

AFFIRMATIVE ACTION PLAN  
Fiscal Year 90  
For

900308

State Planning Agency  
(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			X	
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			
Commissioner's Plan				
Managerial Plan	X	X	X	
Other				

2. This annual plan is and will be posted at the following central location so that every employee is aware of the department's commitments in affirmative action for the year.

Bulletin board outside SPA's Personnel Office

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.

Barbara K. Heva  
Affirmative Action Officer

8/4/89  
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.

John Stewart  
Agency Head

7/31/89  
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.

J. M. Veasquez  
Equal Opportunity Division

3-5-90  
Date

APR 17 1990

Pursuant to MS 43A.191, sd 2

## AFFIRMATIVE ACTION PLAN

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## STATEMENT OF POLICY AND COMMITMENT

As Commissioner of the State Planning Agency, I am committed to a policy of both equal opportunity and affirmative action in employment. Equal opportunity in employment ensures that both current and prospective employees will have the opportunity to work and to advance on the basis of their own individual merit without regard to age, race, sex, color, creed or religion, disability, marital status, national origin, reliance on public assistance, political affiliation, or other non-merit factors. It will be the policy of the agency to see that equal opportunity is carried out in its employment practices and internal and external relationships.

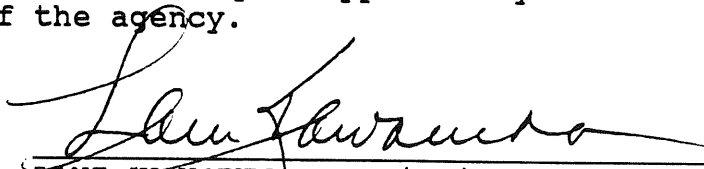
I strongly support our agency's Affirmative Action Plan. Affirmative action is the concept of taking positive steps to improve the work opportunities of groups discriminated against in the past and who continue to suffer the effects of that discrimination. Protected groups are designated by the State Legislature. They are minorities, females, and persons with disabilities. I will actively pursue a policy of affirmative action in employment of qualified members of those protected groups experiencing underrepresentation by goal unit in the agency.

Although all managers and supervisors are responsible for ensuring that equal opportunity and affirmative action principles are followed in all personnel actions within their jurisdiction, the primary responsibility for implementation of this policy falls to each Assistant Commissioner. It will be expected that each Assistant Commissioner will make a good faith effort to ensure that qualified protected group members are hired in all areas where they are underrepresented. When protected group members are fairly represented in our office workforce, affirmative action policies will be discontinued, but equal opportunity in employment will continue.

To ensure implementation of our plan, I have designated Thomas Harren, Deputy Commissioner, as the Equal Opportunity Officer and Barbara Kochevar, Personnel Coordinator, to serve as our Affirmative Action Officer.

All employees will be urged to become acquainted with our affirmative action plan and support the equal opportunity and affirmative action programs of the agency.

DATED: 7/31/89

  
\_\_\_\_\_  
LANI KAWAMURA, Commissioner  
State Planning Agency

## STATE PLANNING AGENCY

### POLICY ON DISCRIMINATORY HARASSMENT

The State Planning Agency is committed to the principles of Equal Employment Opportunity and Affirmative Action. Harassment of others in the workplace has long been considered unacceptable behavior on the part of employees. Harassment that is based on an employee's protected status is a form of illegal discrimination. It is a violation of Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and the Minnesota Human Rights Act, Minn. Stat. 363.

It is the policy of the State Planning Agency to prohibit any behavior of co-workers or supervisors which is unwelcome, personally offensive, insulting or demeaning, and when:

- 1) submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment.

Harassment may include actions such as:

- Repeated disparaging, belittling, demeaning, insulting remarks.
- Repeated verbal kidding or jokes about an employee or a characteristic unique to the employee.
- Sabotage of an employee's character, reputation, work efforts or property.

Sexual Harassment may include actions such as:

- 1) Any of the previously listed actions which the employee states is causing discomfort because of one's sex.
- 2) Unwanted sexual compliments, looks, innuendos or suggestions about one's clothing, body or sexual activity.
- 3) subtle or overt pressure for sexual activity.
- 4) Unwanted, unnecessary physical contacts, such as touching, brushing against one's body, patting or pinching.

- 5) Displaying pictures or objects depicting nude or scantily-clad women or men in work areas.
- 6) Use of language implying inferiority of an employee based on sex such as "girl" or "boy," rather than "woman" or "man."
- 7) Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.

Racial and Heritage harassment may include actions such as:

- 1) Any behavior previously listed in this policy which is applied to one's race, color, heritage or national origin.
- 2) Telling jokes or making derogatory remarks about one's race or national heritage.
- 3) Use of language implying inferiority of a race or national heritage.

Religion, Disability, and Age harassment may include actions such as:

- 1) Any behavior previously listed in this policy which is applied to one's religion, disability or age.
- 2) Use of demeaning, derogatory names or remarks about an employee's religion, disability or age.

