

910355

DEPARTMENT OF LABOR AND INDUSTRY
AFFIRMATIVE ACTION PLAN
FISCAL YEAR 1991

September 1990

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AFFIRMATIVE ACTION PLAN
Fiscal Year 1991
Minnesota Department of Labor and Industry

1. This annual review revealed underutilization of the following protected group(s) in the following goal units as of July 3, 1990: (Check each unit appropriate)

PROTECTED GROUPS			
GOAL UNITS	WOMEN	MINORITIES	PERSONS WITH DISABILITIES
Clerical			
Technical - - - - -			X
General Professional - - - - -	X		
Supervisory - - - - -	X	X	
Commissioner's Plan - - - - -		X	X
Managerial Plan			
Judges - - - - -	X		

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

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

3. This annual plan contains an internal procedure for processing complaints of alleged illegal 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.

Martha J. Watson
 MARTHA J. WATSON
 AFFIRMATIVE ACTION OFFICER

10-5-90
 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.

Kenneth Peterson
 KENNETH PETERSON
 COMMISSIONER

10/5/90
 DATE

5. This annual plan meets the rules governing affirmative action, Minnesota Rules, chapter 3905, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

John Vespa
 EQUAL OPPORTUNITY DIVISION

10-31-90
 DATE

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

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

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

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

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

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

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



JOHN LENNES
COMMISSIONER

2/4/11

DATE

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KENNETH PETERSON
COMMISSIONER



DATE

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
AFFIRMATIVE ACTION GOALS
FISCAL YEAR 1991

SELECTED GROUP: FEMALES

UNIT	TOTAL EMPLOYED 7-3-90	FEMALES EMPLOYED	IDEAL GOAL %	CURRENT STATUS %	1991 HIRING GOAL
Office	147	132	0.0	89.80	
Technical	10	9	44.57	90.00	
Professional	140	47	44.57	33.57*	5
Supervisors	30	13	45.00	43.33*	
Commissioner's Plan	14	10	44.57	71.93	
Managers	18	7	15.17	38.8	
Others	8	2	40.84	25.00*	

* Underutilized

SELECTED GROUP: MINORITIES

UNIT	TOTAL EMPLOYED	MINORITIES EMPLOYED	IDEAL GOAL %	CURRENT STATUS %	1991 HIRING GOAL
Office	147	16	4.69	10.88	
Technical	10	1	4.69	10.00	
Professional	140	10	4.69	7.14	
Supervisors	30	2	7.39	6.67*	1
Commissioner's Plan	14	0	4.69	0.0 *	
Managers	18	4	7.14	22.22	
Others	8	1	3.70	12.50	

* Underutilized

SELECTED GROUP: PERSONS WITH DISABILITIES

UNIT	TOTAL EMPLOYED	HANDICAPPED EMPLOYED	IDEAL GOAL %	CURRENT STATUS %	1991 HIRING GOAL
Office	147	17	8.20	11.56	
Technical	10	0	8.20	0.0 *	
Professional	140	19	8.20	13.57	
Supervisors	30	4	8.20	13.33	
Commissioner's Plan	14	1	8.20	7.14*	
Managers	18	4	8.20	22.22	
Others	8	2	8.20	25.00	

* Underutilized

PROGRAM OBJECTIVES

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

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Identify and use effective recruitment sources for disparate groups when exams are announced.	Affirmative Action Officer	November, 1990
2.	Develop appropriate cover letter for disparate groups recruiting to be sent with exam opening announcement.	Affirmative Action Officer	November, 1990
3.	Send notice to organizations representing disparate group members when vacancies occur and monitor effectiveness of recruitment sources.	Personnel Officer	Ongoing
4.	Advertise in disparate group newspapers and monitor effectiveness of various publications.	Personnel Officer	Ongoing

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

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Written pre-hire review process will be delivered to hiring authority with certification list.	Personnel Aide	Ongoing
2.	When member of disparate group is not hired, the hiring authority will provide the AAO with the reasons for the decision in writing.	Affirmative Action Officer	Ongoing

