

3 copies

AFFIRMATIVE ACTION PLAN

Fiscal Year 90

For

900237

MPCA

(Agency or Agency Subdivision)

- 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	✓			
Professional State Residential Instructional Supervisory		✓		
Commissioner's Plan		✓	✓	
Managerial Plan	✓	✓		
Other				

- 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.

- 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.

Jodi Rasmussen  
Affirmative Action Officer

2-13-90  
Date

- 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.

Gerald L. Willet  
Agency Head

2/13/90  
Date

- 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.

[Signature]  
Equal Opportunity Division

3-15-90  
Date

FISCAL YEAR 1990  
AFFIRMATIVE ACTION PLAN

FY 1990 AFFIRMATIVE ACTION PLAN

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I. STATEMENT OF POLICY AND COMMITMENT

As Commissioner of the Minnesota Pollution Control Agency, I am firmly committed to a policy of both equal opportunity and affirmative action employment. It is my responsibility to ensure that the Pollution Control Agency provides equal opportunity employment to both current and prospective employees, without regard to race, creed, religion, age, sex, physical disability, marital status, public assistance status, national origin or political affiliation. This policy will apply to all conditions of employment, including, but not limited to, recruitment, selection, placement, advancement, transfer, demotion, layoff, recall, termination, disciplinary action, compensation and employee development.

Because protected group members in our society have been denied equal opportunity in the past, I strongly support and will actively pursue a policy of affirmative action employment for those classes and goal units experiencing underutilization in the Agency. I endorse affirmative action as a viable and proper approach to ensuring that the work force of this Agency reflects the same configuration as the related labor force as a whole.

Finally, because equal employment cannot exist in the presence of discrimination in any form, efforts will be made to provide a work environment free of discrimination and harassment. Accordingly, the Agency fully supports the non-discriminatory provisions of all state and federal laws, rules and regulations which form the legal framework for affirmative action and equal opportunity. In addition, disciplinary action will be imposed on any employee who after investigation, is found guilty of harassment.

The primary responsibility for implementation of this policy falls to each manager and supervisor. I have directed that each of these individuals' position descriptions list affirmative action as an "A" priority and have related to them that their performance will be closely monitored with regard to this responsibility.

I have designated the Personnel Director as the Equal Opportunity Officer and the Assistant Personnel Director as the Affirmative Action Officer Designee. They will ensure implementation of the Plan.

By Gerald L. Willet  
Gerald L. Willet  
Commissioner

Dated 11-17-89

## II. RESPONSIBILITIES

### Commissioner - Gerald L. Willet

- Responsibility: To ensure that the Affirmative Action Plan is implemented.
1. To designate an Affirmative Action Officer.
  2. To include accountability for the administration of the Agency's Affirmative Action Plan in his position description.
  3. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
  4. To act on complaints of discrimination.
  5. To make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective affirmative action.
  6. To report annually to the Governor, and the legislature through the Commissioner of Employee Relations, the Agency's progress in affirmative action.

Accountability: To the Governor.

### Equal Opportunity Officer

Responsibility: To monitor compliance with the laws governing Equal Opportunity and Affirmative Action.

- Duties:
1. To recommend policy, procedure or program changes to the Commissioner.
  2. To provide assistance to the Affirmative Action Officer Designee on personnel and labor relations matters as they relate to affirmative action.
  3. To provide assistance in the investigations of complaints alleging discrimination or harassment.

Accountability: To the Commissioner.

Affirmative Action Officer Designee

- Responsibility: To administer the Agency's Affirmative Action Plan.
1. To recommend policy, procedure or program changes to the Commissioner.
  2. To administer pre-employment review policy and provide guidance to managers and supervisors in exercising their affirmative action responsibilities.
  3. To monitor the activities of the Agency's Affirmative Action Plan and complete all affirmative action reports as required.
  4. To keep the Commissioner informed of the Agency's progress in affirmative action.
  5. To act as primary liaison between the Agency and the Equal Opportunity Division of the Department of Employee Relations.
  6. To ensure that the Agency's EEO policy and Affirmative Action Plan is disseminated to employees.
  7. To identify, investigate, and mediate discrimination complaints within the Agency; to recommend action/resolution to Commissioner.
  8. To assist in affirmative action training and programs designed to inform employees about affirmative action issues.
  9. To offer all employees exit interviews.
  10. To promote affirmative action in all matters and conditions affecting employees.
  11. To keep abreast of developments and decisions in affirmative action and equal opportunity that affect the Agency.
  12. To participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Accountability: To the Commissioner.

