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MINNESOTA STATE ARTS BOARD
AFFIRMATIVE ACTION PLAN

Updated - 10/98

MINNESOTA STATE ARTS BOARD AFFIRMATIVE ACTION PLAN

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MINNESOTA STATE ARTS BOARD

STATEMENT OF COMMITMENT

The Minnesota State Arts Board is committed to the state of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action for its employees and the public it serves. I affirm my personal and official support of these policies which provide:

- That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, membership or activity in a local commission, sexual orientation, or age.
- That the Board will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Board will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce.

Managers and supervisors will be held accountable for ensuring that Affirmative Action programs are implemented since these are the individuals who can ultimately make the most impact on this program. Each manager and supervisor shall have a statement in his/her position description on their affirmative action responsibilities.

In order to administer the plan most effectively, I have delegated this responsibility to the Affirmative Action Designee, Gail Burke, who will act as the agency's Affirmative Action Officer and is responsible for monitoring the day-to-day activities of the program. She also serves as the agency ADA Coordinator.

Anyone interested in reviewing the agency's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues, may contact our Affirmative Action Officer.

Oct 21 - 1998
DATE


EXECUTIVE DIRECTOR

Internal Discrimination Complaint Procedure

The Minnesota State Arts Board has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited. Complaint procedures may be modified in accordance with requirements or changes in applicable policies, rules, and collective bargaining agreements.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer designee to carry out responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the Affirmative Action Officer designee shall be reported to the employee's manager, and/or the Assistant Director.

Who May File

Any employee, applicant, or eligible of the Minnesota State Arts Board who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation may file a complaint. Employees who are terminated must file their internal complaint prior to their actual separation.

The Complaint Procedure

The complaint procedure provides two avenues for resolution of discrimination complaints. The informal procedure provides an opportunity for anyone who believes that they have been harassed or discriminated against to discuss the situation immediately with the Affirmative Action Officer designee or Assistant Director to ask for advice or to seek an informal resolution. If the informal procedure is unsuccessful, if the complainant is dissatisfied with the resolution, or if the complainant prefers to bypass the informal process, the formal procedure is used. In the case of a sexual harassment complaint, only the formal process may be used.

Informal Procedures

Employees, applicants, or eligibles must present their complaint to the Affirmative Action Officer designee in an effort to reach an informal resolution. The Affirmative Action Officer designee must give the complainant an oral or written answer within a timely manner in an effort to resolve the complaint. If the employee feels uncomfortable discussing the matter with the Affirmative Action Officer designee, or the complaint is against the Affirmative Action Officer designee, the employee may present the complaint to the Assistant Director, who will attempt to resolve the matter informally. Employees also have the right to participate in the statewide Workplace Mediation Project, administered by the Office of Dispute Resolution at the Bureau of Mediation Services.

Formal Filing Procedures

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees should file the formal complaint within 30 days of the occurrence of the event giving rise to the complaint. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
 - A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee within ten (10) working days will inform the complainant.
 - B. If the complaint **is** related to discrimination, the Affirmative Action Officer designee will contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer designee shall investigate the complaint and provide a written answer within sixty (60) days after the formal complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
4. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but not be limited to, the following types of data:
 - A. Interviews or written interrogatories with all parties involved in the complaint; complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
 - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.

5. At the conclusion of the investigation, the Affirmative Action Officer designee shall review the findings of the investigation and, if sufficient evidence substantiates the complaint, appropriate action will be taken. The complainant(s) and respondent(s) will be notified of the completion of the complaint investigation. Any other information released regarding the investigation will be pursuant to the Minnesota Government Data Practices Act.
6. If the Affirmative Action Officer designee believes insufficient evidence exists to support the complaint, a letter will be sent to complainant and the respondent(s) dismissing the complaint.
7. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.
9. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

Minnesota State Arts Board
 Park Square Court
 400 Sibley Street, Suite 200
 St. Paul, MN 55101
 (651) 215-1610

COMPLAINT OF DISCRIMINATION

Please Read Before Completion of Form

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and _____.

Complainant (You)

| | | |
|--------------|-----------------------|---------------------|
| Name | Job Title | |
| Work Address | City, State, Zip Code | Telephone () |
| Agency | Division | Manager |

Respondent (Person Who Discriminated Against You)

| | | |
|--------------|-----------------------|---------------------|
| Name | Job Title | |
| Work Address | City, State, Zip Code | Telephone () |
| Agency | Division | Manager |

The Complaint

| | |
|--|--|
| Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Political Affiliation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Harassment <input type="checkbox"/> Veterans Status <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Commission <input type="checkbox"/> Status with Regard to Public Assistance | |
| Date most recent act of discrimination took place: | If you filed this complaint with another agency, give the name of that agency: |
| Describe how you believe that you have been discriminated against (names, dates, places, etc.). | |

Use a separate sheet of paper if needed and attach to this form.