- | | | | |
|----|--|----------------------------|----------|
| 3. | Written reasons for non-hire of disparate group person will be reviewed by AA Officer prior to hire. | Affirmative Action Officer | Ongoing |
| 4. | Missed opportunities will be discussed with the Affirmative Action Council. | Affirmative Action Officer | Annually |

OBJECTIVE: To publicize the 1991 Affirmative Action Plan to the Department's employees, supervisors and managers in order to gain a greater understanding of and commitment to affirmative action.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Provide training to all supervisors and managers on provisions of 1991 Department Affirmative Action Plan.	Affirmative Action Officer	January, 1991
2.	Provide a notice regarding the availability of the Affirmative Action Plan to all current and new employees.	Affirmative Action Officer	October, 1990 and ongoing
3.	Publicize the availability of copies of the Plan in the <u>L & I Report</u> .	Affirmative Action Officer	Quarterly

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

<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
Arrange mandatory training for all employees on the subject of valuing cultural diversity in the workplace.	Affirmative Action Officer	July, 1991

OBJECTIVE: To make Department employees more aware of the issues which may contribute to illegal discrimination or sexual harassment in the workplace and of the available resources for help.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Consult with Department employees and outside sources regarding appropriate subjects to be addressed.	Affirmative Action Officer	Ongoing
2.	Meet regularly with facilitators.	Affirmative Action Officer	Bimonthly

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

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Audit supervisors' and managers' position descriptions to determine presence of affirmative action accountability in responsibility statements.	Personnel Officer	December, 1990
2.	Report deficiencies to the appropriate division heads.	Affirmative Action Officer	January, 1991
3.	Ensure that position descriptions are revised to include responsibility and accountability for affirmative action.	Division Heads & Unit Managers	May, 1991
4.	Address each manager's/supervisor's affirmative action efforts in the annual performance appraisal meetings.	Division Heads & Unit Managers	Ongoing

OBJECTIVE: To increase awareness of and sensitivity to persons with disabilities and their unique needs and contributions.

	<u>ACTION STEPS</u>	<u>RESPONSIBILITY</u>	<u>TARGET DATE</u>
1.	Coordinate delivery of disability awareness training for managers and supervisors with DOER.	Personnel Officer	June 30, 1991

2.

Train managers and supervisors
on the reasonable accommoda-
tions policy and procedure.

Affirmative Action
Officer

June 30, 1991

PRE-HIRE REVIEW PROCESS

This procedure will be followed when hiring:

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

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

I. POLICY

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

This agency will provide accommodation to qualified employees/job applicants with disabilities 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. In such cases, questions may arise as to whether the accommodation is personal or job related. The primary factors in evaluating an accommodation is whether the accommodation will enable the person to perform the job on an equal basis in the most cost-effective manner and in the most integrated setting possible.

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

II. SCOPE:

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

III. DEFINITIONS:

A. PERSON WITH A DISABILITY:

A person with a disability for the purposes of this policy is anyone who meets the definition as stated in Section 504 Regulations of the 1973 Rehabilitation Act as amended in 1978, Sub-part A, Section 84.3 j1-2 and

K104 and Minnesota Statutes, chapter 363, the State's Human Rights Act. A person with a disability is anyone who:

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

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

B. UNDUE HARDSHIP:

1. In determining whether or not the making of a reasonable accommodation would impose an "undue hardship," factors to be considered must include:
 - a. The overall size of the agency and/or unit (i.e., number and type of facilities, size of budget).
 - b. The type of operation including the composition and structure of the workforce.
 - c. The nature and cost of the accommodation needed.

- d. The reasonable ability to finance the accommodation at each site of business; and
- e. Documented good faith efforts to explore less restrictive or less expensive alternatives including consultation with the disabled person or with knowledgeable disabled persons or organizations.

IV. REQUEST FOR REASONABLE ACCOMMODATIONS:

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

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

V. METHODS OF PROVIDING REASONABLE ACCOMMODATIONS FOR EMPLOYEES:

The following are some methods of providing reasonable accommodations to qualified persons with disabilities. Other forms of reasonable accommodation may also be provided.

