

910561

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

AFFIRMATIVE ACTION PLAN REVISIONS

(1990-91)

State of
Minnesota
DEPARTMENT
OF EMPLOYEE
RELATIONS

Administrative Services
Compensation
Equal Opportunity
Health & Benefits
Information Services
Labor Relations
Safety & Workers'
Compensation
Staffing Services
Training & Development

November 2, 1990

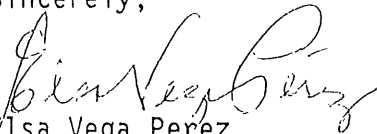
Commissioner Paul Tischida
Department of Public Safety
Transporation Building
John Ireland Boulevard
St. Paul, MN 55155

Dear Commissioner Paul Tischida:

The 1990-91 Affirmative Action Plan for the Department of Public Safety has been approved. We wish to commend you and your staff for a good plan which should advance the cause of affirmative action in state service during this year. We look forward to working with you on the implementation of your plan.

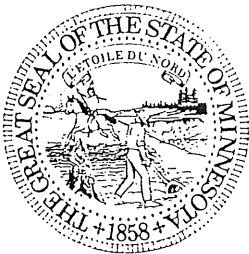
Should you require any assistance, please feel free to call.

Sincerely,


Elsa Vega Perez
Equal Opportunity Division
(612) 296-8272

cc: Noah Shelton

EVP:t1w/49WPPEOD



520 Lafayette Road
St. Paul, MN 55155

job information line
(612) 296-2616

TDD (612) 297-2003
an equal opportunity employer

Minnesota Department of Public Safety

Affirmative Action Plan Revisions

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AFFIRMATIVE ACTION PLAN

Fiscal Year 90

For

Department of Public Safety (Outstate)

(Agency or Agency Subdivision)

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

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

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

Personnel Office, Room 210, Transportation Bldg.

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.

[Signature]
Affirmative Action Officer

7-31-90

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.

[Signature]
Agency Head

8/7/90

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.

[Signature]
Equal Opportunity Division

Nov. 2-90

Date

AFFIRMATIVE ACTION PLAN
Fiscal Year 90
For

Department of Public Safety (Metro)
(Agency or Agency Subdivision)

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

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

Personnel Office, Room 210, Transportation Bldg.

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.

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Affirmative Action Officer

7-31-90

Date

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[Signature]
Agency Head

8/7/90

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.

[Signature]
Equal Opportunity Division

Nov. 2-90

Date

HARASSMENT

POLICY: The Department of Public Safety will maintain a working environment free of discrimination including, but not limited to, sexual harassment, discriminatory insult, intimidation and all other forms of harassment. The department will take all necessary reasonable measures to rid the workplace of bias, will investigate all such allegations and will take prompt and appropriate remedial action against those employees who harass.

DEFINITIONS: Harassment is a form of discrimination and is a violation of Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and Minnesota Human Rights Act. M.S. 363.

It is the policy of the department 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 of condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decision 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 take the following forms:

A. Sexual

1. Any of the previously listed form of treatment which the employee states is causing discomfort because of one's sex.
2. Unwanted sexual complements, looks, innuendoes or suggestions about one's clothing, body or sexual activity.
3. Unwanted, unnecessary touching, brushing against one's body, patting or pinching.
4. Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.
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".

B. Racial or Heritage

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, color, heritage or national origin.
3. Use of language implying inferiority of a race, color, heritage or national origin.

C. Religion, Disability, and Age

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.

RESPONSIBILITIES: The Department assumes responsibility for informing all employees of this policy and eliminating harassment in the workplace. The Commissioner is responsible for the application of this policy within the Department; each manager and supervisor has the responsibility within their units.

Managers/Supervisors: To initiate and support programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees must be informed that harassment is unacceptable behavior and each supervisor will be responsible for having his/her staff oriented to the Department's policy.

To process complaints of harassment according to the Department complaint procedure. To inform the Department Affirmative Action Office of all complaints.