## Managers and Supervisors

Responsibility: To ensure compliance with statewide and Agency Affirmative Action Plans and programs; and to ensure equitable treatment of all employees.

Duties:

1. To assist the Affirmative Action Officer Designee in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunities.
2. To hire and promote qualified protected group members in goal units where underutilization currently exists.
3. To perform duties as may be assigned in the Agency's Affirmative Action Plan.

Accountability: To next level management.

### III. PROGRAM DISSEMINATION

#### Program Dissemination - Internal

1. Provide each manager and supervisor with a copy of the Affirmative Action Plan.
2. Provide for the posting of the Affirmative Action Plan on the Personnel Office bulletin board.
3. Provide for the posting of the Plan in each Division or Office thereby making it available to all employees.
4. Review the Plan in the beginning of each fiscal year with managers and supervisors.
5. Provide the opportunity for employees to "check out" a copy of the Plan from the Personnel Office and after review, the opportunity to discuss it with the Affirmative Action Officer Designee.
6. Advise all new employees of the existence of the Affirmative Action Plan, and distribute Agency policy on harassment.
7. Inform managers and supervisors of affirmative action issues, problems, concerns and decisions considered by the Statewide Affirmative Action Committee and/or the Department of Employee Relations.

#### Program Dissemination - External

1. Where appropriate, advertise position vacancies in protected group publications.
2. Include the phrase, "An Equal Opportunity/Affirmative Action Employer" in all advertisements for vacant positions.
3. Solicit support and assistance from the Equal Opportunity Division of DOER and appropriate advocate groups representing protected classes underutilized within the Agency.



#### IV. PRE-EMPLOYMENT REVIEW

Whenever a vacancy is to be filled, the Affirmative Action Officer Designee shall determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated, for the goal unit in which the vacancy occurs. If it does, the following shall apply:

1. Expanded certification lists will be provided as appropriate and names of protected group members will be highlighted on the certified list of eligibles.
2. The supervisor or manager shall make a good faith effort to contact all candidates so highlighted, and shall provide each with the opportunity to interview.
3. Supervisors or managers who intend to make an offer of employment to a candidate who is not a protected group member must be prepared to provide a detailed written explanation to the Affirmative Action Officer Designee. All such exceptions to the affirmative action policy must be approved by the Affirmative Action Officer Designee, or the Agency Director or his designee.
4. Nothing in the above process shall be considered to obstruct hiring decisions based on the "seniority in appointment" clauses of collective bargaining or the internal transfer of Agency employees.

## V. POLICY STATEMENT AND DEFINITION ON HARASSMENT

### Policy

It shall be the policy of the Pollution Control Agency to take necessary measures to attain a working atmosphere free of discrimination, including, but not limited to, discriminatory insult, intimidation and all other forms of harassment.

The Pollution Control Agency will not tolerate sexual harassment in any form. Although the Agency is held responsible for maintaining a working environment free from such harassment, each and every employee plays a part by affirmatively raising the subject, expressing strong disapproval and adhering to the approved guidelines on harassment.

### Discussion

The Agency fully acknowledges its responsibility under Title VII of the Civil Rights Act of 1964 to eliminate discrimination in the work place based on an individual's race, sex, age, creed, religion, physical or mental disability, marital status, public assistance status, national origin, political affiliation or veteran status. As an employer, the Agency is responsible for the actions of its employees and may be held liable for failure to investigate allegations of harassment or failure to take prompt remedial action against an employee who is found to have engaged in harassment of other employees.

