

AFFIRMATIVE ACTION PLAN
Fiscal Year 1991
For

910410

Department of Health
 (Agency or Agency Subdivision)

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

GOAL UNITS	PROTECTED GROUPS			
	WOMEN	MINORITIES	HANDICAPPED	VETERANS
Law Enforcement				
Craft, Maintenance, Labor Service			X	
Health Care Non-Professional				
Health Care Professional				
Clerical			X	
Technical			X	
Correctional Guards				
State University Instructional				
Community College Instructional				
State University Administrative				
Professional Engineering Supervisory	X		X	
Health Treatment Professional				
General Professional			X	
Professional State Residential Instructional Supervisory			X	
Commissioner's Plan			X	
Managerial Plan		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.

HEALTH BLDG: Third Floor Personnel/Training bulletin board
 OUTSTATE OFFICES: Official office bulletin boards
 CENTRAL MEDICAL BLDG: 4th and 5th Floor bulletin boards
 DINNAKEN OFFICE BLDG: 1st Floor

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.

Robert J. Hobler
 Affirmative Action Officer

7-30/90
 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.

Mary Madon-Alchton
 Agency Head

7-30-90
 Date

5. This annual plan meets the rules governing affirmative action, Chapter 20: 2 HCAR 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.

E. C. [Signature]
 Equal Opportunity Division

2-8-91
 Date

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A. STATEMENT OF COMMITMENT

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

Because protected group members in our society have been denied equal opportunity in the past, I strongly support and will actively pursue a policy of affirmative action employment for those classes and goal units experiencing underutilization in the Agency. Protected groups consist of women; minorities, defined as Black, Hispanic, American Indian or Alaskan native and Asian or Pacific Islander; and persons with disabilities. I endorse affirmative action as a viable and proper approach to ensuring that the work force of this Agency reflects the same configuration as the related labor force as a whole.

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

The primary responsibility for the implementation of this policy falls to each manager and supervisor. In addition, I have designated one of the Personnel Representatives as the Affirmative Action Officer designee who will ensure the implementation of this plan.

By:

Sister Mary Madonna Ashton

Sister Mary Madonna Ashton
Commissioner of Health

Date:

7.30.70

B. DELEGATION OF AUTHORITY AND RESPONSIBILITIES

Commissioner of Health

Responsibilities:

To assure establishment and full implementation of the Minnesota Department of Health's (MDH) Affirmative Action Program in accordance with federal and state laws, policies, rules and regulations.

Duties:

1. To charge managers and supervisors with responsibility for implementing affirmative action in their program areas and for including an affirmative action responsibility in their position description.
2. To ensure that MDH employees are informed of the Affirmative Action Program and of their rights and responsibilities under current laws.
3. To appoint the Department's Affirmative Action Officer and Affirmative Action Committee members.
4. To ensure that complaints of unfair discrimination are handled impartially and in accordance with the procedure set forth in the Affirmative Action Plan.
5. To establish or change policies and procedures necessary to facilitate effective affirmative action and to comply with changes in laws or rules.
6. To provide comments for inclusion in the Department of Employee Relations' annual Affirmative Action report, with regard to data pertaining to the Department of Health.

Accountability:

The Commissioner of Health is directly responsible to the Governor and to the Commissioner of the Department of Employee Relations.

Affirmative Action Officer

Responsibilities:

To administer the MDH Affirmative Action Program.

Duties:

1. To coordinate and monitor affirmative action activities.
2. To investigate complaints of unfair discrimination and report findings to the Commissioner of Health or designee.
3. To fulfill all affirmative action reporting requirements.

4. To disseminate Equal Employment Opportunity/Affirmative Action Policy (EEO/AAO) and Affirmative Action Plan.
5. To chair Affirmative Action Committee and to serve as ex-officio member.
6. To serve as liaison between MDH and the Equal Opportunity Division.
7. To determine affirmative action training needs and develop appropriate training programs.
8. To review policies, procedures, programs and physical accommodations to recommend changes to the Commissioner of Health.
9. To support and participate in recruitment and selection of protected class persons and to maintain contacts with protected class sources for recruitment purposes.
10. To advise agency management of the requirement to notify contractors and subcontractors of their affirmative action responsibility.
11. To revise MDH Affirmative Action Plan.
12. To perform other duties, as required.