Employees who believe that they are being harassed may make use of the Agency's Internal Complaint Procedure as outlined in this Affirmative Action Plan. The Agency will take all necessary reasonable measures to rid the workplace of harassment, will investigate allegations of harassment, and will take corrective action if the facts warrant it.

The Agency assumes responsibility for informing all employees of this policy and eliminating harassment in the workplace. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for orienting his/her staff to this policy. Each supervisor will also be expected to take prompt and appropriate action to eliminate the harassment. Such action may include verbal warning, written reprimand, and other disciplinary action, up to and including discharge, if warranted.

## RESPONSIBILITIES, DUTIES AND ACCOUNTABILITY

### A. Commissioner/Deputy Commissioner

**Responsibility:** To be accountable for the Agency's affirmative action program in compliance with existing federal and state laws, rules, and regulations.

**Duties:**

1. To designate an Affirmative Action Officer.
2. To make such decisions and changes in policy or procedures as may be needed to facilitate effective affirmative action.
3. To require managers and supervisors to include responsibility for affirmative action in their evaluation.
6. To take action on complaints of discrimination as indicated in this Affirmative Action Plan.
7. To report annually to the Governor and the Legislature, through the Commissioner of the Department of Employee Relations, the Agency's progress in affirmative action.

**Accountability:** Governor directly and indirectly to the Commissioner of Employee Relations and the Director of Equal Opportunity at DOER.

### B. Equal Opportunity Officer

**Responsibility:** Shall be responsible for the implementation of the Affirmative Action Plan.

**Duties:**

1. To supervise the development and implementation of policies, procedures, and programs to facilitate the achievement of the Agency's affirmative action goals.
2. To direct the design and implementation of audit and reporting systems to measure the effectiveness of programs and indicate needs for remedial action.
3. To be responsible for federal contract compliance.

**Accountability:** Agency Commissioner.

### C. Affirmative Action Officer

**Responsibility:** To administer the Agency's affirmative action program.

**Duties:**

1. To coordinate and monitor the day-to-day activities of the Agency's affirmative action program.
2. To investigate alleged discrimination complaints.
3. To fulfill all affirmative action reporting requirements of the State of Minnesota Department of Employee Relations' Equal Opportunity Division.
4. To ensure that the Agency's Affirmative Action Plan is distributed to Agency staff.
5. To act as the liaison between the Agency and the Equal Opportunity Division of the Department of Employee Relations for purposes of affirmative action.
6. If requested by the hiring manager or supervisor, to participate in the recruitment of protected class members for employment opportunities.
7. To provide consultation to any employee regarding situations relating to affirmative action.

**Accountability:** Commissioner through the Deputy Commissioner.

**D. All Agency Managers and Supervisors**

**Responsibility:** To ensure compliance with statewide and Agency affirmative action programs and to ensure equal treatment of all employees.

**Duties:**

1. To assist the Agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
2. To hire and promote qualified protected class members where a disparity exists.
3. To participate in a pre-employment review process, as outlined in this Affirmative Action Plan.
4. To communicate equal opportunity/affirmative action policy to assigned staff.
5. To respond within the time constraints identified in the Complaint Procedure, as outlined in this Plan.

6. To include statements delineating affirmative action responsibilities in his/her position description and be accountable for ensuring affirmative action programs are implemented.
7. To perform other duties as may be assigned to ensure compliance with statewide and Agency affirmative action policies.

Performance reviews and appraisals will include an evaluation of a manager's/supervisor's progress (or lack of progress) in affirmative action.

Accountability: Their immediate supervisors.

**E. All Employees**

Responsibilities:

1. To become acquainted with this Affirmative Action Plan and support the equal opportunity and affirmative action programs of the Agency.
2. To conduct themselves in accordance with the policy in all day-to-day relationships with their fellow employees and not, by word or action, depreciate another or interfere with the performance of work assigned to another because of race, religion, color, creed or religion, age, disability, national origin, marital status, reliance on public assistance, political affiliation, or other non-merit factors.



## PROGRAM DISSEMINATION

### INTERNAL:

1. The Affirmative Action Plan will be posted on the bulletin board outside of the State Planning Agency's Personnel Office.
2. After the Equal Opportunity Division of the Department of Employee Relations reviews and approves the Agency's Plan, a copy will be provided to each manager and supervisor.
3. A copy of the Affirmative Action Plan will be forwarded to each division within the Agency for routing to all staff, after receipt of DOER's approval of the Plan. Upon request, a copy of the Plan will be provided to any employee.
4. The Affirmative Action Officer will advise all new employees of the existence of the Affirmative Action Plan.
5. The Plan will be available for review by any employee or interested person in the Agency's Personnel Office and after review, the opportunity will be provided to discuss it with the Affirmative Action Officer.

### EXTERNAL

1. A statement, "An Equal Opportunity Employer," will be included in all advertisements and announcements for employment openings.
2. When requested and if underrepresentation exists, the Affirmative Action Officer will solicit support and assistance from the appropriate advocate groups for recruitment purposes.