A. Modifications of equipment or assistive devices.

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

B. Job-site modification.

The planning and provisions of accessibility to existing facilities may be required in order for individuals with disabilities to work in them. Modifications may include adjustments to equipment height including desks, chairs, etc., addition of electrical outlets, rearrangement of furniture and equipment, widening doorways, reallocation of the job-site to an accessible area, provision of special parking facilities, modifications in ventilation, heating, cooling, and lighting systems, and other types of similar modifications.

C. Job restructuring.

The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Arrangements must be considered for full-time permanent and intermittent employment. Job sharing and flexible work hours may permit employees with disabilities to meet such needs as medical appointments and medical dietary requirements.

D. Support service.

Support services such as interpreters for hearing impaired individuals, readers for blind, special attendants, etc., must be provided when it is clearly demonstrated that these services are required for performance of the essential functions of the job. Support services may also be needed for job applicants during the interview process. The Affirmative Action Officer may provide the training necessary to allow staff members to provide support services when such training and the provisions of such support services are administratively feasible.

VI. FUNDING FOR REASONABLE ACCOMMODATION:

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

VII. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS:

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

VIII. DENIAL OF ACCOMMODATION (FOR EMPLOYEES):

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

IX. APPEALS (FOR EMPLOYEES):

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

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

X. REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS:

- A. All initial communication with job applicants regarding job vacancies shall indicate the willingness of the agency to make reasonable accommodation to the known physical or mental handicap and shall invite the applicant to contact the agency for the needed accommodation.

- B. The individual requesting the accommodation or the individual who receives the request, shall contact the Affirmative Action Officer immediately. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
- C. The Affirmative Action Officer shall contact the job applicant to discuss the needed accommodation and possible alternatives.
- D. If the accommodation is reasonable, the Affirmative Action Officer will take the necessary steps to see that the accommodation is provided.

XI. DENIAL OF ACCOMMODATION FOR JOB APPLICANTS:

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

DEPARTMENT OF LABOR AND INDUSTRY POLICY PROHIBITING ILLEGAL DISCRIMINATION AND SEXUAL HARASSMENT

The Department's goal is a workplace that respects each individual's dignity. Every employee is responsible for helping to achieve that goal. Discrimination and sexual harassment are against the law. The Department abides by federal and state laws that prohibit discrimination and sexual harassment.

It is the Department's policy to maintain an employment atmosphere free of discrimination and sexual harassment, intimidation, or coercion. Discrimination against or sexual harassment of any employee by any other employee is not tolerated. The Commissioner, Deputy Commissioner, Assistant Commissioners, Director of Human Resources, supervisors and managers, the Affirmative Action Officer and elected facilitators are responsible for implementing this policy. The Advisory Committee on Discrimination and Sexual Harassment provides annual staff input as to success of these policies and their implementation. The Affirmative Action Council serves as a top-management forum for policy making on discrimination and sexual harassment.

If investigation of a complaint of discrimination or sexual harassment produces evidence that discrimination or harassment has occurred, appropriate disciplinary action will be taken. No job retaliation against any employee who has participated as a complainant or a witness in any departmental proceedings involving discrimination or sexual harassment will be tolerated. No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse. The following are examples of conduct for which disciplinary action, up to and including discharge, may be taken:

1. Use of any offensive or demeaning terms which have a discriminatory or sexual connotation.
2. Adverse treatment or negative comments regarding race, color, creed, religion, national origin, gender, sexual orientation, marital status, status with regard to public assistance, age, or disability.
3. Objectionable physical proximity or physical contact.
4. Repeated unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
5. Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of social or sexual favors to any other employee, supervisor, or manager.
6. The deliberate or careless creation of an atmosphere of discrimination, sexual harassment, or intimidation.

7. The deliberate or careless expression of jokes or remarks of a discriminatory or sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive.
8. The deliberate or careless dissemination of materials (such as cartoons, articles, pictures) which have a discriminatory or sexual content to employees who may find such materials offensive.

