supplies and services, including:
 - 1. Listing minority-owned, protected class-owned, and special service group owned and/or managed suppliers, banks and other services (such as printing) for the area.
 - 2. Listing these minority, protected class and special service group businesses in purchasing listings so that they may be included in requests for quotes and/or bids.
 - 3. Detailing an explicit banking policy which includes minority-owned, protected class-owned, and special service group-owned or operated banks as depositories.
 - 4. Assigning of responsibility for this program to a person with the organization.
- C. A program for action should be included that details objectives and target dates for accomplishing equal employment opportunity in contract awards. Yearly evaluations of the affirmative action plans for contracting are to be performed so that obstacles to achievement of the objectives can be pinpointed and ameliorated. Such obstacles may include contract awarding policies of the applicant and others.

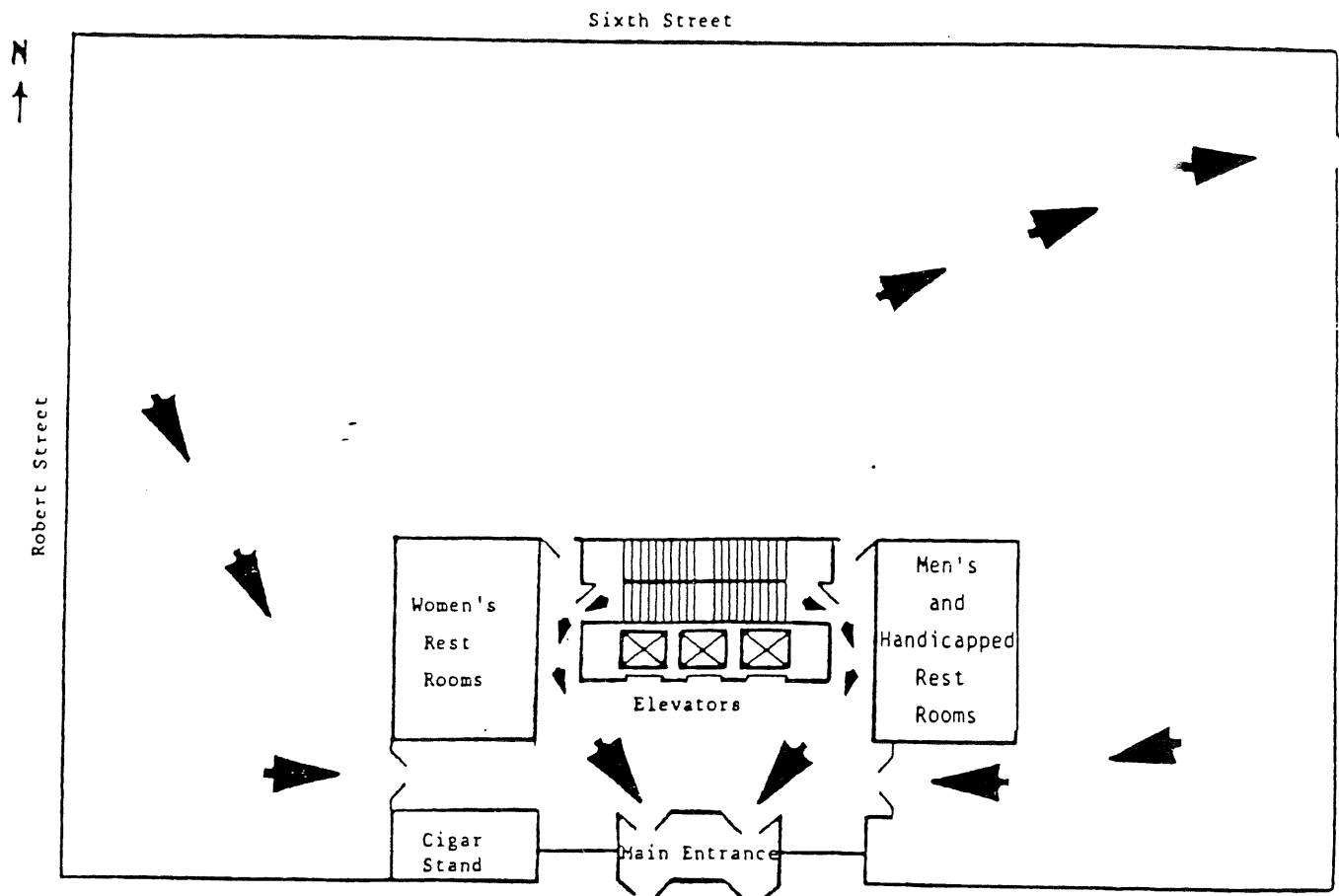
Part V. Affirmative Action Program for Clients