To take prompt and appropriate action to eliminate harassment. Such action may include discipline.

To ensure that employees receive training in regard to these policies and the issue of harassment as offered by State training programs.

Harassed employee: To clearly explain to the person(s) harassing you what behavior you find objectionable and ask that it stop - or - report the behavior to your supervisor (if your supervisor is the offending party, to his/her supervisor) - or contact the Department's Affirmative Action Officer - or the Commissioner's Office.

Make notes of instances of harassment and names of any witnesses.

If the harassment continues, follow the Department Complaint Procedure which is attached.



Commissioner of Public Safety

5/9/91
Date

DISCRIMINATION COMPLAINT PROCEDURE

The Equal Employment Opportunity complaint process applies to complaints which allege discrimination because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability or age.

GENERAL PROVISIONS

1. All documentation associated with a complaint shall be considered as private information. The status of the complaint, however, is public.
2. The disposition of all formal complaints shall be filed with the Commissioner of Employee Relations within 30 days of final determination.
3. Those filing a complaint or serving as a witness shall do so without fear of coercion, reprisal or intimidation.
4. Complaints will not be accepted after an individual terminates employment with the Department or if the same matter is being pursued simultaneously through another formal grievance or appeal process, unless the complaint is directly related to the employee's separation from the Department.
5. Employees may elect to directly file a formal or informal complaint with the Commissioner in lieu of with their supervisor(s) or the Affirmative Action Officer.

1. INFORMAL

An employee who has a complaint of discrimination (complainant) may bring it to the attention of his/her supervisor(s) in an attempt to reach a satisfactory resolution by administrative remedy. The complainant should report the incident to the Supervisor within 5 calendar days after the event giving rise to the grievance. The Supervisor must give an oral or written answer within 5 calendar days in an effort to resolve the grievance by mutual agreement.

If the complaint is against the supervisor or if the complainant feels uncomfortable discussing the complaint with the Supervisor, he/she may present the complaint orally to the Affirmative Action Officer. This should be done within 5 days after the occurrence of the event. This initial step shall provide for a determination as to whether the complaint is a discrimination complaint and, therefore, appropriate to be addressed by the Affirmative Action Officer. Every effort shall be made to resolve the matter through the informal process.

2. FORMAL

If the complainant does not believe the complaint has been resolved through the informal process and the complainant wishes to pursue the matter, he/she shall place the complaint in writing using the "Complaint of Discrimination" (Appendix A) for setting forth its nature, the facts upon which it is based and the relief requested. The written complaint is submitted to the Department's Affirmative Action Officer. The complaint shall be filed within 21 calendar days after the occurrence or within 21 calendar days after the complainant, through

the use of reasonable diligence, should have had knowledge of the event giving rise to the complaint. Complaints may be accepted after the 21 day period providing the complainant can demonstrate that due to extenuating circumstances it was impracticable to adhere to the established time limits. Complaints filed after 21 days will be reviewed and submitted to the Commissioner for appropriate action.

Step 1: Within 5 calendar days after receipt of a formal complaint, the Affirmative Action Officer shall determine whether or not it falls within the area of equal employment opportunity, i.e., the complainant is alleging a violation of his/her right to equal employment on the basis of race, creed, color, sex, age, marital status, national origin, disability, religion and reliance on public assistance.

If the complaint is timely and proper for resolution through this complaint procedure, it shall, within 5 calendar days of receipt, be brought to the attention of the Commissioner who shall appoint the Affirmative Action Officer or another impartial qualified person(s) to investigate it. If the complainant is suffering irreparable harm in the absence of immediate action, the Commissioner, upon the recommendation of the Affirmative Action Officer, may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

Step 2: Within 30 calendar days after the receipt of a formal complaint, the person designated shall investigate it. The investigation may include interviews with or statements from all parties involved including the complainant, respondent, complainant's supervisors, witnesses or Department officials as well as a review of all pertinent records or documents relating to the complaint.