Consistent with this policy, therefore, no employee of this Agency shall engage in any form of harassment of other employees. Any employee who, after investigation, is found to have engaged in any form of harassment of other employees will be subject to disciplinary action.

### Definition

Harassment is generally regarded to be any behavior or combination of behaviors by one or more employees towards another employee or group of employees which the affected employee considers to be annoying, insulting or intimidating, which causes discomfort and/or which has a detrimental effect on the employee's work performance.

Sexual harassment has been specifically defined by the Equal Employment Opportunity Commission. "Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." (EEOC Guidelines on Discrimination Because of Sex, effective November 10, 1980.)

## VI. RESPONSIBILITIES AND PROCEDURES REGARDING HARASSMENT

Employees have the right to report a harassment complaint directly to the Affirmative Action Officer Designee in circumstances where they feel uncomfortable reporting it to their immediate supervisor or the Division Director. However, if at all possible, it is advised to use either the informal or formal complaint procedure outlined in this Plan.

This procedure does not replace the right of any employee to file a formal complaint with the Minnesota Department of Human Rights or U.S. Equal Employment Opportunity Commission.

### The Harassed Employee

1. Immediately inform the person causing the harassment that their behavior is objectionable and ask that it cease.
2. If the harassment does not cease, report it to the offending person's immediate supervisor. If you don't know who that supervisor is or if she/he is unavailable, report it to your immediate supervisor or Division Director.
3. Maintain a written record of the instances of harassment and the names of any witnesses.
4. If, after taking the complaint to an immediate supervisor or Division Director, the harassment continues, contact the Pollution Control Agency Affirmative Action Officer Designee.

### Managers and Supervisors

1. Take all steps necessary to prevent harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, informing employees of their rights to raise the issue of harassment and to make it known that disciplinary action will be taken against employees who engage in any form of harassment of other employees.
2. Contact the Agency Affirmative Action Officer Designee immediately when they become aware of a harassment complaint.
3. Fully investigate complaints of harassment in conjunction with the Affirmative Action Officer Designee and Personnel Director.

Affirmative Action Officer Designee

1. Assure that all current and newly appointed employees receive a copy of the Pollution Control Agency Harassment Policy and Complaint Procedure.
2. Serve as liaison in dealing with harassment complaints and monitor compliance with procedures.
3. With the assistance of the Equal Opportunity Officer and managers, assure that appropriate disciplinary action is taken against employees found guilty of harassment.
4. Conduct the investigation of complaints with the assistance of the Equal Opportunity Officer.

## VII. COMPLAINT PROCEDURE

### Definition

A complaint is a dispute or disagreement raised by an employee against a supervisor or management where the supervisor or management has discretion involving application of specific provisions of the Personnel Rules, Administrative Procedures or other complaints or disputes where solution or redress is not otherwise available.

### Objectives and Coverage

1. This complaint procedure is established as a means for considering and resolving disputes raised by an employee against the appointing authority regarding discrimination or sexual harassment.
2. Matters relating to the content or general administration of the Affirmative Action Plan shall be referred to the Affirmative Action Officer Designee. Complaints which are covered exclusively under provisions of a valid collective bargaining agreement remain subject to those provisions. Any questions regarding coverage of these procedures should be referred to the Affirmative Action Officer Designee. As appropriate, action to address labor relations concerns will be coordinated with these procedures.
3. Any retaliatory action of any kind taken by an employee of the Agency against any other employee as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any action under these procedures is prohibited and shall be regarded as a separate and distinct matter subject to disciplinary policy.
4. This complaint procedure shall not be construed as limiting in any way an employee's right to file with the Minnesota Department of Human Rights, the Federal Equal Employment Opportunity Commission, or an appropriate court.

### Complaint Procedure

#### Informal

When an employee has a complaint of discrimination or sexual harassment it shall be presented to the immediate supervisor. The supervisor has a major responsibility to attempt to resolve the complaint and shall give an oral or written answer within five (5) work days after receiving the complaint. The supervisor will advise the Affirmative Action Officer Designee in writing of the complaint resolution within ten (10) working days of the resolution. If the complaint is against the immediate supervisor, the employee shall present it directly to the Affirmative Action Officer Designee.