STATE PLANNING AGENCY  
INTERNAL COMPLAINT PROCEDURE

Purpose

The Agency has established an Internal Complaint Procedure in order that any potential acts of discrimination can be investigated and dealt with in a thorough, appropriate and expeditious manner.

This procedure is designed as an attempt to resolve discrimination problems internally before seeking a remedy from an outside authority. While this complaint procedure does not limit an employee's right to file a formal complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, or an appropriate court of law, we urge employees to use this internal procedure before doing so. Those filing a complaint or serving as a witness under this procedure shall do so without fear of coercion, reprisal or intimidation.

Who May File

Any employee of the State Planning Agency whose dispute or disagreement is based upon the belief that s/he has been discriminated against on the basis of race, color, creed, religion, national origin, sex, marital status, public assistance status, disability, age, political affiliation, or Vietnam-era veteran status or that s/he has been harassed by an employee because of the above factors may file a complaint.

Filing Procedure

The discrimination complaint procedure consists of two parts: informal and formal. Employees must participate in the informal procedure before filing a formal complaint.

Informal Complaint Procedure

1. An employee who finds another employee's actions or behavior offensive should immediately inform the other employee that his/her action(s) or behavior is objectionable and ask that it cease. If the offensive behavior continues, further action under step 2 may be necessary.
2. If the offensive behavior continues, or if an employee is not comfortable using step 1, or if an employee has a different type of complaint of discrimination, the employee may present an oral complaint to the immediate supervisor. The supervisor will make every effort to resolve the matter and will respond to the employee making the complaint within five (5) working days following the complaint.

If the complaint is against the immediate supervisor, an employee may report it to the supervisor's immediate supervisor.

3. If the complaint is not satisfactorily resolved, an employee may present an oral complaint to the supervisor's immediate supervisor within ten (10) working days after receipt of the immediate supervisor's response to the complaint or within ten (10) working days after it is recognized that the efforts of the immediate supervisor failed or failure of the supervisor to make a timely

## Formal Complaint Procedure

1. If an employee's complaint is not satisfactorily resolved through the informal procedure, an employee may file a formal complaint in writing with the agency's Affirmative Action Officer using the form entitled, "Complaint of Discrimination." The formal complaint must be filed within ten (10) working days after the completion of the informal procedure. Complaint forms are available in the agency's Personnel Office. Additional requirements, as needed, will be followed for complaints covered by existing collective bargaining agreements, or Managerial or Commissioner's Plan.
2. The Affirmative Action Officer will determine that the complaint is properly a discrimination complaint and therefore appropriate to be addressed by this procedure. If not, the Affirmative Action Officer will advise the employee making the complaint of other appropriate avenues of recourse.
3. If the complaint falls within the jurisdiction of the Complaint Procedure, the Affirmative Action Officer will, within two (2) days of receipt of a formal complaint, conduct a preliminary investigation into the matter, and if required, will notify the appropriate union that a complaint is in progress and advise the complaining employee that, upon his/her request, the agency's complaint procedure will be open to union participation.
4. A complete investigation will then be done by the Affirmative Action Officer. The investigation may include:
  - a. interview(s) with the complainant,
  - b. interview(s) with respondent(s),
  - c. interview(s) with witnesses,
  - d. review of documents, and
  - e. review of relevant court cases and laws.
5. The investigation will be completed within 45 calendar days from receipt of the formal complaint, except in cases of complaints of sexual harassment. In cases of complaints of sexual harassment, the investigation will be completed within 15 calendar days from receipt of a formal complaint by the Affirmative Action Officer. The Affirmative Action Officer will document the findings, prepare a written summary of the findings, and make a final report with recommendations to the Deputy Director. The Deputy Director will have six (6) calendar days to provide the complainant (and his/her Union representative, if required) with a written decision, which may include a summary of the findings.
7. Complaint procedures shall provide for a final written answer within 60 days of the filing of a formal complaint.
8. The disposition of the complaint will be filed with the Department of Employee Relations within thirty (30) calendar days of final determination.

COMPLAINT OF DISCRIMINATION

Information on the Complainant (You)

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

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

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

Agency: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Information on the Respondent (Person who discriminated against you)

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

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

Agency: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Others who discriminated against you: \_\_\_\_\_

Information on the Complaint

Basis (check all that apply):

Race \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_ Religion \_\_\_\_\_ Handicap \_\_\_\_\_ Creed \_\_\_\_\_

Veterans Status \_\_\_\_\_ Marital Status \_\_\_\_\_ National Origin \_\_\_\_\_

Age \_\_\_\_\_ Reliance on Public Assistance \_\_\_\_\_

Date most recent act of discrimination took place: \_\_\_\_\_

If you filed this complaint with another agency, please give name of that agency: \_\_\_\_\_  
(use additional sheets if necessary)

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

This complaint is being filed based on my honest belief that the State of Minnesota has discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Received by: \_\_\_\_\_

Signature: \_\_\_\_\_

## ANNUAL GOALS

When vacancies occur, we will continue to act affirmatively and interview qualified protected group members, if available, when underrepresentation exists.