Every effort will be made to resolve the complaint during the investigation. If a resolution is reached, it shall be reduced to writing by the investigator and signed by the parties involved.

Step 3: If the complaint is not resolved as the result of Step 2 above, the investigator shall, within 45 calendar days of receipt of the formal complaint, present his/her written summary of the issues, findings, conclusions and recommendations to the Commissioner.

The Commissioner shall review these findings and may meet with all parties involved. Within 60 calendar days of receipt of the formal complaint, the Commissioner shall respond in writing to the complainant with the final answer or remedy.

If after this response, the complainant remains dissatisfied, the complainant, through the Affirmative Action Officer, shall be advised of his/her right to file a charge of discrimination within 365 days after the occurrence with the Commissioner of the Minnesota Department of Human Rights, the Equal Opportunity Division of the Department of Employee Relations, the Equal Employment Opportunity Commission, or an attorney in private practice.

NOTE:

The discrimination complaint procedure outlined above shall also apply to complaints of alleged sexual harassment. Certain modifications to this procedure exist in the collective bargaining agreement covering employees represented by AFSCME - Council 6.

Formal Discrimination Complaint

Please print or type

Information about you

Your name

Job title

Division

Work unit

Phone

Supervisor

Who discriminated against you

Name

Work unit

Job title

Name

Work unit

Job title

Name

Work unit

Job title

Name

Work unit

Job title

Information on your complaint

I was discriminated against because of my following protected class characteristic:

Race ☐

Sex ☐

Color ☐

Creed ☐

Religion ☐

Handicap ☐

Marital Status ☐

Age ☐

National Origin ☐

Reliance on public assistance ☐

When did the most recent incident occur? Date _____ Time _____ Location _____

Did you file this complaint with another agency? yes ☐ no ☐ If yes, which agency? _____

Describe the incident(s) in detail, with most recent incident first (include names, types of behavior, location, dates).

Use back of form if necessary.

Witnesses

1. Name

Work unit

Job title

2. Name

Work unit

Job title

3. Name

Work unit

Job title

Your signature

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

Signature

Date

Received by

Date

DEPARTMENT OF PUBLIC SAFETY
COMPLAINT PROCEDURE - GENERAL HARASSMENT

- Step (1) If the Affirmative Action determines that a complaint of harassment is not within the area of equal employment opportunity as stated in Step 1 of the Department Discrimination Complaint Procedure, the complaint will be forwarded to the Personnel Director of internal resolution.
- Step (2) The Personnel Director or designee shall promptly meet with the complaining employee to discuss the allegations and advise him/her of the procedure for processing such complaints.
- Step (3) After meeting with the Personnel Director or designee, employees may submit their complaints in writing if they have not already done so. Complaints should include any relevant fact and the desired remedy.
- Step (4) The Personnel Director or designee shall conduct an appropriate review of any general harassment complaints and if necessary, discuss the matter with the Appointing Authority. Following such action, the Personnel Director shall issue a final response to the complaint.

Recruitment of Protected Group Members

Objective: Attend Department of Employee Relations, EOD Affirmative Action Job/Career Fair for Protected Groups.

Actions:

1. Recruitment of specialized positions within Department of Public Safety for example: State Trooper, Driver Examiner, Liquor Control, etc.
2. Prepare packets for Career Fair. Packets will include applications and job announcements.
3. Anticipated vacancies will be reviewed with Personnel Director.

Persons Responsible: DOER, Affirmative Action Officer & Personnel Office.

Time Frame: September 27, 1990

Evaluation: Each participant interested will sign a contact list with the following information: name, address & phone number. At the time the eligible list is established the Affirmative Action Officer will check to see how many candidates were a result of our recruitment efforts.

Establish & Provide Training on Deaf Awareness

Objective: To provide training for the deaf and hard of hearing as well as those employees who provide customer service to the public.