- A. The affirmative action policy should include statements to the effect that the grantee will:
1. Actively recruit minority, protected class, and special service group clients in the agency's service area by taking such steps as:
 - a. Placing notices of available services in newspapers which serve the largest number of minority, protected class, and special service group individuals in the recruiting area.
 - b. Using multi-media (posters, public service announcements, etc.) to announce available services.
 - c. Providing active outreach efforts in neighborhoods and through institutions having substantial proportions of minority, protected class and special service groups.
 - d. Maintaining systematic contacts with minority and human relations organizations, leaders and spokespersons to encourage referral of minority, protected class, and special service group clients.
 - e. Encouraging current clients to refer minority, protected class, and special service group applicants.
 - f. Making it known to all area human service organizations that minority, protected class and special service group applicants are being sought for consideration of receipt of the grantee's services.
 2. Assure non-discriminatory provision of the grantee's services, taking such appropriate steps as:
 - a. Instructing the staff who make client contacts that minority, protected class, and special service group applicants for the agency's services are to be considered without discrimination.
 - b. Comparing the types and extent of services currently being provided to minority/special service group and minority/protected class clients, and non-minority/special service group and non-minority/protected class clients, and adjusting for any inequities found.
 3. Follow through, question, verify and make whatever changes or additions to the Equal Opportunity/Affirmative Action Program that may be necessary to assure effectiveness.
- B. The grantee should design and conduct an evaluation of the current service patterns, including the successes and failures of the current program. The grantee will use consumer information and consultation as part of the design for an evaluation of the current service patterns. Items in this element should include:

1. A comparison of percent of minority, protected class, and special service group clients to percent of minority, protected class, and special service group population in the area served.
 2. An evaluation of the successes and failures of the current program.
 3. Perceived problems.
 4. Obstacles to solving problems and correcting deficiencies.
- C. The grantee should design specific steps to be taken to provide equal opportunity to minority, protected class and special service group clients, including, for example:
1. Designing a program to recruit new minority, protected class, and special service group clients for service.
 2. Providing training to staff to insure non-discrimination in service to minority, protected class, and special service group clients.
 3. Conducting a review of files to identify the nature of current service provision to minority, protected class, special service group and other clients.
 4. Providing reasonable accommodations to handicapped and disabled clients.
 5. Setting objectives equalizing the percentages of minorities, protected classes and special service groups served in each program proportionate to qualified clients in the service area.