The chart on the following page indicates our status as of 04-25-89 and our ideal goals for 1989 by goal unit (bargaining unit or compensation plan). Goals are set by geographic location and by goal unit using labor force statistics from census data when available or more specific data.

As can be seen by reviewing the chart on the following page, underrepresentation exists as shown below.

<u>Category</u>	<u>Underrepresentation</u>	<u>Annual Goals</u>
Office	None	
Technical	Persons with disabilities	
Professional	Women Minorities Persons with disabilities	1
Supervisors	Women	
Managers	Women Minorities Persons with disabilities	

No goals have been established for the Commissioner's Plan, Engineers, or "Other" category since each contains five or fewer employees.

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\*Underrepresentation - The employment in a goal unit of fewer qualified protected group members than would reasonably be expected by their availability in the labor market area.

MINNESOTA STATE PLANNING AGENCY

AFFIRMATIVE ACTION

STAFFING REPORT AS OF 4-25-89

	MALE	FEMALE	IDEAL STATE GOAL	MINORITIES	IDEAL STATE GOAL	HANDICAPPED**
OFFICE (14)	# 1 % 7.14	# 13 % 92.86	% N/A	# 1 % 7.14	% 4.69	# 3 % 21.43
TECHNICAL (15)	# 7 % 46.67	# 8 % 53.33	% 44.57	# 1 % 6.67	% 4.69	# 0 %
PROFESSIONAL (55)	# 39 % 70.91	# 16 % 29.09	% 44.57	# 2 % 3.64	% 4.69	# 1 % 1.82
SUPERVISORY (12)	# 10 % 83.33	# 2 % 16.67	% 40.20	# 1 % 8.33	% 4.69	# 1 % 8.33
*ENGINEERS (1)	# 1 % 100.00	#	%	#	%	#
MANAGERIAL (14)	# 9 % 64.29	# 5 % 35.71	% 39.30	# 0 %	% 4.69	# 1 % 7.14
*COMMSR.'S PLAN (4)	# 2 % 50.00	# 2 % 50.00	%	# 1 % 25.00	%	# 1 % 25.00
*OTHER (1)	#	# 1 % 100.00	%	# 1 % 100.00	%	#
(116)						

\*No goals have been set for these categories since the unit contains less than 5 employees.

\*\*Ideal Goal for Handicapped is 8.2%.

ACTION-ORIENTED OBJECTIVES FOR  
AFFIRMATIVE ACTION PLAN

Objective 1: Provide report to SPA's Executive Staff on Agency's progress during the last year and encourage continued support on our agency's plan.

Step 1: Gather data and prepare report.

Step 2: Attach memo from Deputy Commissioner, SPA, encouraging continued support of our plan.

Evaluation: Forward report and Deputy Commissioner's memo to SPA's Executive Committee.

Responsibility: Affirmative Action Officer

Target Date January 1990

Objective 2: Assure that information sent to hiring supervisors is up to date.

Step 1: Review the materials currently being sent to hiring supervisors to meet affirmative action requirements as well as needs of Agency's managers and supervisors.

Step 2: Revise, if needed, so that information is current and accurate.

Evaluation: Provide an opportunity for Agency managers and supervisors to comment after the initial changes are made and incorporate changes, if appropriate.

Responsibility: Personnel Coordinator/AAO

Target Date: February 1990

Objective 3: Ensure that state and Agency fair employment policies and procedures are known by employees, particularly managers and supervisors.

Step 1: Develop a survey with questions centered around the Agency's Affirmative Action Plan.

Step 2: Distribute survey to all employees.

Step 3: Provide results of survey to management.

Evaluation: Provide results of survey to management and discuss ways to address inadequacies that may become apparent after reviewing the survey.

Person Responsible: Affirmative Action Officer

Target Date: April 1990

Objective 4: Promote the positive aspects of cultural diversity in the workplace.

Step 1: Arrange to have a representative from the Equal Opportunity Division of the Department of Employee Relations put on a training session for managers and supervisors concerning cultural diversity in the workplace.

Step 2: Try to schedule after the legislative session ends in 1990 for greatest attendance.

Evaluation: Affirmative Action Officer will provide training evaluation and will review with DOER representative to assess training efforts.

Responsibility: Affirmative Action Officer

Target Date: June 1990

Objective 5: Make a copy of the Affirmative Action Plan available to all employees after it has been approved by the Department of Employee Relations.

Step 1: Distribute Affirmative Action Plan to all Managers and Supervisors within the Agency.

Step 2: Post Plan on bulletin board outside Agency's personnel office.

Step 3: Forward a copy of the Plan to all Assistant Commissioners for routing to their respective staffs.

Evaluation: Request Assistant Commissioners to return the divisional routing slips to ensure that all employees had an opportunity to review.

Responsibility: Affirmative Action Officer

Target Date: As soon as possible after DOER approves.