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

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

I. OVERVIEW

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

The Affirmative Action Officer, managers, supervisors and facilitators are available to assist Department employees who use these procedures. Facilitators are Department employees elected by their co-workers and trained to assist any employee through the complaint procedure. In addition to these procedures, the bargaining units' representatives and Department management remain responsible for enforcing the non-discriminatory/sexual harassment articles in the collective bargaining agreements.

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

Complaints which are determined by the Affirmative Action Officer to be general harassment rather than illegal discrimination/sexual harassment will be referred to the appropriate manager or supervisor. If it is found that unlawful discrimination or sexual harassment has occurred, disciplinary action up to and including discharge may be taken by the Department. All data generated under this procedure will be maintained in accordance with the Government Data Practices Act.

II. COMPLAINT PROCEDURES

The Department encourages any employee who feels he or she has been unlawfully discriminated against or sexually harassed in the workplace to take his or her concerns or complaints to the Affirmative Action Officer or any supervisor, manager or facilitator. Employees are encouraged to file complaints promptly following the occurrence so that a fair and complete investigation can be conducted to assist in resolving the complaint.

A. INFORMAL PROCEDURES - Provide a prompt and uncomplicated method of resolving matters of concern or informal complaints.

A Matter of Concern is an occurrence that may reflect discrimination or sexual harassment. Although it may not be specifically defined by law, a matter of

concern may still cause employees to feel uncomfortable in the work place. An example of a matter of concern might be the display of potentially offensive material in the workplace such as posters, cartoons or magazines.

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

An employee may take a matter of concern or an informal complaint to the Affirmative Action Officer, any supervisor or manager, or a facilitator. As quickly as possible, the person who receives the concern or informal complaint will take the following actions:

1. Provide the employee with a copy of this policy and procedure.
2. Discuss confidentiality with the employee, making sure that the employee understands that you must report the concern or complaint to the Affirmative Action Officer.
3. Inform the employee about the rights and options he or she has in resolving the concern or complaint. Warn the employee that the Affirmative Action Officer may choose to treat the matter as a formal complaint and conduct a thorough investigation.
4. Consult with the Affirmative Action Officer to determine if the matter is to be considered a matter of concern or an informal complaint.
- 5a. If it is a matter of concern, attempt to resolve it. If resolution is not achieved, refer concern to Affirmative Action Officer for further processing.
- 5b. If it is an informal complaint, the Affirmative Action Officer will notify the complainant of his/her rights, if any, to union representation and will then try to resolve the complaint.

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

6. If necessary, assist the employee in taking the concern or complaint to the Affirmative Action Officer.
7. Unresolved informal complaints will be treated as formal written complaints, will be withdrawn at the discretion of the complainant or will be considered withdrawn if a formal written complaint is not filed within 30 days. However, if the Affirmative Action Officer decides that the nature of the complaint requires further investigation, the informal complaint will be treated as a formal written complaint.

- B. FORMAL PROCEDURES - Provide an objective method of determining whether illegal discrimination or sexual harassment has occurred.

A Formal Written Complaint is used when the issue is serious enough to warrant a formal investigative process. An employee may file a formal written complaint whether or not the informal procedures have been previously used to resolve the complaint. The Affirmative Action Officer may also institute a formal complaint in any situation that she/he deems serious enough to require a formal investigation.

Formal complaints must be filed in writing with the Affirmative Action Officer on a Complaint of Discrimination form available from any supervisor, manager, facilitator, the Affirmative Action Officer or the Human Resources Office. The Affirmative Action Officer will take the following action after receiving the complaint:

1. Inform the employee of his or her rights and options, including confidentiality and union representation, the investigative process, and how the information will be used and disseminated.
2. Provide the employee with a copy of this policy and procedure and assist the employee through the process.
3. Notify appropriate bargaining unit representatives and the Human Resources Director that a formal complaint has been filed.
4. Conduct a formal investigation into the charges (with few exceptions).
5. Keep the employee informed of the investigation's progress.
6. Except in unusual circumstances, prepare a report for the Commissioner summarizing the findings of the investigation within 20 working days of receipt of the formal complaint.