Actions: Provide training to employees that are hearing impaired in the following areas: communication, deaf culture, signers & sign language interpreters (defined).

Persons Responsible: Affirmative Action Office, Personnel, DOER, EOD & Human Services.

Time Frame: September 19, 1990
October 1, 1990
October 10, 1990

Evaluation: Participants will complete class evaluations. We will use the evaluations to measure effectiveness of the class.

Recruitment of Protected Classes for Law Enforcement

Objective: To correct disparity in law enforcement under minorities & women.

Actions:

1. Minority & women career fairs.
2. Continued identification & development of employment agencies specializing in minority & women's placement.
3. Contact community referral agencies.
4. Law enforcement program for student interns is being used to impact underutilization of minority & women.
5. Recruitment workshop for minorities & women attended from the State Patrol.

Persons Responsible: Affirmative Action Officer, Personnel Director & State Patrol.

Time Frame: June 11, 1990

Evaluation: Affirmative Action Officer will check to see how many candidates were a result of special recruitment efforts.

Objective: To present information to the State Patrol on Sexual Harassment, Harassment & discrimination.

Action: Supervisor class for Captains will be conducted October 10, 1990 by Bob King (PCA).

Time Frame: October 10, 1990

Persons Responsible: Affirmative Action Officer, Personnel Office & State Patrol.

Evaluation: Class evaluations completed by participants will be used to measure impact of classes.

METRO

Annual goals for protected groups by occupational categories.

PROTECTED GROUP: HANDICAPPED

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Annual Goals</u>
201 Law Enf.	0.00 (0)	8.20	(0)
203 Service	14.63 (6)	8.20	(0)
206 Office	4.50 (22)	8.20	(10)
207 Technical	2.88 (4)	8.20	(4)
214 Professional	1.74 (2)	8.20	(2)
216 Supervisory	0.87 (1)	8.20	(3)
9CP Commissioners Plan	2.08 (1)	8.20	(1)
9MP Managers	3.33 (1)	8.20	(2)

PROTECTED GROUP: MINORITY

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Annual Goals</u>
201 Law Enf.	2.47 (8)	5.00	(3)
206 Office	2.44 (2)	1.53	(2)
207 Technical	2.27 (3)	2.80	(3)
214 Professional	7.41 (2)	2.80	(2)
216 Supervisory	0.00 (0)	2.80	(1)
9CP Commissioners Plan	4.76 (2)	1.53	(1)

PROTECTED GROUP: FEMALE

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Annual Goals</u>
201 Law Enf.	2.47 (8)	11.00	(4)
206 Office	100.00 (82)		
207 Technical	18.18 (24)	42.71	(3)
214 Professional	0.00 (0)	42.71	(2)
216 Supervisory	10.71 (3)	19.57	(3)
9CP Commissioners Plan	28.57 (12)	40.84	(2)

OUTSTATE

Interim goals for protected groups by occupational categories.

PROTECTED GROUP: HANDICAPPED

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Annual Goals</u>
201 Law Enf.	0.00 (0)	8.20	(0)
206 Office	6.10 (5)	8.20	(2)
207 Technical	3.03 (4)	8.20	(2)
214 Professional	0.00 (0)	8.20	(1)
216 Supervisory	0.00 (0)	8.20	(2)
9CP Commissioners Plan	0.00 (0)	8.20	(2)
9MP Managers			

PROTECTED GROUP: MINORITY

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Annual Goals</u>
201 Law Enf.	2.99 (5)	5.00	(3)
203 Service	7.32 (3)	2.80	(3)
206 Office	5.32 (28)	4.69	(10)
207 Technical	3.60 (5)	2.80	(5)
214 Professional	3.48 (4)	2.80	(4)
216 Supervisory	5.22 (6)	5.24	(1)
9CP Commissioners Plan	2.08 (1)	4.69	(0)
9MP Managers	3.33 (1)	4.90	(1)