Accountability:

The Affirmative Action Officer is responsible to the Commissioner of Health.

Affirmative Action Committee

Responsibilities:

To assist Affirmative Action Officer with administration of the Department's Affirmative Action Plan.

Duties:

1. To attend Affirmative Action Committee meetings.
2. To serve as a forum for transmitting employee affirmative action concerns to managements.
3. To assist with revision of MDH Affirmative Action Plan.
4. To recommend affirmative action policies and procedures.
5. To review progress in hiring protected group members on a quarterly basis to identify problems and recommend solutions.

6. To assist with the development and presentation of training workshops.
7. To perform other duties as necessary.

Accountability:

The Affirmative Action Committee is responsible to the Affirmative Action Officer.

Managers and Supervisors

Responsibilities:

To implement the MDH Affirmative Action Plan and to ensure equal treatment of all employees.

Duties:

1. To assist the MDH 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 communicate MDH Affirmative Action policy to assigned staff.
4. To facilitate staff participation on MDH Affirmative Action Committee.
5. To include Affirmative Action responsibility statement in position description.
6. To attend any scheduled affirmative action training workshops.
7. To take corrective or disciplinary action in response to or to prevent complaints of sexual harassment.
8. To comply with reporting requirements outlined in the MDH Affirmative Action Plan.

Accountability:

Supervisors and Managers are responsible to the Commissioner of Health.

C. COMMUNICATION AND DISSEMINATION OF INFORMATION

INTERNAL

The EEO Policy will be communicated and disseminated to MDH employees as follows:

1. New employees will be informed of the Affirmative Action Plan and Agency policy on harassment at their orientation session.
2. Each manager and supervisor will be informed of changes in the Affirmative Action Plan and his/her responsibility for implementation.
3. A copy of each of the following will be posted on the second and third floor Personnel/Training bulletin boards and in each work location outside the Health Building:
 - a. the EEO Policy and Affirmative Action Plan;
 - b. a list of all Affirmative Action Committee members and their office phone numbers;
 - c. a schedule of Affirmative Action Committee meetings and a statement that all employees may attend; and
4. A copy of the EEO Policy will be included in the MDH Policy and Procedure Manual.

EXTERNAL

The EEO Policy will be disseminated to outside sources as follows:

1. MDH letterhead and all advertisements for employment will include the statement "An Equal Opportunity Employer."
2. All persons and organizations doing business with MDH will be informed of the Department's EEO Policy.

D. GOALS AND TIMETABLES

Goals for women and minorities were established using 1980 census data. Statewide percentage goals were established for each bargaining unit. The goals for women and minorities are listed below.

	<u>WOMEN</u> <u>% GOAL</u>	<u>MINORITIES</u> <u>% GOAL</u>
SERVICE	44.57	4.69
HEALTH CARE PROFESSIONAL	NONE	1.81
CLERICAL	NONE	4.69
TECHNICAL	62.00	4.69
ENGINEERING	7.18	2.61
GENERAL PROFESSIONAL	44.57	4.69
SUPERVISORY	44.57	4.69
MANAGEMENT	36.08	5.15

The goal for persons with disabilities is 8.2% for all bargaining units.

When the percent employed is less than the percentage goal, the goal has not been met. In such cases, supervisors must follow the Pre-Employment Review Procedure outlined in Section G when they are seeking to fill a vacant position.

Conversely, when the percent employed is greater than the percentage goal, the goal has been met. Even when this is the case, it remains a violation of law to exclude candidates from consideration because of their race, color, creed, national origin, sex, age, marital status, disability, religious or political views or affiliations, or reliance on public assistance.