Information on Witnesses Who Can Support Your Case

| Name | Work Address | Work Telephone |
|------|--------------|----------------|
| 1. | | () |
| 2. | | () |
| 3. | | () |

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

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

Complainant Signature

Date

Affirmative Action Officer Signature

Date

OBJECTIVE TO HIRE PROTECTED GROUP MEMBERS

When the Minnesota State Arts Board has a vacancy which is underrepresented for females, minorities, or persons with disabilities, the Arts Board will make an effort to recruit protected group members.

The Arts Board may request the Department of Employee Relations to approve the expansion of the eligible list to include protected group members so that the Board may have an opportunity to act affirmatively.

Supported Work

The Minnesota State Arts Board will review vacant positions and assess the current workload and needs of the office to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from DOER. The Arts Board will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

REASONABLE ACCOMMODATION POLICY

Policy

This agency is committed to encouraging the employment of people with disabilities. We will make reasonable accommodations to the physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would impose an undue hardship on the agency.

Accommodations will be provided to qualified individuals, whether an employee or employee seeking promotion, or job applicant, when such accommodations are directly related to performing a job or competing for a job. Accommodations will not be provided for non-job related personal needs, such as transportation to and from work.

An individual with a disability is defined as:

- a person who has a physical or mental impairment that substantially limits one or more major life activities;
- a person who has a record of such an impairment; or
- a person who is regarded as having such an impairment.

Examples of Reasonable Accommodation May Include, But Are Not Limited To:

1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, reallocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring. They may include flexible work hours and/or restructuring job duties while retaining the essential job duties.
4. Support services. Services such as interpreters for individuals with hearing impairments, readers for individuals who are blind or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

Requests for Reasonable Accommodations for Employees:

The steps to request a reasonable accommodation are:

1. The supervisor and individual with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.

REASONABLE ACCOMMODATION AGREEMENT

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

Name of Employee

Name of Division Manager

The request for reasonable accommodation to the needs of the above named employee with a disability was:

☐ ACCEPTED ☐ DENIED

If the request was denied, explain the justification for the decision (indicate specific factors considered).

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

☐ Yes ☐ No ☐ Partially

REASON (If "no" or "partially" was checked):

DESCRIBE specific accommodations to be made

COST ESTIMATE _____

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

Signature of Employee

Date

Signature of Executive Director

Date

Signature of Affirmative Action Officer

Date

PE-00092-01 (4/83)

WEATHER EMERGENCIES

1. A copy of the most recent memorandum from the Department of Employee Relations is included in this plan.
2. All employees will be notified as outlined in this memorandum.
3. All employees with disabilities will receive notification, if at work, by the supervisor or designated backup staff in the case of an emergency. If the employee is not at work and an emergency is called, the supervisor will contact the employee, either by phone or through the Minnesota Relay Service, at (800) 627-3529.

Updated 3/31/97

Minnesota
Department of
Employee
Relations

*Leadership and partnership in
human resource management*

Memo

DATE: December 2, 1996

TO: Agency Heads
Human Resource Directors/Designees

FROM: Karen L. Carpenter *Karen Carpenter*
Deputy Commissioner/Acting Commissioner

RE: Weather Emergencies

The purpose of this memo is to remind you that once again we are approaching the time of year when we may have severe weather emergencies.

Each time an emergency is declared we learn where changes or improvements can be made to our policy. This year is no different, in that we are making some adjustments.

As background, weather emergencies are declared when a number of conditions exist. The factors that are considered are:

- ♦ Road maintenance. Are state highways open and snowplows operating?
- ♦ Transit operations. Are local transit systems running?
- ♦ Additional weather conditions. Is wind, cold or ice a factor?
- ♦ Other considerations. Are power or heating systems affected?

This office receives notification from the Duty Officer in the Emergency Management Division of Public Safety if a severe weather situation is occurring anywhere in the state. This office also provides us with road conditions, snowplowing information and transit operations obtained from local law enforcement. We consider all of the information from these sources and then decide if it is necessary to declare an emergency and close state offices.

The decision to declare an emergency can be statewide or limited to a specific portion of the state. Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency.

Agency heads will be notified when an emergency is declared. It is imperative that your agency has in place an internal procedure for relaying this information to any/all your offices affected. While we will be informing the media, we have found that some employees do not receive the notification in a timely fashion.