PROTECTED GROUP: FEMALE

<u>Occupational Category</u>	<u>Group Percent</u>	<u>Ideal Goal</u>	<u>Annual Goals</u>
201 Law Enf.	4.79 (8)	11.00	(1)
203 Service	9.76 (4)	42.71	(3)
206 Office	87.12 (426)		
207 Technical	18.71 (26)	42.71	(2)
214 Professional	36.52 (42)	42.71	(1)
216 Supervisory	52.17 (60)	48.27	(0)
9CP Commissioners Plan	37.50 (18)	44.57	(1)
9MP Managers	23.33 (7)	22.00	(0)

PROCEDURES FOR PRE-EMPLOYMENT REVIEW

Objective: To establish the course of action to be taken during the selection process in order to meet the Department's Affirmative Action goals.

1. Consultation with Managers

Managers will be advised of the goals for the various goal units under their control by the Affirmative Action Officer.

2. Personnel Selection Process: Pre-employment review

- a. The Personnel Office is notified in writing of job vacancies.
- b. If a disparity exists, the Affirmative Action Officer works closely with the personnel director, monitoring and collecting data each step of the hiring and/or promotional process.
 - (1) A job analysis is completed for the vacant job.
 - (2) The position description will be revised as needed.
 - (3) Job-related criteria (knowledge, skills, and abilities) needed to perform the tasks on the position description will be determined.
 - (4) The Personnel Director ascertains whether there exists an appropriate Certification List or if a job announcement is in order.
 - (5) If a job announcement is in order, the Affirmative Action Officer will recruit affirmatively for the position.
 - (6) Managers/Supervisors will be notified regarding the Affirmative Action goal disparity that exists, and will be informed of their obligation to interview protected group members certified.
 - (7) If an appropriate certified list exists, telephone calls will be made and letters sent by certified mail to all applicants on the certified list announcing the job vacancy. Interviews will be scheduled for interested persons who respond to the announcements.
 - (8) A list of uniform job related questions will be devised by the supervisor. The Affirmative Action Officer will check the questions to make sure that they are job related and within legal limitations.
 - (9) Interviews will be conducted by the supervisor and/or others. Results of the interview will be kept.

- (10) The qualifications of candidates will be compared, based on all available evidence of qualifications and the requirements of the job. The Affirmative Action goals and current disparities will be considered in the selection process.
- (11) When a Supervisor fails to select a protected group member where there is a disparity, the Supervisor must explain in writing, with sufficient specificity, why such protected group person(s) was not selected. The written justification shall be reviewed by the Personnel Director and the Affirmative Action Officer, and no selection will be made until such written reasons have been reviewed. Where the Affirmative Action Officer believes that the reasons for non-selection are insufficient, the Affirmative Action Officer will advise the Manager/Supervisor of his/her decision and advise selection in favor of the protected group member.
- (12) All candidates will be notified of the hiring decision.
- (13) Documentation will be kept on the selection process for all appointments. Data on every appointment where there is a disparity will explain what the Department did to remedy the disparity.

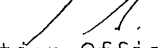
APNCSNA09Q

DEPARTMENT OF PUBLIC SAFETY
Office of Personnel

STATE OF MINNESOTA
OFFICE MEMORANDUM

TO : Division & Staff Office Directors

DATE: 03-07-91

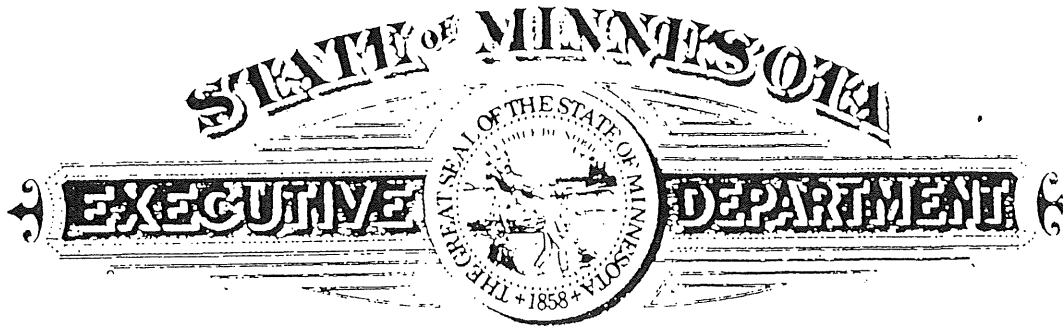
FROM : Noah Shelton 
Affirmative Action Officer