#### INTERNAL AUDIT AND REPORTING SYSTEM

The Affirmative Action Officer is responsible for submitting required reports to the Department of Employee Relations and, if needed, will contact managers and supervisors for information or input.



## PRE-EMPLOYMENT REVIEW

The rules governing statewide affirmative action programs require that methods of auditing, evaluating and reporting program success be established for all agencies. This includes a procedure that requires a pre-employment review of all hiring decisions for goal units with unmet affirmative action goals. Therefore, a pre-employment review, as outlined below, will occur before an employment offer is made in a goal unit where underrepresentation exists.

1. At the point it is determined that a vacancy will be filled, the Personnel Coordinator (who serves as the Agency's Affirmative Action Officer) shall determine if the goal unit in which the vacancy occurs has unmet affirmative action goals.
2. If the affirmative action goals are not being met for one or more protected groups, the Personnel Coordinator shall advise the hiring manager or supervisor of the protected group(s) and goal unit where underrepresentation exists.
3. For classified positions, where underrepresentation exists, protected group members will be highlighted on the certified list of eligible candidates for the position when it is distributed to the hiring manager or supervisor.
4. For unclassified positions, managers and supervisors shall make a good faith effort to require applicants to submit completed state application forms so protected group members can be identified.
5. Where underrepresentation exists, the hiring manager or supervisor shall make a good faith effort to contact all qualified protected group members highlighted on the certified list of eligibles or identified in the recruitment process for unclassified positions unless the manager or supervisor has received approval from the Deputy Commissioner to select or promote a non-protected group member. All such eligibles interested in the position shall be afforded an opportunity to interview.
6. If the prospective employee is not a protected group member, the hiring manager or supervisor will be required to provide a written rationale for not choosing to hire a protected group member. This rationale shall be sent to the Personnel Coordinator for review.

**PRE-EMPLOYMENT REVIEW (continued)**

7. No offer of employment shall be made until the Personnel Coordinator has advised the hiring manager or supervisor about the appropriateness of selecting someone other than a protected group member. All offers of employment will be made by the Personnel Coordinator.
8. If a manager or supervisor fails to follow this pre-employment review process, his/her immediate supervisor and/or the appropriate Assistant Commissioner will be notified and appropriate action taken to ensure that the manager or supervisor complies with this process.

## STATE PLANNING AGENCY

### REASONABLE ACCOMMODATIONS PROVISION

#### BACKGROUND

A basic concept in affirmative action and nondiscrimination for handicapped individuals is reasonable accommodation. State and federal laws require employers to make reasonable accommodations to the physical or mental limitations of a qualified handicapped applicant or employee, unless the accommodation would impose an undue hardship on the employer.

#### POLICY

It is the policy of the State Planning Agency to encourage the employment and promotion of any qualified person including persons with disabilities. If the reason for the denial of employment or advancement in employment is the need to make reasonable accommodations to the physical or mental needs of a disabled employee or job applicant, it must be determined that: a) the accommodation would impose an undue hardship on the agency; b) the accommodation does not overcome the effects of the person's handicap; or c) the disabled person is not qualified to perform that particular job. This Agency's reasonable accommodations policy applies to all Agency employees with disabilities and job applicants with disabilities requesting accommodation prior to an 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 a qualified handicapped individual. In such cases, questions may arise as to whether the accommodation is personal or job related. The primary factors in evaluating an accommodation is whether the accommodation will enable the person to perform the job on an equal basis, in the most cost effective manner, and in the most integrated setting possible.

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

#### DEFINITIONS

A handicapped person for purposes of this policy is anyone who meets the definition as stated in Section 504 regulations of the 1973 Rehabilitation Act as amended in 1978 and the State's Human Rights Act (Chapter 363). A handicapped person is anyone who:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities.
2. Has a record of such impairment which means that a person has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

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

An employee with an acute disabling condition which is expected to be temporary, such as appendicitis, broken arms, pulled muscles, etc. will meet the definition of qualified handicapped person. In most cases, these individuals will require short-term methods of reasonable accommodation such as a 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.

#### METHODS OF REASONABLE ACCOMMODATIONS

Reasonable accommodation may include:

Modifying worksites. In many cases, changes in the work environment enable disabled persons to perform job duties more effectively.

Adjusting work schedules. Accommodations can be made for various disabilities by taking advantage of flexible work hours and job sharing.

Job restructuring. Whether it is called job modification, adaptation, redesigning or restructuring, the idea is to locate which factors make a job incompatible with the worker's handicap. Job restructuring does not alter essential job functions.

Support Services. Support services such as sign language interpreters, readers, etc. must be provided when it is clearly demonstrated that these services are required for a disabled employee's performance of essential functions of the job unless to do so would impose an undue hardship on the agency. Support services may also be needed for job applicants during the interview process.

## REQUESTS FOR REASONABLE ACCOMMODATIONS

In order to avoid processing delays, the procedures for processing requests for reasonable accommodations should reflect the least number of approval steps necessary.

