

920404

**MINNESOTA DEPARTMENT OF PUBLIC SAFETY**

**AFFIRMATIVE ACTION PLAN REVISIONS**

**(1991-92)**

**AFFIRMATIVE ACTION PLAN**  
 Fiscal Year \_\_\_\_\_  
 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	X			
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		X	X	
Health Treatment Professional				
General Professional			X	
Professional State Residential Instructional Supervisory			X	
Commissioner's Plan		X	X	
Managerial Plan			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, 210 Transportation Building

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

*W. J. [Signature]*  
 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

\_\_\_\_\_  
 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.

\_\_\_\_\_  
 Equal Opportunity Division

\_\_\_\_\_  
 Date

**AFFIRMATIVE ACTION PLAN**  
 Fiscal Year \_\_\_\_\_  
 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				
Technical	X	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	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, 210 Transportation Building

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[Signature]  
 Affirmative Action Officer

Jan 6, 1992  
 Date

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[Signature]  
 Agency Head

          
 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.

          
 Equal Opportunity Division

          
 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 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.

## 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.

## 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.

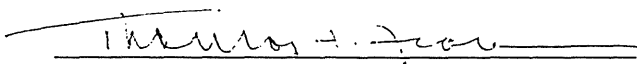
To take prompt and appropriate action to eliminate harassment. Such action may include discipline.

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

3-6-92  
DATE

## PROJECT OBJECTIVES

### 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 the 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 and Personnel Office.

**TARGET DATE(S):** May 6, 1992

**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.

## **RECRUITMENT OF PROTECTED CLASSES FOR LAW ENFORCEMENT**

**OBJECTIVE:** To correct disparity in law enforcement under minorities and women.

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

**PERSONS RESPONSIBLE:** Affirmative Action Officer, Personnel Director and State Patrol.

**TARGET DATE(S):** November 20, 1992

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

## TRAINING FOR CAPTAINS AND LIEUTENANTS ON SEXUAL HARASSMENT

**OBJECTIVE:** To present information to the State Patrol on Sexual Harassment, Harassment and discrimination.

**ACTION:** Supervisor class for Captains and Lieutenants will be conducted October 1992 by the Affirmative Action Officer.

**TARGET DATE(S):** October 1992

**PERSONS RESPONSIBLE:** Affirmative Action Officer, Personnel Office and State Patrol.

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

## GOALS AND DISPARITIES

**GOALS:** Inform Directors of goals and disparities by division.

**ACTIONS:**

1. Memo to all Directors
2. Attachment of goals and disparities
3. Affirmative Action Officer will meet with Directors to discuss division goals.

**PERSON RESPONSIBLE:** DOER, Affirmative Action Officer and the Personnel Office

**TARGET DATE(S):** June 20, 1992

Dissemination of Information--Policy Implementation

## SEXUAL HARASSMENT TRAINING FOR PUBLIC SAFETY EMPLOYEES

**OBJECTIVE:** To present information to all employees on rights and responsibilities as related to sexual harassment and policy and procedures.

**ACTIONS:**

- 1). Establish schedule and timetable for sessions.
- 2). Identify trainers.
- 3). Present informational sessions to all employees.
- 4). All new employees will be provided information on sexual harassment and harassment in new employee orientation.

- 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.

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**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	Thomas Frost
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



## 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.

## 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.

## 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.

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## 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.

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## 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 outlines in this plan.

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

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## 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.
  - 8) Distribution of the Commissioner's Policy Statement.

### 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.

## **AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY ACTIVITIES**

The Affirmative Action Officer is available to be present during any counseling sessions between supervision and protected group employees.

Supervisors, managers, and directors are evaluated on their EEO performance on a formal basis each year. Each person is responsible to keep the workplace free from discrimination and harassment.

EEO Policy is posted on all Public Safety bulletin boards.

The Commissioner is kept apprised of all discrimination complaints and issues.