## Formal

1. If the complaint is not satisfactorily resolved through the informal procedure and the employee wishes to file a complaint through the formal complaint procedure, it shall be referred in writing to the Affirmative Action Officer Designee using the form "Complaint of Discrimination or Sexual Harassment."

This written complaint shall set forth the nature of the complaint, the facts upon which the complaint is based and the desired resolution. Such filing must take place within five (5) working days after the completion of the informal procedure.

2. The Division Director shall meet with the parties concerned and hear the complaint within ten (10) working days of filing and shall respond in writing within five (5) working days after the meeting.

## Appeal Procedure

1. If the disposition of the complaint by the Division Director is not satisfactory to the employee or a response is not given within five (5) working days, the employee may, in writing, contact the Affirmative Action Officer Designee and request that further action be taken. This request must be filed by the employee within five (5) working days following receipt of the Division Director's decision or within ten (10) working days following the meeting, if no written decision has been submitted.
2. Appeals of the Division Director's response to a complaint alleging discrimination or sexual harassment shall be referred to the Affirmative Action Officer Designee for a ten (10) day period of investigation. The Affirmative Action Officer Designee will document findings and make formal recommendations to the Commissioner or Designee within five (5) days following the conclusion of its investigation.
3. Within fifteen (15) days following receipt of the Affirmative Action Officer Designee's formal recommendations, the Commissioner or designee shall discuss the complaint with the employee and the employee's representative, if any, at a time mutually agreeable to both parties. If the complaint is resolved as a result of such meeting, the settlement must be signed by the Commissioner or designee and the employee, including the employee's representative, if any. If no settlement is reached, the Commissioner or designee shall give a written decision to the employee within five (5) days following the meeting. A decision by the Commissioner or designee will be the Agency's final decision.
4. Disposition of complaints shall be filed with the Commissioner of Employee Relations within thirty (30) days of final determination.

COMPLAINT OF DISCRIMINATION OR SEXUAL HARASSMENT

Information on the Complainant (You)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Department: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Information on the Respondent(s) [Person(s) Who Discriminated Against You]

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Department: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Others Who Discriminated Against You: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Information on the Complaint

Check the Appropriate Complaint: Race \_\_\_ Sex \_\_\_ Creed \_\_\_ Religion \_\_\_  
Handicap \_\_\_ Marital Status \_\_\_ National Origin \_\_\_ Age \_\_\_  
Reliance on Public Assistance \_\_\_ Sexual Harassment \_\_\_

Date Most Recent Act of Discrimination Took Place: \_\_\_\_\_

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

\_\_\_\_\_

Describe how you have seen discriminated against, giving names, dates, places, etc.:

\_\_\_\_\_

\_\_\_\_\_

(Use additional sheets if required)





### VIII. GOALS

#### Minnesota Pollution Control Agency Affirmative Action Goals

The following goals were approved October 1985 for the Minnesota Pollution Control Agency:

##### Female Percent

206	None
207	40.07%
212	7.18
214	32.75
216	33.50
217	40.07
220	20.00

##### Minority Percent

206	4.07%
207	4.07
212	2.61
214	4.07
216	3.25
217	4.07
220	2.50

##### Handicap Percent

206	8.2%
207	8.2
212	8.2
214	8.2
216	3.6
217	8.2
220	1.6

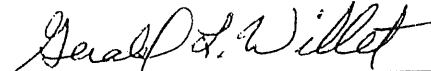
In 1985, we were required to set interim goals for each fiscal year through 1990 to show how we intend to achieve full compliance with the State's Affirmative Action program. We met our fiscal year 1988 interim goals.

Evaluation of MPCA's performance regarding affirmative action is based upon a review of our actions when provided the opportunity to act affirmatively.

The Personnel Office updates our staffing record each payroll period and posts a chart on the affirmative action bulletin board in the Personnel Office. The chart provides statistical data regarding MPCA protected groups, disparities, and goal status.