### PROCEDURES - REQUESTS FOR CURRENT EMPLOYEES

<u>Responsible Party</u>	<u>Action</u>
Supervisor and Disabled Employee	Consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistant devices.
Supervisor	<p>Completes an Employee Request for Reasonable Accommodation (sample attached) obtained from the Agency's Personnel Coordinator/Affirmative Action Officer (AAO). A medical statement of the limitations may be included if the supervisor or Assistant Commissioner deems advisable to determine appropriate accommodation.</p> <p>Submits the completed request with all the necessary signatures (employee, supervisor, and Assistant Commissioner) to the Personnel Coordinator/AAO within three (3) working days upon receipt of the request.</p>
Personnel Coordinator/AAO	<p>The Personnel Coordinator/AAO will notify the Deputy Commissioner of the request and gather information regarding availability and cost.</p> <p>Within three (3) working days, reports to the Deputy Commissioner with a recommendation which includes available alternatives.</p>
Deputy Commissioner	Within three (3) working days, reviews and accepts or rejects the request and notifies the supervisor and Personnel Coordinator/AAO of the determination.
Personnel Coordinator/AAO	<p>Fills out the Reasonable Accommodation Agreement (sample attached) and obtains necessary signatures.</p> <p>Notifies the appropriate Assistant Commissioner of the determination.</p> <p>Submits appropriate purchasing documents to the agency's accounting/purchasing unit if equipment, furniture, or other assistive devices must be purchased.</p>
Personnel Coordinator/AAO	If the Deputy Commissioner rejects the request, the Personnel Coordinator/AAO will notify the employee of his/her right to appeal.

## PROCEDURES - REQUESTS FOR JOB APPLICANTS

<u>Responsible Party</u>	<u>Action</u>
Manager, Supervisor, or Personnel Coordinator/AAO	In the initial communication with the job applicant concerning a vacancy, shall indicate the willingness of the Agency to make reasonable accommodations, i.e., include in oral or written communication the statement: "Please advise me if you will be needing any accommodations."
Manager or Supervisor	Upon receipt of a request for a reasonable accommodation, shall contact the Personnel Coordinator/AAO immediately. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
Personnel Coordinator/AAO	Shall contact the job applicant to discuss the needed accommodation and possible alternatives.  Shall approve the accommodation if the agreed upon accommodation costs no more than \$75.00.  Shall request approval of the accommodation from the Deputy Commissioner if the accommodation costs more than \$75.00.
Deputy Commissioner	Shall approve or deny any accommodation exceeding \$75.00 in cost.
Personnel Coordinator/AAO	If the accommodation is approved, will take the necessary steps to see that the accommodation is provided.  Shall notify the hiring manager or supervisor of the determined accommodation.

### DENIAL OF ACCOMMODATION

#### Current Employee:

All denials of requests for reasonable accommodation will be documented and kept on file by the Personnel Coordinator/AAO. A copy of the document denying the request for reasonable accommodation will be given to the supervisor and appropriate Assistant Commissioner. The Personnel Coordinator/AAO will notify the employee of the denial and inform the employee of his/her right to appeal to the Agency Commissioner or to file with other government agencies such as the Minnesota Department of Human Rights.

#### Job Applicant:

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

## EMPLOYEES' APPEALS PROCESS

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Agency Commissioner by filing a written complaint within five (5) working days of the decision. The Agency Commissioner will direct further investigation including obtaining necessary information from relative sources and provide a written decision to the complainant and the Personnel Coordinator/AAO as soon as possible but no later than seven (7) working days after receipt of the complaint. If the initial decision is reversed, the Personnel Coordinator/AAO will fill out the Reasonable Accommodation Agreement, submit any necessary purchasing documents, and notify the supervisor and the appropriate Assistant Commissioner of the final determination. If the employee remains unsatisfied, the Personnel Coordinator/AAO will advise the employee of his/her right to file with the Minnesota Department of Human Rights.

## FUNDING FOR REASONABLE ACCOMMODATION

The Planning Agency will make funds available in order to provide reasonable accommodations to disabled employees/job applicants. The amount will be determined by the Deputy Commissioner in consultation with the appropriate Assistant Commissioner, and funds will be used only when a reasonable accommodation request has been approved and signed by the Deputy Commissioner.

## PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

The Planning Agency is free to choose the specific accommodations provided to qualified handicapped persons. All tangible accommodations purchased by the 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 agency and projected maintenance costs will be a factor in the initial decision to provide accommodations.





REASONABLE ACCOMMODATION AGREEMENT

- This form is to be completed by the Department's Affirmative Action Officer after the reasonable accommodation decision has been made. The signature's on the bottom of this form indicates an agreement between the employee and the Department to the specific accommodation.

Name of Employee	Name of Division Manager
------------------	--------------------------

The request for reasonable accommodation to the needs of the above named handicapped employee was:

ACCEPTED     DENIED

Justification for the decision (indicate specific factors considered)

If reasonable accommodation was approved, was the employee's suggestion accepted?