1ST FLOOR

.062

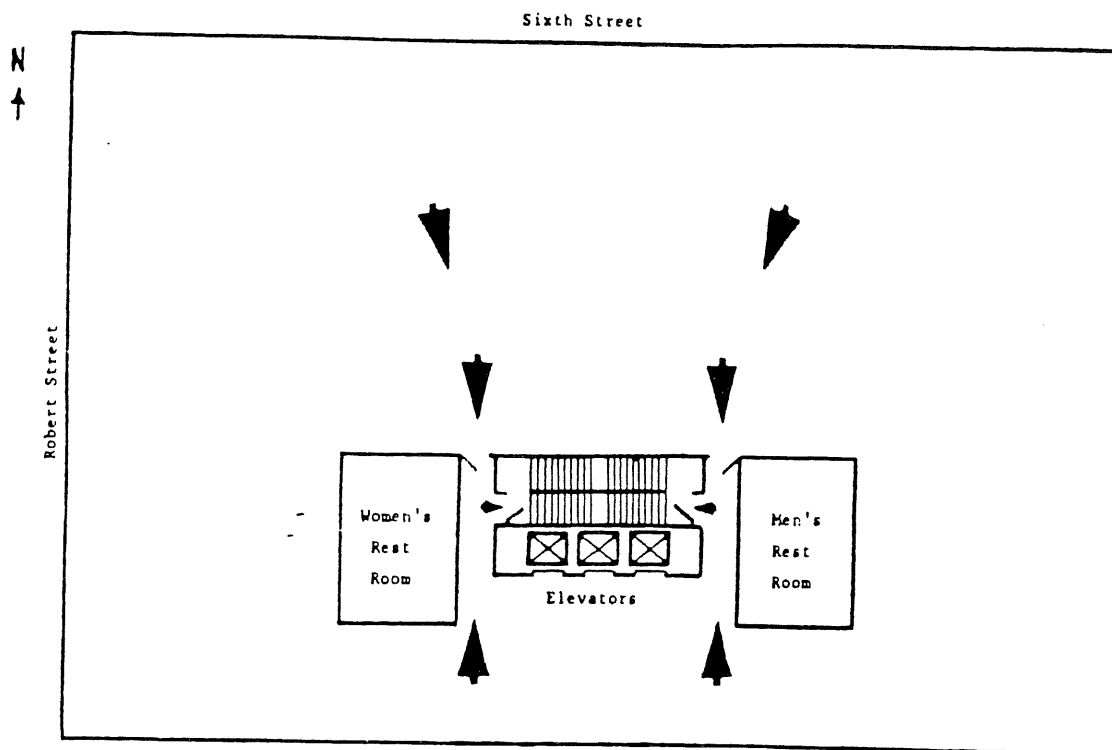


Employees near the small door on the east side of the building near Sixth Street should go out that door.

All other employees on the 1st floor should move directly to the main entrance and go out the front door.

2ND, 3RD, 4TH, AND 5TH FLOORS

.063



Go out the nearest office doorway. Move directly to one of the two stairway entrances behind the elevators.

- Hold hand rail.
- Don't run.
- Exit building through main entrance on 1st floor.

5th Floor Employees:

Use the right side of the stairway all the way to the 1st floor.

4th and 3rd Floor Employees:

Begin descending on the left side of the stairway. Gradually merge into the line of employees descending on the right side of the stairway. Stay on the right side all the way to the 1st floor.

2nd Floor Employees:

Use the left side of the stairway all the way to the 1st floor.

XII. Sexual Harassment Policy

1. Purpose: To establish a means for maintaining a work and service environment free of sexual harassment throughout the Department of Jobs and Training.
2. Authority:
 - A. U.S. Civil Rights Act, Title VII
 - B. Minnesota Human Rights Act, M.S. Chapter 363.
 - C. M.S. 43A.191 and Department of Employee Relations Administrative Procedure 1.2 Prohibiting Harassment.
 - D. All applicable collective bargaining agreements.

3. Policy

The Minnesota Department of Jobs and Training shall provide a work environment free of any form of sexual harassment.

4. Definitions:

Sexual Harassment can occur between supervisors and subordinates or among peers or co-workers. Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to that conduct or communication is made a term or condition, explicitly or implicitly of employment or service;
- B. Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment or services; or
- C. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment and the employer knows or should have known of the existence of the harassment and fails to take timely and appropriate action.

XIII. Reasonable Accommodation Policy

REASONABLE ACCOMMODATION

Table of Contents

| | |
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| Procedures | 216.050 |
| Requesting Accommodations | 216.051 |
| Appealing Denials | 216.052 |
| Affirmative Action Officer | 216.060 |
| Sample/Request for Reasonable Accommodation, JT-90349 | 216.070 |

Contact Person: Linda St. Sauver
612/296-1823

INTRODUCTION

.010

Section 504 of the Federal Rehabilitation Act of 1973, as amended, requires State agencies to reasonably accommodate individuals with disabilities. DJT's reasonable accommodation policy covers all DJT employees and program participants, as well as persons applying for work with DJT. However, the procedures in this chapter apply only to DJT employees and to applicants for DJT employment. DJT program manuals provide specific reasonable accommodation procedures for program participants.

DEFINITIONS

.020

Person with a Disability:

- 1) Anyone who has a physical or mental impairment which substantially limits one or more major life activities (caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); or
- 2) Anyone who has a history of, or has been classified as having, a physical or mental impairment which substantially limits one or more major life activities; or
- 3) Anyone who is regarded as having:
 - a) a physical or mental impairment which may not substantially limit major life activities but which is treated by an employer as such; or
 - b) a physical or mental impairment which substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
 - c) no impairment, but is treated by an employer as having such an impairment.