REASONABLE ACCOMMODATION

1990

  
Gerald L. Willet, Commissioner

I. POLICY

It is the policy of this agency to encourage the employment and promotion of any qualified person including the handicapped. If the reason for the denial of employment or advancement in employment is the need to make reasonable accommodations to the physical or mental needs of a handicapped employee or job applicant, it must be demonstrated that: a) the accommodation would impose an undue hardship on the agency; and/or b) the requested accommodation does not overcome the effects of the person's handicap. This agency's reasonable accommodations policy applies to all departmental employees with any known physical or mental limitations, and any job applicant requesting accommodation prior to employment interview.

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

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

## II. SCOPE

This policy statement establishes the department's work force standard for accommodation to the needs of handicapped employees and MPCA job candidates.

## III. DEFINITION OF HANDICAPPED PERSONS

A handicapped person for purposes of this policy is anyone who meets the definition as stated in the Section 504 regulations of the 1973 Rehabilitation Act as amended in 1978, Subpart A, Section 84.3 j1-2 and k104 and Chapter 363 of the state's Human Rights Act. A handicapped person is anyone who:

- A. has a physical or mental impairment which substantially limits one or more of such person's major life activities.
- B. has a record of such impairment which means that a person has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- C. is required as having such an impairment which means:
  1. has a physical or mental impairment that may not substantially limit major life activities but that is treated by an employer as constituting such a limitation;
  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 no impairment but is treated by an employer as having such an impairment.

An employee with an acute disabling condition which is expected to be temporary, such as appendicitis, broken arm, pulled muscles, etc. will meet the definition of qualified handicapped person. In most cases, these individuals will require short-term methods of reasonable accommodation such as schedule modification, limited work assignments, etc. until they can return to their usual work schedule. If a residual medical impairment is determined and a permanent condition is demonstrated, the provision of permanent reasonable accommodation will be considered.

#### IV. REQUEST FOR REASONABLE ACCOMMODATION FOR EMPLOYEES

In order to avoid processing delays, the procedures for processing requests for reasonable accommodations should reflect the least number of approval steps necessary. The steps in requesting reasonable accommodations for current employees are as follows:

- A. The supervisor and the handicapped employee consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistance devices.
- B. The supervisor submits a written request in memo form. The request should include a justification for the requested accommodation, and a statement of the disability. A medical statement of limitations should be included if the supervisor or the Affirmative Action Designee deems advisable.
- C. The supervisor submits the request to the Affirmative Action Designee. The Affirmative Action Designee will gather information regarding availability and cost in a timely manner.
- D. The Affirmative Action Designee will consider the alternatives and determine what accommodation should be provided, if any. This decision will then be communicated, in writing, to the supervisor and if it requires an expenditure of \$100 or less, is implemented. If the action would require in excess of \$100 to implement, the Affirmative Action Designee provides alternatives to the Commissioner and recommends action.
- E. The Affirmative Action Designee documents the action taken and as needed completes and submits appropriate documents for the purchase of equipment, furniture, or other assistive devices purchased.

#### V. METHODS OF PROVIDING REASONABLE ACCOMMODATION FOR EMPLOYEES

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

##### A. Modification of Equipment or Assistive Devices

The provision of equipment may include special telephone equipment, "talking" calculators, one-handed typewriters, closed circuit televisions, specially designed desks and files, TDD communications equipment and other types of equipment to facilitate the performance of job duties. These items may include off-the-shelf devices as well as highly specialized, customized and/or prescription items.

B. Modification of Job Site

Modification may include adjustments to equipment height for desks, chairs, etc.; addition of electrical outlets; rearrangement of furniture and equipment; widening doorways; moving the job site to an accessible area; provision of special parking facilities; or modifications to ventilation, heating, cooling, and lighting systems. This agency will determine costs and negotiate changes with the appropriate party(ies) (such as Real Estate Management Division, Department of Administration) when necessary.

C. Job Restructuring

The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Job-sharing and flexible work hours may permit handicapped employees to meet such needs as medical appointments and medical dietary requirements.