Yes     No     Partially

REASON:

DESCRIBE specific accommodations to be made

COST ESTIMATE \_\_\_\_\_

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Department, will become the Property of the State of Minnesota.

Signature of Employee	Date
Signature of Deputy Director	Date
Signature of Affirmative Action Officer	Date

### WEATHER EMERGENCY NOTIFICATION

The agency recognizes the need for all employees to be able to receive timely notification of building or location closure due to weather or other emergencies as determined by the Commissioner of Employee Relations and announced through the media as prescribed in DOER's memorandum dated 11/5/86 related to Weather Emergencies.

Currently, the agency does not have any arrangements for hearing impaired employees; however, in the future, if any hearing impaired persons are hired, the agency will take care of notification.

Included in this Plan is a set of instructions on the relocation of persons within the Capitol Square Building in the event of severe weather.

### EMERGENCY BUILDING EVACUATION

See attached Emergency Procedures and Evacuation Plan. -

# **Emergency Evacuation Plan**

**This plan is designed to provide guidelines for responding to emergencies within the Centennial Office Building. Remember! Not all emergencies fall within the parameters of a defined plan; sometimes individual judgement will be the only procedure available to YOU. Your preparedness, awareness and self disciplined efforts are the key to an orderly and safe emergency response.**

**There are two basic procedures we can follow during a building emergency, evacuate or relocate. Emergencies involving probable evacuation are:**

**Fire, flame or smoke.**

**Floods.**

**Bomb threats.**

**Other emergencies may require only relocating to safe areas within the interior of the building:**

**Weather related, tornadoes, blizzards...etc..**

**Utilities, electrical, gas, sewer or water.**

**Medical, accidental or health.**

**Chemical, environmental or individual(drugs and alcohol).**

**Civil disturbances or demonstrations.**

**Nuclear, accidental plant emission or attack.**

**This plan is designed to provide the employees of the Centennial Building with the basic principles and procedures that should be incorporated in the event of an emergency. The plan will provide:**

**A chain of command to disseminate information and act as an authority in times of emergency.**

**The mechanism for training selected personnel in emergency procedures.**

**An organized routine for evacuating all or part of the building.**

**A list of alternatives ideas and procedures to assist in the orderly handling of emergencies.**

## **General duties of the Emergency Personnel (cont'd)**

### **Floor Wardens: (cont'd)**

During emergencies check that the floor has been evacuated or personnel have moved to designated areas.

Check the final location of handicapped employees.

Observe that the appropriate procedures have been followed, and report the results to the Building Evacuation Director, Security, or to the designated Command Post.

### **Floor Monitors:**

Check to see that fire doors are kept closed.

Help to maintain clear aisles and stairwells during regular working hours as well as periods of emergencies.

Routinely inspect fire extinguishers for charge levels, stairwells for burned out lights, P.A. systems and alarms for sound levels and report any discrepancies.

Keep their area employees informed of safety procedures.

Maintain an up-to-date roster of the employees they are responsible for and be able to account for those employees during an emergency.

### **Handicapped "Buddies":**

Two "buddies" will be assigned to each physically handicapped employee.

Buddies provide moral and, in absolute emergencies only, physical assistance to pre-assigned impaired employees.

### **Employees:**

Respond to emergency situations in a calm and orderly fashion.

During evacuations to move as quickly as possible to the pre-assigned safe area.

## **What to do if you see fire or smoke ? (cont'd)**

Once at the evacuation site the Floor Monitors or their alternate will: (cont'd)

Report to the fire department the location of the fire.

Conduct a head count and try resolve the where-abouts of all personnel assigned to the group.

Report to the Floor Warden the status of the group.

Keep employees informed on the status of the emergency

Announce the "All Clear".

## **Some don'ts !**

Do not hesitate to begin the evacuation.

Do not try to return to your office.

Do not open doors before checking.

Do not use the elevators.

## **What to do when severe weather threatens ?**

Notice of a weather related threats, tornados, severe storms or blizzards, will usually be initiated by the National Weather Services(NWS). Both the NWS and local radio broadcasts are monitored by Capitol Complex Security and The staff of the Building Evacuation Director. In the event the building becomes endangered by a storm the Building Evacuation Director will issue relocation orders.

When the relocation order is given the Floor Monitors will:

Direct employees and any vistors to the move away from windows and move to the assigned safe areas.

Remind individuals assigned as "Buddies" to impaired employees, to find the employees and relocate them to the pre-assigned safe stairwell areas.

Once relocated the Floor Monitors will:

If requested by the Evacuation Director conduct a head count, try resolve the where-about of all personnel assigned to the group and report the status of the group to the FLOOR Warden.

Keep employees informed on the status of the emergency.

Announce the "All Clear".

In the case of winter storms all employees are asked to monitor WCCO on 830 AM. The closure of State Offices will be announced on the radio prior to shift start times. Closure after the start of the shift will be announced by the Building Evacuation Director or Capitol Security.