Reasonable Accommodation: Efforts made to remove barriers which prevent or limit the employment of persons with disabilities or prevent them from receiving services. Methods of reasonable accommodation may include job restructuring or site modification, special equipment, or special services.

POLICY

.030

The Department of Jobs and Training encourages the employment and promotion of any qualified person, including persons with disabilities. If an employee or job applicant is denied employment or advancement in em-

.030 cont.

ployment, or if a program participant is prevented from receiving services, because of a need for reasonable accommodation, it must be demonstrated that:

- a) the accommodation would impose an undue hardship on DJT; or
- b) the accommodation doesn't overcome the effects of the person's disability; or
- c) the person isn't qualified to perform that particular job.

DJT will provide reasonable accommodations to qualified employees and job applicants with disabilities when such accommodations are directly related to performing a job or competing for a job. Accommodations should enable the person to perform the job on an equal basis, in the most cost-effective manner and in the most integrated setting possible. DJT won't accommodate non-job related personal needs of employees and job applicants. Nor will DJT provide transportation to and from work as part of reasonable accommodation. Because of the wide variation in cost of accommodations, DJT reserves the right to deny a request based on cost.

Supervisors must consider all requests for reasonable accommodation and assist persons in the request process. However, employees may choose to initiate a request directly with the DJT Affirmative Action Officer, who will then negotiate with the employee and the supervisor in processing the request. Supervisors will arrange reasonable accommodation. Supervisors and employees may research alternatives and contact resources both within and outside of DJT. Every attempt will be made to include persons with disabilities in discussions about an accommodation. The Affirmative Action Officer will assist in determining what are appropriate reasonable accommodations and in resolving conflicts.

Reasonable accommodation arrangements may serve a group of employees requiring a similar accommodation. Each request, however, must receive individual consideration. A group solution should reasonably meet individual need.

Applicants for DJT employment must be advised of the availability of reasonable accommodation.

All tangible accommodations purchased by DJT are the property of the State of Minnesota. DJT will be responsible for maintenance of any equipment.

RESPONSIBILITIES

.040

Person with Disability

- Notifies appropriate personnel within DJT of need for reasonable

.040 cont.

accommodation and makes a request for accommodation.

- Provides medical verification of disability if required.
- Investigates alternative methods of reasonable accommodation.
- Upon leaving employment with DJT: returns any tangible property that was purchased as part of reasonable accommodation; or, negotiates the purchase/transfer of equipment with receiving agency; or, arranges to purchase equipment for personal use.

Supervisor

- Considers all requests for reasonable accommodation.
- Helps recommend alternative methods of reasonable accommodation.
- Makes decisions promptly and not later than 15 days from the date of the request.
- Ensures timely implementation of an approved accommodation.

Affirmative Action (AA) Officer

- Acts as a resource for persons with disabilities and other interested persons.
- Helps resolve any conflict regarding an accommodation.
- Monitors requests for reasonable accommodation to ensure compliance with laws and rules.
- Maintains records of all requests for reasonable accommodation.

Training and Development Office

- Provides all employees (current and new) with a brochure that describes this policy and procedure. Arranges for braille or taped copies through State Services for the Blind Office as necessary.

PROCEDURES

.050

REQUESTING ACCOMMODATIONS

.051

DJT employees with disabilities should follow this procedure when requesting reasonable accommodation. Applicants for DJT employment must be advised of the availability of reasonable accommodation when

.051 cont.

contacted about a job opening, and should be assisted in processing a request.

DJT program manuals contain reasonable accommodation information for program participants.

| Who | Step | What |
|--------------------------------------|------|---|
| Employee | 1 | Complete the "Requestor" portion of a Request for Reasonable Accommodation, JT-90349 (see sample in 216.070). Give the JT-90349 to the supervisor, or send it directly to the AA Officer. NOTE: Requests may also be submitted in a written memo, by phone, or in person to either the supervisor or the AA Officer. |
| Supervisor | 2 | Review request. Prepare a JT-90349 if the form wasn't used to initiate the request. Approve or deny the request. If approved, implement the reasonable accommodation and go to Step 5. If denied, send the JT-90349 to divisional assistant commissioner. |
| Assistant Commissioner | 3 | Review denied request. Confirm or reverse denial. If reversed, implement the reasonable accommodation and go to Step 5. If denied, send the JT-90349 to AA Officer. |
| AA Officer | 4 | Review denied request. Consult with the assistant commissioner, who has approval authority. If the denial is reversed, assist the supervisor or assistant commissioner in making the accommodation. If denied, notify employee and explain appeal process. |
| Supervisor or Assistant Commissioner | 5 | Send copy of approved request to the AA Officer for record-keeping and monitoring. |