III. RESOLUTION OF COMPLAINTS

A. MATTERS OF CONCERN

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

B. INFORMAL COMPLAINTS

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

C. FORMAL COMPLAINTS

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

IV. RESPONSIBILITIES

A. AGENCY MANAGEMENT

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

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

B. ALL EMPLOYEES

Employees have a responsibility to promptly report matters of concern and complaints, participate in training and cooperate with requests from the Affirmative

Action Officer for information and data that will help the Affirmative Action Officer to carry out his or her responsibilities under these procedures.

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

C. SEXUAL HARASSMENT AND DISCRIMINATION ADVISORY COMMITTEE/
FACILITATORS

Composition:

The Advisory Committee is made up of elected facilitators trained to assist employees through the Department's complaint procedures. There are 8-12 members representative of the following constituent groups: clerical and technical - 3 members; professional - 2 members; supervisory and middle management - 1 member; managers - 1 member; and employees covered by the Commissioner's Plan - 1 member. There may also be members representative of the Brainerd, Duluth and Mankato offices. The Affirmative Action Officer is also a member of the committee and serves as its chair.

Committee members serve two-year terms. Approximately one-half of the terms expire each year. Following the first election under these procedures, candidates selected shall determine among themselves which members will serve an initial one-year term and which members will serve the two-year terms.

Facilitator meetings are open to any employees who wish to attend.

Selection:

The Commissioner will establish a two-week (minimum) volunteer period annually during which employees may indicate to the Affirmative Action Officer or the Human Resources Director their interest in serving as a facilitator. The nominating period shall begin four to ten weeks prior to the expiration of the committee members' terms. If sufficient numbers of employees to represent constituent groups do not indicate an interest in serving, the Commissioner will encourage direct nomination or encourage constituent group to recruit nominees. Nominees' names will be published in the Department newsletter and then posted on employee bulletin boards for a minimum of one week. Employees will then be asked to cast their votes by secret ballot at a designated election center for one representative from each constituent group on the ballot. The Affirmative Action Officer will coordinate the voting process and be responsible for the integrity of the election. Election results will be published and posted.

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

Responsibilities:

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

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

D. COMPLAINT HANDLERS

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

DEFINITIONS

ADVISORY COMMITTEE ON DISCRIMINATION AND SEXUAL HARASSMENT

A committee of employees that is representative of the following constituent groups: clerical and technical employees, professional employees, supervisors, managers, employees in Greater Minnesota Offices, and employees covered by the Commissioner's Plan. Committee members are trained to assist employees through discrimination and sexual harassment procedures and may recommend changes in the discrimination/sexual harassment policy and procedures to the Affirmative Action Council.

AFFIRMATIVE ACTION COUNCIL

A committee of management representatives that monitors the administration of the discrimination/sexual harassment policy and complaint procedures. The council serves as a forum for discussing affirmative action, discrimination and sexual harassment issues and approves the Department's Affirmative Action Plan which includes the discrimination/sexual harassment policy and procedures. The members of the Affirmative Action Council are the Commissioner, Deputy Commissioner, Assistant Commissioners, Human Resources Director and/or Affirmative Action Officer.

AFFIRMATIVE ACTION OFFICER

The Department employee delegated full authority for the administration of the Department's Affirmative Action Plan, which includes the discrimination/sexual harassment policy and procedures.

COMPLAINANT

Any employee who feels he or she has been subjected to or witnessed discrimination or sexual harassment in the course of employment at Labor and Industry. The individual filing a complaint must be employed at the time of filing a complaint.

DISCRIMINATION

Adverse treatment because of race, color, creed, religion, national origin, gender, sexual orientation, marital status, status with regard to public assistance, age or disability.

EMPLOYEE

Any person employed by, interning with or volunteering with the Department.

EQUAL OPPORTUNITY DIVISION

The division of the Department of Employee Relations that is responsible for monitoring the State of Minnesota's Affirmative Action Program. It may be an alternative source for handling discrimination or sexual harassment complaints including any circumstances in which the Affirmative Action Officer or the Commissioner is named in a complaint.