D. Support Services

Support services may include interpreters for hearing-impaired individuals, readers for blind individuals, special attendants, etc. Provision of such services will be considered when it is clearly demonstrated that these services are required for a disabled employee's performance of the essential functions of the job. Support services may also be needed for job applicants during the interview process. This agency may directly, or on a contractual basis outside the department, provide the training necessary to allow staff members to provide support services when such training and the provision of such support services are administratively feasible.

VI. UNDUE HARDSHIP

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

- A. the overall size of the recipient's program (i.e., number and type of facilities, size of budget);
- B. the type of the recipient's operation including the composition and structure of the recipient's work force;
- C. the nature and cost of the accommodation including maintenance;
- D. the reasonable ability to finance the accommodation on each site of business; and

- E. documented good faith efforts to explore less restrictive or less expensive alternatives including consultation with the disabled person or with knowledgeable disabled persons or organizations.

#### VII. FUNDING FOR REASONABLE ACCOMMODATION FOR EMPLOYEES

This agency will make funds available in order to provide reasonable accommodations to handicapped employees/job applicants. Funds will be used only when a reasonable accommodation request has been approved and signed by the Affirmative Action Designee, or if over \$100.00 when approved and signed by the Commissioner.

#### VIII. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS FOR EMPLOYEES

- A. This agency is free to choose the specific accommodation, if any, provided to qualified handicapped persons. The person requesting reasonable accommodations will suggest appropriate accommodations. This agency may provide another accommodation equal or superior to the one proposed in practicality, usefulness, or cost effectiveness.
- B. All tangible accommodations purchased by this agency will be the property of the State of Minnesota and shall be used only for job-related functions. The maintenance of equipment will be the responsibility of the department.

#### IX. DENIAL OF ACCOMMODATION FOR EMPLOYEES

All denials of requests for reasonable accommodation will be documented and kept on file by the Affirmative Action Designee. A copy of the document denying the request for reasonable accommodation will be given to the supervisor, and a copy provided to the employee. The Affirmative Action Designee will notify the employee of the denial and inform the employee of his/her right to appeal the decision through, and file charges with, other government agencies such as the Department of Human Rights and the Equal Employment Opportunity Commission.

#### X. APPEALS ON BEHALF OF EMPLOYEES

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Commissioner within five (5) working days of the decision. A Reasonable Accommodation Review Committee appointed by the Commissioner will convene within ten (10) working days of the receipt of the appeal. The review committee shall consist of two or more persons previously not involved in the matter. This committee will review all pertinent material and steps leading to the decision according to the following criteria.

- A. Necessity.

- B. Job-relatedness of the request.
- C. The relationship between the accommodation and essential job functions.
- D. Effectiveness of the proposed accommodation.
- E. Cost.
- F. Claims of undue hardship.

The committee will make a recommendation to the Commissioner within five (5) working days from the date the committee was convened unless more time is needed to obtain more information from outside sources. The Commissioner will make a final determination within five (5) working days from receiving the committee's recommendation. The Affirmative Action Designee will then convey written copies of the Commissioner's decision to the employee and supervisor. If the employee is dissatisfied with the decision, she/he may file with federal, state, local and human rights agencies. The Affirmative Action Designee will provide employees and compliance agencies with information and assistance needed in the appeals process. Information will be provided in compliance with the Minnesota Government Data Privacy Act. Compliance agencies which are investigating complaints and request information from the Commissioner will be provided documentation relating to the denial of a request for reasonable accommodation.

#### XI. REQUEST FOR REASONABLE ACCOMMODATION FOR JOB APPLICANTS

- A. All initial communication with job applicants regarding vacancies shall indicate the willingness of the agency to make reasonable accommodation to the known physical or mental handicap and shall invite the applicant to contact the agency for the needed accommodation.
- B. The individual receiving the request shall contact the Affirmative Action Designee immediately. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
- C. The Affirmative Action Designee shall contact the job applicant to discuss the needed accommodation and possible alternatives.
- D. If the agreed upon accommodation requested does not exceed \$100.00, the Affirmative Action Designee may approve the accommodation. If the accommodation costs more than \$100.00, the Affirmative Action Officer shall recommend approval/denial of the accommodation by the Commissioner.