Please note MnSCU (Minnesota State Colleges and Universities) have statutory authority to close their facilities and this policy does not apply to them.

How to find out about a weather emergency

If a weather emergency is declared during the night, we will give the following announcement to WCCO 830 and WMNN 1330, KSTP, WCCO and KARE TV for broadcast. The announcement will also be forwarded to the Associated Press (AP) to be put on the news wire for radio stations in greater Minnesota.

“A weather emergency has been declared by the Commissioner of the Department of Employee Relations. As of (time and date), all Minnesota state offices will be closed in the following area(s): (geographic location(s)). This does not apply to employees who are required by their agency to work during a weather emergency.”

This statement will be provided to the media prior to the start of the normal work day (8:00 a.m.). We continue to monitor weather conditions through the Emergency Management Division, and if changes in the emergency designation are warranted, they will be made as the day progresses.

If an emergency is declared during the business day, the agency head will be notified by telephone and fax prior to the declaration. We will also notify the media of the declaration.

Several days following a weather emergency, you will receive a written notification from my office which includes the time, date and geographic location of the emergency along with processing information to pay employees.

If you have employees who are deaf or have a hearing impairment

Supervisors of deaf and hearing impaired employees should have a procedure in place for these individuals to learn about a weather emergency. If your employee has a TTY machine (telecommunication device for the deaf), the supervisor can contact the employee through the Direct Connect Minnesota Relay Service (MRS) at (612) 297-5353 (metro) or 1-800-627-3529 (out state). Here's how it works:

- ♦ The supervisor or other assigned co-worker calls the MRS number.
- ♦ The MRS operator dials the employee's number.
- ♦ When the supervisor is on the line, he/she can relay a message to the TTY machine and help conduct any conversation that may be necessary.

The weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. We recognize that there may be unique individual situations due to the employee's location that make it impossible for that employee to get to work when an emergency has not been declared. In those circumstances, supervisors should consider allowing the employee to make up the lost time or use compensatory time or annual leave.

I hope this information helps you understand how emergencies for state employees are determined and announced. Please feel free to share this information and the enclosed posting with your employees. If you have any questions, please contact your human resources office.

Enclosure

cc: Labor Relations Representatives

admserv/formltrs/m-weather

Harassment Policy

Statement of Policy

It is the policy of the Minnesota State Arts Board to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation. This prohibition with respect to harassment includes both serious acts and petty and annoying acts which create a negative work environment. Any employee subjected to such harassment should file a complaint with the agency's Affirmative Action Officer designee. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer designee will be expected to keep the agency and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer designee is also responsible for:

1. Making certain that each individual who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
2. Notifying all employees, and orienting each new employee who is hired, of this policy; and
3. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has

the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment, including sexual harassment, to occur: 1) among peers or co-workers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Board's Affirmative Action Officer designee, or Assistant Director. In fulfilling our obligation to maintain a positive and productive work environment, the affirmative action officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Clearly, varying degrees of seriousness in discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions, including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors which do not rise to the level of discriminatory harassment, yet are annoying and perhaps insulting, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant, or eligible of the Minnesota State Arts Board who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in our agency's affirmative action plan.

MINNESOTA STATE ARTS BOARD

The Minnesota State Arts Board has written the following plan in order to be in compliance with State regulations and Federal nondiscrimination laws and to ensure the safety of agency personnel.

Section One - Procedures

This section includes what to do in case of fire, medical emergencies, or inclement weather. (See attachment from building management.)

I. FIRE

A. What to do before a fire:

1. Know your closest exit.
2. Know where the nearest fire extinguisher is and how to use it.

B. What to do in case of Fire:

1. Leave your office via the closest exit. If the exit is blocked, call 911 and tell them your exact location.
2. Get to a safe location and call 911 and give address and location of fire.
3. In smoke, crawl, don't run! Fresher air is near the floor.
4. After leaving building count heads to make sure all have cleared the building.

II. BLIZZARD OR OTHER WEATHER EMERGENCY

A. Blizzard

1. If the snowstorm occurs before business hours the Assistant Director will contact the Human Resource Manager and they will then contact all employees and inform them what to do. Any employee who uses a TTY to communicate over the phone will be contacted by their Human Resource Manager to inform them of the weather emergency.
2. If the snowstorm occurs during business hours the Executive Director (or in his absence the Assistant Director) will contact the Commissioner of Employee Relations for a decision about closing the office.

B. Electrical Storm

1. Staff should turn off all computers.
2. There are emergency lights located by the receptionist desk, the exit by the kitchen, and outside in the hall.