FACILITATORS

Specifically designated employees who are trained and available to assist any employee through the Department's complaint procedure and who are members of the Department's Advisory Committee on Discrimination and Sexual Harassment.

GOVERNMENT DATA PRACTICES ACT

Minnesota Statutes, chapter 13, which regulates the collection, use and dissemination of data on Minnesota state government operations including data on employees.

INVESTIGATION/INQUIRY

A procedure used by the Affirmative Action Officer to examine complaints of discrimination or sexual harassment.

MATTER OF CONCERN

An occurrence that may reflect illegal discrimination or sexual harassment. Although it may not be specifically defined by law, a matter of concern may be something that may still cause employees to feel uncomfortable in the workplace. Example: Sexist or racist posters or magazines displayed in a work area, even at an individual work station.

RESPONDENT

Any person whose conduct is alleged by a complainant to have violated the Department's discrimination/sexual harassment policy.

RETALIATION

Any job-related adverse action against an employee who has complained of or reported an incident of discrimination or sexual harassment, participated in any investigation, or testified in any proceeding relating to a discrimination or sexual harassment complaint. This could include, but is not limited to, denial of a promotion, demotion of an employee, or conduct by anyone in the workplace that could reasonably be expected to have an adverse impact on an employee's performance.

SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment;
3. that conduct or communication has the purpose or effect of unreasonably:
 - a. interfering with an individual's employment or
 - b. creating an intimidating, hostile, or offensive employment environment.

DUTIES AND RESPONSIBILITIES OF THE COMMISSIONER

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

DUTIES AND RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

- To ensure compliance with statewide and agency affirmative action programs and to ensure non-discriminatory treatment of all employees.
- To assist the agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- To hire and promote qualified protected class members where a disparity exists.
- To communicate agency's affirmative action policy to assigned staff.
- To facilitate staff participation on the agency Affirmative Action Council.
- To include responsibility statements for Affirmative Action/Equal Employment Opportunity in their position descriptions.
- To perform such other specific duties as may be assigned in their agency's Affirmative Action Plan.

DUTIES AND RESPONSIBILITIES OF THE AFFIRMATIVE ACTION COUNCIL

- To monitor the Department's activities and progress in affirmative action.
- To serve as a forum for discussing affirmative action issues and taking corrective actions when necessary.
- To make recommendations on complaints of discrimination to the Commissioner.
- To perform such other activities as may be assigned by the Commissioner or Deputy Commissioner.

LABOR AND INDUSTRY
COMPLAINT OF DISCRIMINATION

Additional Information on Your Complaint:

Information on Witnesses Who Can Support Your Case:

<u>NAMES</u>	<u>ADDRESSES</u>	<u>PHONE NUMBERS</u>
1.	<hr/>	<hr/>
2.	<hr/>	<hr/>
3.	<hr/>	<hr/>
4.	<hr/>	<hr/>
5.	<hr/>	<hr/>
6.	<hr/>	<hr/>

This complaint is being filed based on my honest belief that the Department of Labor and Industry 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: _____

Date: _____ Date: _____

DEPARTMENT OF LABOR AND INDUSTRY

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

Please Print or Type

Employee Name	Classification	Date of Request
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Division Statement of Disability (Attach medical statement if requested by Manager)

ATTACH ADDITIONAL SHEETS FOR QUESTIONS BELOW IF NECESSARY

1. Type of accommodation requested to perform essential function:
2. Which essential function(s) of your job will the requested accommodation allow you to perform?
3. Why is the requested accommodation necessary to perform the essential job function(s)?
4. How will the requested accommodation be effective in allowing performance of the essential job function(s)?
5. Have any non-essential job functions been eliminated? Please describe.

SIGNATURE OF EMPLOYEE	DATE
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SIGNATURE OF SUPERVISOR	DATE
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SIGNATURE OF MANAGER	DATE
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Additional Comments:

INFORMATION ON THIS FORM SHALL BE CONFIDENTIAL WITH THE EXCEPTIONS
ACCORDING TO THE REHABILITATION ACT OF 1973, SECTION 504, SUBD. 84.14.