- E. If the accommodation is approved, the Affirmative Action Designee will take the necessary steps to see that the accommodation is provided.

XII. DENIAL OF ACCOMMODATION FOR APPLICANTS

If the requested accommodation is denied, the Affirmative Action Designee shall advise the applicant of his/her right to file a complaint with the Department of Human Rights alleging violation of the Minnesota Human Rights Act.

XIII. COMPLIANCE

Assistance with reasonable accommodation compliance, and all requests for information or assistance in determining reasonable accommodation for qualified handicapped employees/job applicants, may be directed to the MPCA Affirmative Action Designee, the Council for the Handicapped, or the Director of Equal Opportunity.



REASONABLE ACCOMMODATION ADDENDUM

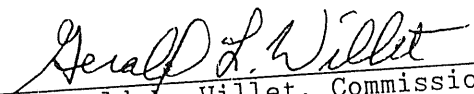
1990

Weather Emergency

When weather conditions are serious enough to consider declaring a weather emergency, a radio will be available in the Personnel Office and/or the Commissioner's Office to provide current weather information. Requests to accommodate the weather-related needs of individuals with handicaps (e.g., for use of leave, rescheduling of work hours, etc.) will be addressed on a case-by-case basis. Supervisors should consult the Affirmative Action Designee.

Evacuation of Work Areas

The Emergency Action Plan portion of the Agency's Safety Plan (draft attached) provides information regarding the evacuation of work areas as it applies to all employees. In addition, individual employees are encouraged to contact the Safety Officer about special needs.

  
\_\_\_\_\_  
Gerald L. Willet, Commissioner

11-17-89  
Date

Policy 5.0  
Emergency Action Plans

At any time it may be necessary for Agency employees to evacuate work areas and/or seek shelter areas. Causes for evacuation of shelter could be fire, explosion, severe storm, tornado, chemical release or spill, or bomb threat.

This policy is established to insure that all Agency staff are prepared for emergencies in Agency facilities and that evacuation/shelter procedures are developed. Employees are to be provided with information and comprehensive training concerning the Agency's emergency action plans. Floor maps showing evacuation routes and shelter areas will be prominently posted and available to staff at all times. Also, a listing of emergency contact names and telephone numbers (Appendix 5-1) will be posted and made available to staff at all times.

A. Responsibilities

The Safety Officer is responsible for the development of emergency action plans for the main offices, laboratory, and warehouse facilities.

The Regional Directors are responsible for development of emergency action plans for each regional office facility, under the direction of the Safety Officer and the Director of Regional Operations.

Supervisors are responsible for accounting for each staff person in their unit immediately following emergency evacuation or shelter procedures and will report missing persons to the Commissioner's Office.

B. Handicapped Employees

Supervisors are responsible for identifying to the Safety Officer those handicapped or disabled persons in their work unit who may require special assistance during evacuation or shelter emergencies. Supervisors of disabled persons shall work with the Safety Officer and Affirmative Action designee to develop plans to address the needs of such individuals.

Disabled employees are encouraged to contact their supervisor or the Safety Officer regarding any special needs they may have for emergency action plans.

During building evacuation, mobility-impaired handicapped individuals will be instructed to wait at the entrance of the nearest stairwell until all other floor occupants have passed, then enter the stairwell landing and wait for Fire Department personnel to rescue (unless threatened by smoke or fire in the stairwell). Floor wardens will notify the Fire Department of the location of handicapped persons waiting rescue and ensure that a non-handicapped volunteer (or "buddy") waits with them.

#### 5.01 Fire Prevention Plan

The purpose of a Fire Prevention Plan is to identify the known fire hazards that exist in Agency facilities and the necessary equipment and actions to be taken to minimize the risk of a fire occurring or the extent of loss in the event a fire does occur. This plan will also provide for proper maintenance and inspection fire protection systems, as well as fire safety rules and training for staff.

All staff shall ensure that Agency fire prevention policies and rules are being followed in their work areas at all times and shall report to the Safety Officer known fire hazards or violations of rules.