### **Bomb threats (cont'd)**

Capitol Security personnel will search any of the high risk public areas so department employees should stay away from these areas.

If any suspicious item is discovered **do not touch or move it** call Capitol Security. Capitol Security will then issue a "BLUE ALERT".

When a "BLUE ALERT" is issued employees will be asked to avoid the suspect area and/or relocate to a safe area.

If Capitol Security and/or the Building Evacuation Director deem it is unsafe for anyone to remain in the building they will issue a "RED ALERT".

When a RED ALERT" is issued the fire alarms will be sounded and employees should evacuate the building accordingly.

Once at the evacuation site the Floor Monitors will:

Report the location of all impaired employees assigned to the group to the authorities. Floor Wardens will confirm that location.

Conduct a head count and try resolve the where-abouts of all personnel assigned to the group.

- Report to the Floor Warden the status of the group.

Keep employees informed on the status of the emergency.

Announce the "All Clear".

### **What to do if the power goes out ?**

Should your area experience a power outage call Administrative Services at--6-6075-- or contact them in person .

Any further action will be issued through the Building Evacuation Director.

### **What to do if the phones go dead ?**

Should your area experience a loss of phone service contact Administrative Services on another phone at-- 6-6075 - or contact them in person..

Remember! Loss of phone service can be very serious it is usually your most important form of outside communication in the event of an emergency. Any further action will be issued through the Building Evacuation Director.

### **What to do if there are civil disturbances or demonstrations ?**

If the disturbances occur in your area, immediately contact Capital Security at --6-2100--and provide them with all the information you have.

Also, contact the Building Evacuation Staff at--6-3466--they will issue any further instructions or procedures.

Remind your area employees to remain calm, continue working if possible, stay out of harms way and be prepared to secure or restrict access to confidential records.

If the disturbance is outside the building the Evacuation Director, or a member of the staff will:

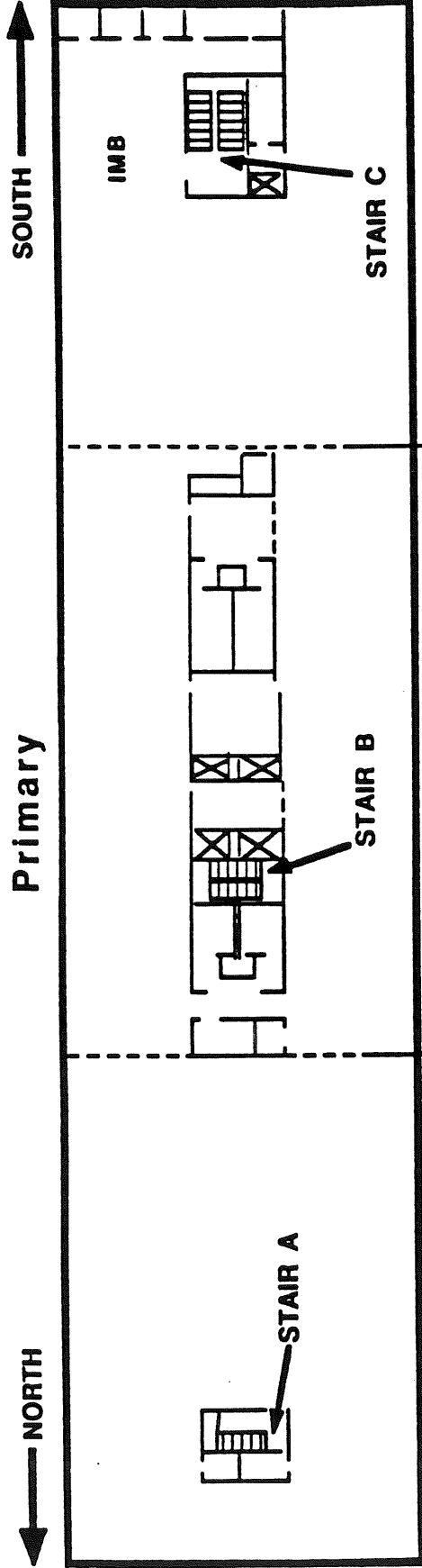
Keep building occupants advised of any threatening conditions.

Advise the building occupants of areas to avoid.

Be the focus of any media attention, employees should be reminded that they should give no information out without the consent of the Evacuation Director.



# Third, Fourth and Fifth Floor



People occupying the north end of the building during an emergency, will evacuate using STAIR A. Descend the stairs to the second floor and exit. Once out proceed around the west side of the building to the Armory and find your area group and check in.

Secondary

USE STAIR B.

People occupying the central section of the building during an emergency, will evacuate using STAIR B. Descend the stairs to the First floor and exit by the Lobby doors. Once out proceed to the Armory, find your area group and check in.

Secondary

USE STAIR A or C.

People occupying the south end of the building during an emergency, will evacuate using STAIR C. Descend the stairs to the Basement floor and exit by the south doors. Once out proceed to the Armory, find your area group and check in.

Secondary

USE STAIR B.