PHONE: 6-3899

SUBJECT: Executive Orders Prohibiting Discrimination
Because of Sexual Preference

Attached are copies of Executive Orders 91-4 and 91-5 signed by Governor Carlson on Tuesday, January 29, 1991 which prohibits discrimination against people because of their sexual adaptation or preference and against people who are HIV positive or have AIDS related conditions.

Please notify employees of both Executive Orders by "Posting."



EXECUTIVE ORDER 91-5
PROVIDING FOR NON-DISCRIMINATION IN STATE
GOVERNMENT OF INDIVIDUALS BECAUSE OF
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

I, Arne H. Carlson, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the state recognizes the rights and concerns of employees who have AIDS; and

WHEREAS, the state recognizes the rights of inmates, residents of state facilities, students, and the public at large who have AIDS to continue to receive quality service; and

WHEREAS, people who have AIDS are entitled to the same rights and opportunities as other persons who are disabled or have a serious, life-threatening illness;

NOW, THEREFORE, I hereby order that:

The agencies, departments, boards and commissions within the Executive Branch of state government and under the jurisdiction of the Governor:

1. Shall not discriminate in state employment against any individual based on his or her HIV infection status including, but not limited to, recruitment, hiring, promotion, tenure and compensation.
2. Shall provide that no employee shall be discriminated against because of his or her HIV infection status, including testing, removal from normal and customary status, or deprivation of any rights, privileges, or freedoms, except for clearly stated and specific medical and/or public health reasons.
3. Shall not discriminate against any individual applicant, inmate, resident, or client because of his or her HIV infection status, except for clearly stated and specific medical and/or public health reasons.
4. The head of each department or agency shall, by appropriate means, ensure that all staff are advised of this order.

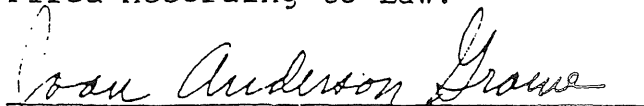
Pursuant to Minnesota Statutes 1990, Section 4.035, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1990, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 29th day of January, 1991.



ARNE H. CARLSON
Governor

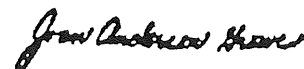
Filed According to Law:

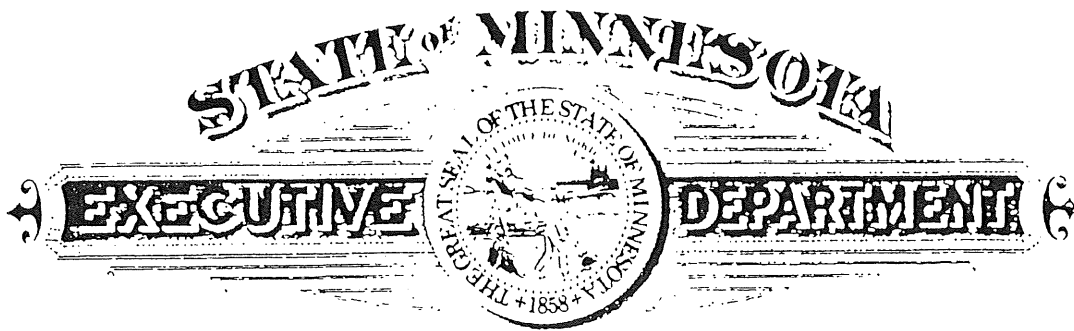


JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 29 1991


Secretary of State



EXECUTIVE ORDER 91-4
BARRING DISCRIMINATION IN STATE GOVERNMENT
ON THE BASIS OF SEXUAL OR AFFECTIONAL PREFERENCE

I, Arne H. Carlson, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the right of privacy for all Minnesotans is inalienable and must be respected and vigorously enforced; and