APPEALING DENIALS

.052

Persons who are denied reasonable accommodation may appeal the decision by filing a written complaint with the DJT AA Officer. The DJT Commissioner will make a final agency decision on all complaints not resolved at the office level. Further appeals are processed through other governmental agencies such as Human Rights and the Equal Employment Opportunity Commission. For more information on the appeal process and for answers to any questions about reasonable accommodation, call the AA Officer at 612/296-1823.

AFFIRMATIVE ACTION OFFICER

.060

The DJT Affirmative Action (AA) Officer is:

Linda St. Sauver
DJT Affirmative Action Office
2nd Floor, 390 N. Robert St.
St. Paul, MN 55101
612/296-1823

SAMPLE/REQUEST FOR REASONABLE ACCOMMODATION, JT-90349

.070

Forms may be ordered through the DJT Stockroom or obtained from the AA Officer (call 612/296-1823).

| REQUEST FOR REASONABLE ACCOMMODATION | | | | |
|--|--|--|-----------------------------|--|
| R E Q U E S T O R | Name | | Description of Handicap: | |
| | Address | | | |
| | Specific Accommodation Requested: | | | |
| | I understand that all tangible accommodations purchased are the property of the State of Minnesota. Signature: _____ Date _____ | | | |
| S U P E R V I S O R | <input type="checkbox"/> Approved <input type="checkbox"/> Denied | | Justification for Decision: | |
| | Signature _____ Date _____ Office _____ Estimated Cost _____ | | | |
| A S S T C O M M R | <input type="checkbox"/> Approved <input type="checkbox"/> Denied | | Justification for Decision: | |
| | Signature _____ Date _____ Office _____ Estimated Cost _____ | | | |
| A F F A C T | <input type="checkbox"/> Approved <input type="checkbox"/> Denied | | Justification for Decision: | |
| | Signature _____ Date _____ Estimated Cost _____ | | | |
| JT-90349-03 (9/87) Minnesota Department of Jobs and Training | | | | |

Definitions Relating to Disability and Handicap

Disabled (Handicapped) Person is any person who:

1. Has a physical or mental impairment which materially limits one or more major life activities, or
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment.

Physical or Mental Impairment:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as mental retardation organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Functional Limitation:

1. A condition that exists when a person with a disability is unable to perform a major life activity to the same degree as a non-disabled person.

Major Life Activity:

Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Has a Record of Such Impairment:

Has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

Is Regarded as Having an Impairment:

1. Has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation; or
2. 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
3. Has none of the impairments defined above, but is treated as having an impairment.

Qualified Disabled Person means:

1. With respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and
2. With respect to services and programs, a disabled person who, with physical and program access, meets the essential eligibility criteria required of all applicants for the program or services in question.

MN Stat. 363.01, subd. 25a.

Reasonable Accommodation:

Architectural, equipment and other changes an employer must make to enable disabled persons to perform the job for which they are otherwise qualified. The test of "reasonableness" is based on whether or not a given change would impose undue hardship on the employer's operation. The burden for showing undue hardship rests with the employer.

Reasonable accommodations include, but are not limited to, the following:

1. Making facilities, which are used by employees, readily accessible to and usable by disabled persons. This includes parking facilities.
2. Acquiring auxiliary aids and devices, and modifying equipment to be used by employees with specific disabilities.
3. Restructuring jobs and modifying work schedules to accommodate specific abilities and disabilities.

XIV. AIDS or an AIDS-Related Condition as it Affects Employees Work Status

WHAT: This policy addresses the concerns of employees with AIDS or an AIDS-related condition; of co-workers of employees with AIDS or an AIDS-related condition; and of employees required to provide services to individuals with AIDS or an AIDS-related condition.