III. TORNADO

A. When a warning siren sounds:

1. Proceed to the center of the suite, and then to the basement via the stairs Go to the east side of the basement, away from the atrium. The HR person (or the program assistant) will bring the emergency kit which includes a flashlight, candles, and matches.
2. Any employee that has a hearing impairment will be told of the warning siren by the HR person or their supervisor.

Section Two - **Equipment**

Fire Extinguishers

Staff should know the location of all fire extinguishers. The Arts Board is equipped with two "multi-purpose" (ABC) extinguishers, which can be used for ordinary combustibles, flammable liquids, and electrical equipment. They are located in the file room (mounted on the wall) and in the kitchen behind the door.

These fire extinguishers are maintained and inspected by Nardini once a year.

The agency has a first-aid kit that is housed in the kitchen. It is equipped with all items required by the Minnesota Occupational Safety and Health Act (OSHA) under the Federal Regulations and the American National Standards Institute rules.

Section Three - **Special Circumstances**

Evacuation of Occupants with Disabilities

During an emergency, staff present would need to accompany anyone with disabilities who needs assistance to the proper location.

Search for Unidentified Objects

If there is reason to suspect that an unidentified, possibly dangerous object has been located in the office, staff must contact police immediately by calling 911. No employee shall be required to participate in any search for an explosive or incendiary device.

Section Four - **Personnel**

Loss of Pay

No employee shall suffer any loss of pay because of any building evacuation in an emergency situation.

Section Five - **Training**

Staff Training and Awareness

Staff members each receive a copy of the agency's *Safety Plan*. Once a year it is reviewed with the staff.

In May 1995 all employees received CPR training. Follow-up training is being reviewed.

Section Six - Agency Documents

Safeguarding Agency Documents and Funds

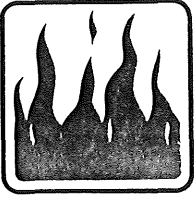
The agency files on the network are backed up each weekday evening. These backup tapes are taken to a off-site location once a week. They are rotated and archived once a month, and once a year.

All personnel records and financial information are housed in locked file cabinets. Only petty cash is kept on premises.

Updated 10/98

firepl.doc

WHAT TO DO IN A FIRE EMERGENCY:



1. Activate an alarm pull station OR call 9-1-1 and Building Management at 228-9456.

Give the following information to both:

- Park Square Court Building, 400 Sibley Street, Suite 200 St. Paul
- Floor Number
- Details of fire emergency



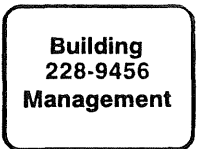
2. Notify your floor captain or coordinator.

3. If evacuation is necessary, use the nearest stairwell.



DO'S :

- Leave immediate fire area and close doors behind you.
- Use stairwells to evacuate.
- If caught in heavy smoke, take short breaths through your nose, stay near the floor and move to the exit by crawling.

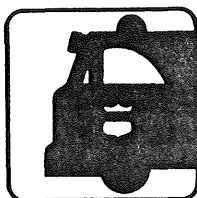


DON'TS :



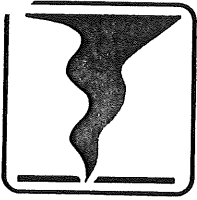
- DO NOT attempt to fight the fire.
- DO NOT use elevators.

WHAT WILL HAPPEN NEXT :

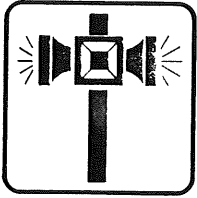


- Fire Department is dispatched by the 911 Center.
- Building Management will prepare for arrival of Fire Department.
- Fire Fighters arrive to handle the emergency.

WHAT TO DO IN A TORNADO EMERGENCY:

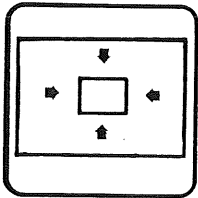


A tornado warning is an alert by the National Weather Service confirming a tornado sighting and location. Public warnings will be given by 5-minute steady blasts of sirens over the Ramsey County Civil Defense Warning System.



Building Management monitors the National Weather Service Broadcasting Channel. Should conditions warrant, you will hear a weather announcement and instructions over the building emergency paging system.

If you hear a tornado warning, proceed as follows:



1. Move away from the perimeter of the building and exterior glass.
2. Go to the enclosed areas in the building core, the elevator lobbies, corridors, restrooms and stairwells.



WHAT WILL HAPPEN NEXT:

- You will hear the "ALL CLEAR" over the building emergency paging system when it is safe to return to your office.