Supervisors will be provided with quarterly updates of the department's progress in meeting the goals so that they are better able to fulfill their responsibilities.

ANNUAL GOALS

Protected Group	Goal %	Current % (7-3-90)	FY 1991 Goal
<u>WOMEN</u>			
Managers	36.08	39.53	goal met
Professional (MAPE)	44.57	49.32	goal met
Service (AFSCME)	44.57	66.67	goal met
Technical (AFSCME)	62.00	77.27	goal met
Engineers (MGEC)	7.18	6.90	1
Supervisors (MMA)	44.57	59.84	goal met
Commissioner's Plan	44.57	74.36	goal met
<u>MINORITIES</u>			
Managers	5.15	0.00	1
Professionals (MAPE)	4.69	5.07	goal met
Service (AFSCME)	4.69	22.22	goal met
Technical (AFSCME)	4.69	13.64	goal met
Office (AFSCME)	4.69	6.50	goal met
Engineers (MGEC)	2.61	10.34	goal met
Supervisors (MMA)	4.69	4.92	goal met
Nurses (MNA)	1.81	2.34	goal met
Commissioner's Plan	4.69	5.13	goal met
<u>HANDICAPPED</u>			
Managers	8.20	0.00	1
Professionals (MAPE)	8.20	4.39	2
Service (AFSCME)	8.20	0.00	1
Technical (AFSCME)	8.20	6.82	1
Office (AFSCME)	8.20	7.00	1
Engineers (MGEC)	8.20	6.90	1
Supervisors (MMA)	8.20	6.56	1
Nurses (MNA)	8.20	3.13	1
Commissioner's Plan	8.20	0.00	1

MDH will continue to act affirmatively even when a goal is met.

F. INTERNAL AUDIT AND REPORTING SYSTEMS

The Minnesota Department of Health is required by federal and state law to maintain various personnel records for the purpose of preparing reports. To meet this requirement, a centralized reporting system has been established and will be maintained.

In the event that the Division of Equal Opportunity and/or a federal enforcement agency should conduct an intensive on-site audit and evaluation of the Department's efforts to comply with laws, regulations and orders mandating Affirmative Action, the following information will be made available:

1. A copy of the Department's Affirmative Action Plan;
2. Copies of work force and/or utilization analysis which may have been done within the past two years;
3. Copies of all certification lists from which hiring was done in the past twelve months;
4. Copies of any personnel affirmative action policies or procedures that are unique to MDH;
5. Copies of Affirmative Action Committee meeting minutes;
6. Records of all hires, promotions, transfers, terminations, disciplinary actions and discrimination complaints.

G. PRE-EMPLOYMENT REVIEW AND INTERVIEW REPORT FORMS

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

1. Expanded certification lists will be provided as appropriate and names of protected group members will be highlighted on the certified list of eligibles.
2. The supervisor or manager shall make a good faith effort to contact all candidates so highlighted, and shall consider each candidate for employment.
3. Supervisors or managers who intend to make an offer of employment to a candidate who is not a protected group member must consult with the Affirmative Action Officer, prior to making a job offer. If after such consideration the supervisor chooses not to hire a protected group candidate, his/her reasons must be outlined in a memorandum to the Commissioner, with a copy to the Affirmative Action Officer. Such justification must be signed by the Division Director prior to submitting to the Commissioner.

Interview Report Forms

Supervisors shall complete an "Interview Report Form" each time a selection decision is made. Completed forms should be submitted to the Personnel Section.

H. INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

Any MDH employee who believes that s/he has been unfairly treated, or discriminated against, in any aspect of employment because of his/her race, color, creed, national origin, sex, age, marital status, disability, religious or political views or affiliations, or reliance on public assistance, may file a complaint under this procedure. Potential employees who believe they were unfairly treated in the selection process may also use this procedure by filing complaints at Step 2.

Under current data privacy laws, when a complaint is being investigated, all information is considered private. However, once an investigation is completed, all information, except for information which is always private, becomes public information. When a complaint is being processed and investigated, the Affirmative Action Officer will ensure compliance with all applicable provisions of collective bargaining agreements.