POLICY: The policy of the State of Minnesota and the Department of Jobs and Training is not to discriminate against any individual, applicant, employee or client because he/she may have AIDS or an AIDS-related condition. AIDS or an AIDS-related condition will be treated the same as any illness in the work place.

No employee shall be required to submit to a test to determine whether he/she has AIDS or an AIDS-related condition as a requirement to begin or maintain employment.

As long as employees with AIDS or an AIDS-related condition are able to meet acceptable performance and attendance standards and medical evidence indicates that their condition is not a threat to themselves or others, employees shall be allowed to continue their employment.

Employees with AIDS or an AIDS-related condition who manifest symptoms limiting employment-related activities are disabled and are entitled to reasonable accommodations under the policy outlined in the Department's Affirmative Action Plan.

Employees shall not be automatically required to notify the Department that they have been diagnosed as having AIDS or AIDS-related condition. Employees may be required to provide the information if it is necessary for the use of sick leave, a request for a reasonable accommodation, or other business related reasons.

The same data privacy requirements that apply to employees with other medical conditions apply to employee with AIDS or an AIDS-related condition.

Co-workers of employees with AIDS or an AIDS-related condition will not be allowed to refuse to work with employees with AIDS or and AIDS-related condition except as provided in those very rare circumstances where the employee with the illness or condition is an immediate health or safety risk.

DEFINITIONS: A. "AIDS" means Acquired Immune Deficiency Syndrome:
B. "AIDS-related condition" - means those who have AIDS related complex (ARC) and those who test positive for the AIDS virus.

PROCEDURES:

MEDICAL DIRECTOR/PERSONNEL DIRECTOR:

1. Provides information materials on AIDS and AIDS-related conditions to employees.
2. Makes available any necessary training for employees.
3. Make referrals to the Employee Assistance Program.

NOTE: Employees may go to the Employee Assistance Program without referral.

SUPERVISORS:

As requests for reasonable accommodation, questions, or other problems arise, consult with Medical Director, Personnel Director and Affirmative Action Director.

XV. Sex, National Origin and Religious Discrimination Guidelines

Verbal and physical harassment based on race, color, national origin, religion, sex or disability is prohibited. This prohibition includes both serious acts as defined by EEOC (EEOC Guidelines on Discrimination Because of Sex, effective November 10, 1980) and petty and annoying acts (such as verbal kidding or abuse, physical contacts such as patting, pinching or constant brushing against another's body) which create a negative work environment.

Employees who experience such harassment from co-workers should either make it clear that such behavior is offensive to them and/or bring the matter to the attention of their supervisor or the Affirmative Action Director. Supervisors are expected to halt such harassment between co-workers through appropriate disciplinary action based on the seriousness of the incident. They are also expected to protect the complainant from reprisal.

Individuals who offer or threaten to use the power of their position to control, influence, or affect the career, salary, or job of another employee or prospective employee such as an applicant, in exchange for sexual favors are subject to the most serious disciplinary actions, including suspension, demotion, transfer or termination. Supervisors are prohibited from using their positions to affect terms and conditions of employment based on race, color, national origin, religion, sex or disability. Complaints of harassment involving misuse of an individual's official position should be made to the agency head and/or the Affirmative Action Director.

XVI. Affirmative Action Complaint Procedure

Purpose

The purpose of the complaint procedure is to give employees who believe they have been discriminated against in any way to express their complaints. The standard for due process in Equal Employment Opportunity cases is based on established laws prohibiting discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, public assistance status, disability or age.

The Affirmative Action complaint procedure offers the Department of Jobs and Training the opportunity to resolve discrimination charges at the earliest opportunity and in a shorter time-frame than that of outside enforcement agencies.

Role of Affirmative Action Office

The role of the Affirmative Action Office regarding complaints is to impartially investigate and attempt to resolve alleged discrimination complaints. The purpose of the investigation is to gather facts and documentation to determine whether there is probable cause to believe discrimination has occurred, and advise the Commissioner of appropriate remedies if a determination of discrimination occurs. The Commissioner will decide what course of action to take.