WHEREAS, government must not tolerate discrimination or harassment based on sexual or affectional preference; and

WHEREAS, all state workers have the right to a work environment free from hostile, intimidating, or offensive behavior;

NOW, THEREFORE, I hereby order that:

The agencies, departments, boards and commissions within the Executive Branch of state government and under the jurisdiction of the Governor:

1. Shall not discriminate in state employment against any individual based on that person's sexual orientation including, but not limited to, recruitment, hiring, promotion, tenure, and compensation.

2. Shall provide a work environment free of harassment, which is a form of discrimination and in general is the display of behavior by one employee toward another which has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive work environment.

3. The head of each department or agency shall, by appropriate means, ensure that all staff are advised of this order.

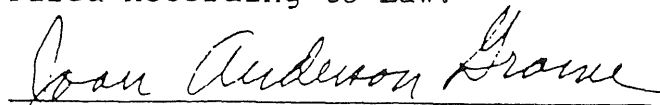
Pursuant to Minnesota Statutes 1990, Section 4.035, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1990, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 29th day of January, 1991.



ARNE H. CARLSON
Governor

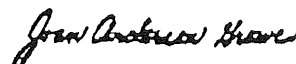
Filed According to Law:



JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 29 1991


Secretary of State

PERSONS RESPONSIBLE FOR AFFIRMATIVE ACTION IN THE DEPARTMENT

A. Direction and implementation of the program.

1. Responsible

The following people are responsible for directing the Affirmative Action Program.

Commissioner Ralph E. Church

Equal Opportunity Officer Deborah L. Montgomery, Asst. Commissioner

Affirmative Action Officer Noah C. Shelton

2. Responsible Staff

The following people are responsible for implementing the Affirmative Action Program.

Managers and Supervisors

AFFIRMATIVE ACTION OFFICER

Responsibility: The Affirmative Action Officer is responsible for the daily direction and implementation of the Departments Affirmative Action Program.

Duties:

- A. To review and recommend changes in policies, procedures and programs to facilitate Affirmative Action within agency.
- B. To recruit protected group persons for any openings within the agency where there is a disparity.
- C. To conduct equal opportunity seminars, orientation programs, and participate in other agency programs and seminars.
- D. To submit Affirmative Action reports as required and coordinate communications involving Affirmative Action and Equal Opportunity.
- E. To identify and eliminate barriers to equal employment opportunity within the Department.
- F. To conduct a pre-employment review of all appointments to under represented job categories before hiring decisions are authorized.
- G. To act as liaison between the Department and the Department of Employee Relations.
- H. To play an active part in the Informal and Formal Complaint Resolution Procedures outlined in this plan.

Accountability: The Affirmative Action Officer is directly accountable to the Commissioner and indirectly to the Equal Opportunity Department.

APNCSNA09E

PERSONNEL DIRECTOR

Responsibility: To review personnel policies and practices in order to ensure that all employees are treated fairly and equitably in terms and conditions of employment.

Duties:

- A. To review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationship to job performance.
- B. To maintain records that will enable the analysis of all portions of the selection process to include a breakdown by sex, race, handicap, job category, job classification, location, and division of the following information: applicants tested, interviewed, selected, promoted, salary; employees receiving promotions, achievement awards, training; grievances, disciplinary actions, and separations by reason.
- C. Oversees all openings in each division and section and publicize both competitive and promotional examinations through the department.

Accountability: The Personnel Director is directly accountable to the Commissioner.

APNCSNA09H

MANAGERS/SUPERVISORS

Responsibility: To apply the Affirmative Action Policy in all phases of employment as well as to all phases of day-to-day operations.