An employee shall not suffer any coercion, reprisal or unfair treatment as a result of filing a complaint under this procedure. Nor shall an employee filing a complaint under this procedure forfeit the right to file, either simultaneously or at a later date, other complaints or grievances under other complaint or grievance procedures.

When practical, an employee should first attempt to resolve a complaint with his/her supervisor. When impractical, or when the supervisor is unable to resolve the complaint, the employee may proceed to this formal complaint procedure. However, prior to filing a formal complaint, the employee must first consult with the Affirmative Action Officer to determine if it is appropriate to use this procedure to resolve the complaint.

Procedure

Step 1:

- A. An employee must present his/her complaint in writing to the Division Director within ten (10) working days after the occurrence of the events giving rise to the grievance or within ten (10) working days of the time s/he became aware of the events giving rise to the complaint. The employee must describe the circumstances which caused the complaint, actions which have already been taken to in an effort to resolve the complaint, and the action or actions the employee believes must be taken to satisfactorily resolve the complaint.
- B. The Division Director shall have seven (7) working days to arrange a meeting and attempt to resolve the complaint with the employee and other concerned parties, and shall then have five (5) working days to provide a written response to the employee, with a copy to the Affirmative Action Officer, along with a copy of the employee's complaint.

If the complaint is not resolved to the employee's satisfaction, the grievance may proceed to Step 2.

Step 2:

- A. Within three (3) working days of receipt of the Division Director's response, the employee may notify the Affirmative Action Officer of his/her intention to carry the grievance to Step 2.
- B. The Affirmative Action Officer shall have five (5) working days to investigate the grievance and shall have the responsibility and authority to question all persons and examine all documentation deemed relevant to a thorough investigation.
- C. The Affirmative Action Officer shall then have five (5) working days to submit a copy of the employee's grievance and a report outlining the findings of the investigation to the Commissioner of Health, or her designee.
- C. The Commissioner, or her designee, shall then have ten (10) working days to meet with all parties concerned and shall have an additional fifteen (15) working days to issue a written decision to the employee, with copies to the Division Director and the Affirmative Action Officer.

The time limits set forth in the above procedure may be extended by mutual consent of all parties involved. All decisions of the Commissioner are final.

The Affirmative Action Officer shall submit copies of all grievance dispositions to the Director of Equal Opportunity within thirty (30) days of a final determination.

MINNESOTA DEPARTMENT OF HEALTH
DISCRIMINATION COMPLAINT FORM

PRINT OR TYPE THE FOLLOWING INFORMATION:

YOUR NAME: _____ JOB TITLE: _____

DIVISION: _____ SUPERVISOR: _____

SS#: _____ WK. PHONE: _____

BASIS OF COMPLAINT (RACE, SEX, AGE, ETC.): _____

PRINT OR TYPE THE FOLLOWING INFORMATION FOR ALL OF THE PERSONS YOU FEEL UNFAIRLY DISCRIMINATED AGAINST YOU:

<u>NAME</u>	<u>JOB TITLE</u>	<u>DIVISION</u>	<u>WK. PHONE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

What was the date when you first became aware of the alleged act of discrimination: MONTH _____ DAY _____ YEAR _____

If you have filed this complaint with another agency, please list the agency and the date you filed: _____

Briefly describe the circumstances which caused you to believe that you have been discriminated against. (If additional space is needed, please continue on a separate sheet of paper.): _____

What action(s) do you feel must be taken to bring this matter to a satisfactory resolution: _____

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.

Complainant's Signature: _____

Date: _____

Submitted to DIVISION DIRECTOR: NAME _____ DATE _____

SUBMITTED TO AFFIRMATIVE ACTION OFFICER: DATE _____

I. REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

This section applies to all MDH employees and potential employees who are persons with disabilities. A person with a disability is defined as one who: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or, (3) is regarded as having such an impairment.