Procedure

Informal Complaints

1. An employee may present an oral complaint to the supervisor within 365 days of the alleged violation.
2. The supervisor will make every effort to resolve the matter and will respond to the employee within five (5) working days following the complaint.
3. The employee is free to use the formal complaint procedure if the complaint cannot be resolved informally.
4. The grievant can go directly to the Affirmative Action Director if s/he employee feels uncomfortable discussing the matter with his/her supervisor. The following procedure should be followed;
 - a. The employee contacts the Affirmative Action Director by telephone, in writing or in person with the complaint(s).
 - b. The employee may take annual leave if s/he does not want the supervisor to know about the meeting with the Affirmative Action Director. Should the complaint be found to have merit, the grievant's used annual leave will be restored as part of the resolution of the complaint.

- c. The Affirmative Action Director will meet with each party involved and attempt to resolve the complaint within 21 days.

Formal Complaints

1. An employee must file the grievance within 180 days of the alleged violation.
2. The complaint will be written up by the employee, stating relevant facts, and submitted to the Affirmative Action Director.
3. The Affirmative Action Director will then conduct a preliminary investigation into the matter.
4. The Affirmative Action Director may schedule a Fact-Finding Conference with the complainant, respondent, and witnesses for their testimony, depending on the type of charge.

The purpose of the Fact-Finding Conference is to obtain facts and information which will define and clarify the issues. Statements are not made under oath; however, the conference is taped for purposes of investigation only. If a Fact-Finding Conference is not held, the investigation could include:

- a. interview(s) with the complainant,
 - b. interview(s) with respondent(s),
 - c. interview(s) with witnesses,
 - d. review of documents,
 - e. review of relevant court cases and EEO laws.
5. The person charged will be expected to provide all records or documents relating to the charge.
 6. The investigation will be completed within 45 days. The Affirmative Action Director will prepare a summary report of the evidence and findings of fact which will be sent to the complainant and the respondent, and within 30 days to DOER.
 7. The four (4) possible outcomes of the investigation are:
 - a. Probable Cause - there are enough facts to support the complainant's allegations.
 - b. No Probable Cause - there are not enough facts to support the complainant's allegations.
 - c. No Fault Settlement - both parties, with the assistance of the Director of Affirmative Action, work out a satisfactory resolution to the charge.
 - d. The complainant withdraws his/her charge.

If the complainant is not satisfied with the outcome of any of the above steps s/he may seek alternative legal action with the Minnesota Department of Human Rights, 612/296-5663, or they may seek a private right of action going directly to District Court.

Reprisal

Retaliation for an injury with the intent of inflicting at least as much injury in return. It is an unfair discriminatory practice for any employer to intentionally engage in any reprisal against a person because that person:

- a. filed a grievance, legal charge, testified, assisted, or participated in any matter in an investigation or proceeding.
- b. associated with persons of different race, color, creed, religion, or national origin.

It is an unfair discriminatory practice to intentionally obstruct or prevent any person from complying with state and federal laws and will result in appropriate disciplinary action.

The Department of Jobs and Training will not tolerate reprisal in any form.

FORMAL COMPLAINT OF DISCRIMINATION

Date: _____

Date Received in Affirmative Action Office: _____

Name: _____ Job Title: _____

Work Address: _____ Phone: _____

Agency: _____ Division: _____

Supervisor: _____

This complaint is filed on the basis of: (Check as many as apply)

Race ____ Sex ____ Color ____ Creed ____ Religion ____

Marital Status ____ Reliance on Public Assistance ____

Political Affiliation ____

Date of most recent occurrence of alleged violation: _____

Person(s) allegedly discriminating against you:

Name: _____ Job Title: _____

Agency: _____ Divison: _____

Supervisor: _____

Any others involved: _____

On separate pages, please describe how you have been discriminated against, giving names, dates, places, events and the way in which this alleged discrimination has affected your employment with the Department of Jobs and Training. Sign and date your complaint.

XVII: Glossary

ABBREVIATIONS AND DEFINITIONS

The following terms and abbreviations mean:

AA - Affirmative Action
AAC - Affirmative Action Committee
AAD - Affirmative Action Director
AAO - Affirmative Action Officer
AAP - Affirmative Action Plan
EEO - Equal Employment Opportunity
EOD - Equal Opportunity Division of the Minnesota Department of Employee Relations

Affirmative Action - A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of a personnel system with specific emphasis placed on improving initial employment and advancement opportunities for handicapped persons, minorities and women.