Duties:

- A. To communicate the policy and spirit of the plan to employees under their immediate supervisor. The Affirmative Action Officer will be available to assist them if necessary.
- B. To choose candidates for new positions or promotional opportunities on the basis of training, experience, the Agency's Affirmative Action goals, and the pre hiring review.
- C. To submit to the Affirmative Action Officer written documentation of the reason for non-selection of a protected group candidate for which a disparity exists.
- D. To comply with the Department's complaint resolution procedure as outlined in this plan.

Accountability: Managers and supervisors will be evaluated on the results of their Affirmative Action efforts on their performance review and appraisal.

APNCSNA09I

IV CONTINUED

AFFIRMATIVE ACTION RESPONSIBILITIES - ON-GOING

COMMISSIONER

Objective

Through firm commitment and active support of the Affirmative Action Program to ensure equal employment opportunity and encourage the professional growth of all employees and applicants for employment.

Responsibilities: The Commissioner has final responsibility to direct the overall administration of the department's affirmative action program and to set forth the principles of equal opportunity in departmental policy.

Duties:

- A. To designate the Department Equal Opportunity Officer.
- B. To approve and sign the Department Affirmative Action Plan and all other policies relating to affirmative action.
- C. To require the inclusion of affirmative action objectives in the performance evaluations of each assistant commissioner, division director, and staff office director.
- D. To take action, if needed, on complaints of discrimination.
- E. To make final determination of employee complaints of discrimination.

Accountability: The Commissioner shall be accountable directly to the Governor and indirectly to the Commissioner of the Department of Employee Relations and the Director of Equal Opportunity Department for all Equal Employment Opportunity and Affirmative Action matters.

APNCSNA09G

EQUAL OPPORTUNITY OFFICER

Responsibilities: To assist the Commissioner in the administration of the Department Affirmative Action Plan.

Duties: The duties of the Equal Opportunity Officer shall include:

- A. To ensure that the Commissioner's policies and directives regarding Affirmative Action are carried out.
- B. To evaluate managers on their annual job performance review and appraisal regarding their efforts to fulfill their Affirmative Action responsibilities and duties as described by the plan.

Accountability: The Equal Opportunity Officer is directly accountable to the Commissioner.

APNCSNA09K

DISSEMINATION OF POLICY AND PLAN

A. Internal Communication

1. Written Communication:

- a. The Affirmative Action Officer will post the full Affirmation Action Plan in each division indicating that copies of the policy may be obtained from the Affirmative Action Office/Personnel Office.
- b. The Affirmative Action Officer ensures that the Affirmative Action Program is disseminated through:
 - 1) The new employee packet that is distributed to all new employees in New Employee Orientation.
 - 2) The plan will be prominently displayed on the employee bulletin boards in each operating location.
 - 3) The Affirmative Action Officer will conduct a section on Affirmative Action for new employee orientation.
 - 4) The department's newsletter.
 - 5) Posters
 - 6) Other appropriate publications.
 - 7) All directors will receive a copy of the 1990-91 Affirmative Action Plan.

B. External Communication

1. The commitment of the department to affirmative action will be aggressively publicized through the widest variety of media so that minority, female, and handicapped applicants are encouraged to seek employment and promotion in the department.
2. The Affirmative Action Officer will inform recruitment organizations, including those identified by the Department of Employee Relations, secondary schools, and those who make their existence known by filing notice with the department, of vacancies occurring within the department by requesting assistance in recruitment efforts.
3. All communications on job opportunities will include the statement, "The Minnesota Department of Public Safety is an affirmative action and equal opportunity employer".
4. Each division and staff office will be responsible for including a nondiscriminatory clause in all division contracts as defined in the Minnesota Human Rights Act, Section 363.073, Subd. 1, "Certificates of Compliance for Public Contracts," and will ensure that such contracts are in compliance with Title VI of the Civil Rights Act of 1964, as amended.