PE-00091-01 (3/83)

EMERGENCY PROCEDURES

The following emergency procedures are to be followed in the event of fire, severe weather, bomb threats, or medical emergencies.

I. FIRE

A. When building alarm sounds:

1. Immediately evacuate via the nearest emergency exit. **DO NOT USE BUILDING ELEVATORS.** If applicable:
 - a. Close all doors.
 - b. Relocate mobility-impaired employees within safe areas of the building. Disabled employees should be accompanied by two "buddies" in the event an evacuation must be made. A third person should immediately evacuate and inform the Fire Department of disabled individuals' locations.

B. When fire and smoke are seen, but no alarm is sounded:

1. Call 9-911 and report the fire.
2. Sound building fire alarm.
3. Immediately inform Space Center at 298-4484, or the Department Safety Director at 296-4532 or Gene McCarty at 297-1725.
4. If it is safe to do so, attempt to put out fire.
5. Evacuate by emergency exit and ensure those employees requiring assistance have been relocated according to the guidelines set forth in A.I.b. above.
6. **DO NOT** call Capitol Security. Capitol Security communications will not initially know what caused the alarm and will be coordinating emergency agencies' responses. Calling Capitol Security could tie up the switchboard and delay requests for help.
7. **DO NOT** hesitate to begin evacuation process.

8. DO NOT try to return to your office location before the "all clear" sounds.
9. DO NOT use building elevators.

II. SEVERE WEATHER/TORNADOES

- A. The Metropolitan Siren System will be activated when the weather service has determined there is a severe weather warning.
- B. The Department will use the public address system to advise occupants of potentially threatening weather conditions.
 1. Relocate to interior offices of the building on lower floors away from glass windows and doors.
 2. Relocate mobility-impaired employees. Handicapped employees should be accompanied by two "buddies" in the event relocation must take place.

III. BOMB THREATS

- A. The Department will make the following public address announcements upon receipt of a bomb threat.
 1. **Yellow Alert.** This notice will indicate that a bomb threat has been received.
 - a. Immediately survey work area for any suspicious item or any item you cannot identify.
 - b. If an item is discovered DO NOT TOUCH OR MOVE IT. Notify Space Center immediately at 228-4444.
 2. **Blue Alert.** This notice will advise building population that an unidentified package has been found.
 - a. Occupants will be instructed to relocate and avoid the designated area until further notice.
 - b. Relocate mobility-impaired employees. Disabled employees should be accompanied by two "buddies" in the event relocation must take place.

3. **Red Alert/Fire Alarm.** This notice will signify that the package prompting the Yellow Alert is indeed an explosive device.
 - a. All occupants shall evacuate until the entire building is re-checked for additional explosive packages.
 - b. Relocate mobility-impaired employees as directed in 2.b.

B. CLEAR OF ALERTS

1. This message will be made upon completion of a building search in which all known packages have been identified.
2. Occupants should continue to be cautious of all items unknown to them and contact Space Center personnel or the Safety Director if suspicious of anything or anybody.

IV. MEDICAL EMERGENCIES

A. Plan A.

1. Call 9-911, and give:
 - a. The exact location of the medical emergency, including the building address, floor, and room number.
 - b. The symptoms of the victim.
 - c. Your name.
 - d. Any other requested information
2. Support the victim's medical needs.
3. Send someone to meet the paramedics and lead them to the scene.

B. In the event Plan A is not successful, proceed with the following:

1. Call Capitol Security Emergency (296-2100) and give the same information as outlined in 1.a.d above.
2. Support the victim's needs.
3. Send someone to meet the paramedics and lead them to the scene.

DEPARTMENT OF LABOR AND INDUSTRY

AFFIRMATIVE ACTION COUNCIL

David Abrams	Deputy Commissioner	297-2826
Ann Clayton	Assistant Commissioner	296-6490
Linda Finney	Assistant Commissioner	296-6529
Martha Watson	Human Resources Director/ Affirmative Action Officer	297-2648
Kenneth Peterson	Commissioner	297-4795