Affirmative Action Plan - The written document which describes the Department's program for achieving equal employment opportunity.

Affirmative Action Program - Action steps taken by management to achieve the goals as specified in the Department's Affirmative Action Plan.

Agency - A department, commission, board, institution or other entity in the executive branch in which all positions are under the same appointing authority.

Barrier - Any factor, intentional or unintentional, be it policy, practice, action, commission, examination, physical facilities, negative attitudes, which results in unequal treatment of protected group(s) and/or which has an adverse effect on the employment or advancement opportunities of such groups.

Director - State Director of Equal Employment Opportunity

Disability/Handicap - Functional limitation, condition or characteristic (mental, emotional or physical) which constitutes a barrier to employment.

Discrimination - Unequal treatment, intentional or unintentional, based on protected characteristics.

Disparity/Underutilization - The employment of fewer handicapped persons, minorities and women in the agency's workforce than could reasonably be expected, based on their availability in the labor area.

Employee - All classified and unclassified employees in the Executive Branch of state government.

Equal Employment Opportunity - The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to race, color, religion, sex, age, national origin, disability, political affiliation, or other nonmerit factors.

Goals - Good faith, quantitative objectives set by an agency head as the minimum requirement to be met within a certain time period.

Harassment- Any repeated behavior, or combination of behaviors, by one or more employees towards another employee or group of employees based on race, national origin, religion, sex or age and which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance.

Labor Area- The geographical area from which the agency or agency subdivision can reasonably expect to attract applicants.

Minorities- Persons of Black, Hispanic, Asian, American Indian, or Native Alaskan heritage.

Parity - A condition where the workforce is representative of all population groups in each job category, in proportion to their occurrence in the labor area workforce.

Policy - A written statement of commitment to equal employment opportunity and affirmative action.

Protected Characteristic - Any feature, aspect, condition, opinion, or the like, which has no relation to one's ability to perform a particular job, such as race, color, creed, sex, age, marital status, national origin, specific disability, reliance on public assistance, religious or political opinions or affiliations.

Protected Class/Protected Group - Those individuals identifiable as handicapped, minorities or women.

Timetables- Time periods during which the specific quantitative goals and other objectives are to be met.

**Affirmative Action Program
Objectives
1990**

| <u>Objective</u> | <u>Responsibility</u> | <u>Completion Date</u> |
|---|-----------------------|------------------------|
| 1. Develop and implement an A.A. training needs assessment. | A.A. Office | March 1990 |
| A. Identify needs. | | |
| B. Develop appropriate training packets. | | |
| C. Deliver training as appropriate. | | |
| 2. Develop and implement a comprehensive A.A. Disability Program. | A.A. Office | December 1989 |
| A. Develop and administer survey to identify employees who have a disability. | | |
| B. Develop tracking system for Reasonable Accommodations. | | |
| C. Identify any problems applicants or clients may be having re: Reasonable Accommodation. | | |
| D. Change or create policy as needed. | | |
| E. Provide Disability Awareness training to employees as offered by DOER. | | |
| 3. Implement Human Rights Department settlement agreement. | A.A. Office | On-Going |
| A. Implement Testing Plan. | | |
| B. Develop and implement Desk Audits. | | |
| 4. Develop and Implement a "Drugs in the Workplace" program. | A.A. Office | May 1990 |
| A. Develop training to assist managers in identifying problems and what they can legally do about it. | | |

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| 5. Develop a racial, national origin, disability, and religious harassment policy. | A.A. Office | June 1990 |
| <ul style="list-style-type: none"> A. To prevent incidents develop a constitutionally legal policy. B. Thru education, create a more wholesome atmosphere for employees and clients. | | |
| 6. Staff an effective A.A. committee. | A.A. Office | On-Going |
| <ul style="list-style-type: none"> A. Assist Committee in understanding EEOC laws. B. Assist Comm. in setting its goals and objectives. C. Implement recommendations from the Comm. as appropriate. D. Involve the Comm. in developing the A.A. plan. | | |
| 7. Assess goals and timetables to determine if the Department needs are being met legally. | A.A.O. and Dep. Comm. | May 1990 |
| 8. Managers and Supervisors to revise their Job Descr. to include at least one A.A. responsibility. | Managers & Sup. | August 1990 |