A qualified candidate who is a person with a disability may not be denied employment, promotion, or reassignment because they have a disability; neither may they be denied such opportunities when reasonable accommodations will enable them to complete for or perform the duties of a position, even though they would not be able to do so otherwise. The variety of possible reasonable accommodations may be as diverse as people with disabilities themselves. Therefore, each situation should be considered separately. Reasonable accommodations may include, but are not limited to, modification of the work site or equipment, job restructuring, or providing support services.

Since the purpose of a reasonable accommodation is to enable an otherwise qualified person with a disability candidate to compete for or perform all the essential duties of a position, reasonable accommodations shall not be provided to satisfy the personal needs or wants of persons with disabilities, nor shall they extend to providing transportation to or from work.

Requests for reasonable accommodations will be reviewed by the Affirmative Action Officer. The Affirmative Action Officer will forward the request, along with a recommendation, to the Commissioner or her designee for review. Requests for accommodations which are determined to be reasonable and cost effective and not to cause undue hardship for the program should be approved.

Requests which are denied may be appealed to the Commissioner of Health. All equipment purchased as a reasonable accommodation remains the property of the State of Minnesota and may not be used or disposed of, except in accordance with state policies.

Procedures

Requests

1. Candidates for MDH Positions

- | | |
|-----------------|---|
| A. Applicant | 1. Request a reasonable accommodation, either orally or in writing, at the time an interview is scheduled. |
| B. Interviewing | 1. Inform the MDH Affirmative Action Officer of all requests for reasonable accommodations, including the date of the request and any accommodation that was agreed to. |

2. Arrange for accommodations, or request assistance from the Affirmative Action Officer.
3. Refer requests for accommodation which have monetary considerations to the Affirmative Action Officer.

C. Affirmative
Action Officer

1. Help supervisors to arrange for reasonable accommodations.
2. Keep records of all reasonable accommodation requests and their disposition.
3. Review requests for accommodations and submit them to the Commissioner or her designee with recommendations concerning approval or denial of the request, and possible alternatives if appropriate.

2. Current MDH Employees

ALL STEPS MUST BE HANDLED WITHIN TWENTY (20) WORKING DAYS

A. Employee

1. Submit written request for a reasonable accommodation to the immediate supervisor, including a complete explanation of why the accommodation is needed and, if the disability is temporary, the duration of the need.

B. Supervisor

1. Review requests and arrange non-monetary accommodations.
2. Review request, including all monetary considerations, with Division Director.
3. Submit request to the Affirmative Action Officer, including an explanation of any accommodations that have been approved, an explanation of any requests for accommodations that have been denied and the Division Director's comments.

C. Affirmative
Action Officer

1. Review request and additional information submitted by the supervisor, investigate possible alternative accommodations, and make recommendations to the Commissioner, Division Directors and supervisors.

- D. Commissioner of
Health
Division Director
2. Maintain records of all requests and their dispositions.
 1. Approve/Disapprove requests. (Requests may be disapproved when approval would result in undue hardship for the program or the accommodation would not overcome the effects of the person's disability. Before disapproving a request, the following factors should be considered: the size and type of the program, the nature and cost of the accommodation, and whether or not adequate consideration was given to possible alternatives.)
 2. Provide supervisors, employees, and the AAO with written approval or disapproval of each request.
 3. Provide funding for accommodations as necessary.

APPEALS

Applicants and employees may appeal by writing directly to the Commissioner of Health. All appeals will be handled in accordance with procedures outlined in Step 2 of the internal complaint procedure. When an appeal is denied, the person with a disability will be told of his/her right to file a complaint with the Minnesota Department of Human Rights.

J. EMERGENCY PROCEDURES FOR PERSONS WITH DISABILITIES

Weather Emergencies

When a weather emergency is declared in accordance with state policy, supervisors of hearing impaired employees shall notify such employees of the weather emergency.

Building Emergencies

In the event of a fire, or other building emergency, supervisors of physically disabled employees will be responsible for evacuation of such employees in accordance with the department building emergency plan.