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# Minnesota State Agency Affirmative Action Biennial Report

1997-1998

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Minnesota  
Department of  
Employee  
Relations

*State of Minnesota:  
Employer of Choice*



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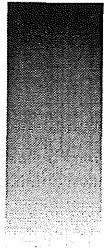
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Minnesota  
Department of  
Employee  
Relations

*State of Minnesota: Employer of Choice*

## Section 1 - Statement of Commitment

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*Minnesota recognizes the benefits of a diverse workforce, and is earnestly committed to making efforts that advance equal opportunity and affirmative action in this state.*

The Department of Employee Relations and the staff of the Office of Diversity and Equal Opportunity are pleased to present the 1997-1998 Minnesota State Agency Affirmative Action Biennial Report. This report details agency efforts and progress in affirmative action, equal employment opportunity and diversity initiatives during the past two years. The report also provides numerical and statistical information outlining executive branch implementation of affirmative action requirements.

We offer sincere thanks to each and every state employee who worked diligently to develop and implement their agency's affirmative action plan and promote equal opportunity. We appreciate their commitment. It is because of their diligent efforts that the State of Minnesota as an employer is becoming increasingly diverse racially and culturally and in many other areas of diversity.

In the past two years, we have explored numerous opportunities to enhance the services we provide to state agencies. We have also explored many options to improve our commitment to creating a world-class work force that not only embraces diversity, but is one in which diversity is an integral part of everyday business. In furthering our commitment to diversity, affirmative action and equal employment opportunity, we regularly evaluate the services we should and can provide to state agencies and look forward to developing and enhancing our partnership with them.

The Department of Employee Relations and the Office of Diversity and Equal Opportunity believe that all citizens of the State of Minnesota should have equal access to employment at every level of government. We are strongly committed to helping state agencies create a discrimination free environment and embrace the concepts of fairness and equality.

Sincerely,

Karen L. Carpenter  
Commissioner  
Department of Employee Relations

Darcel D. Lewis  
Director  
Office of Diversity and Equal Opportunity

## Section 2 - Introduction and Summary

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*The State of Minnesota, as an employer, is committed to equal opportunity, affirmative action and an increase in the diversity of its workforce.*

“The ultimate civil right for people is the equality of economic opportunity.” - Lloyd Benson

This biennial report reflects the efforts and progress of the State in achieving its affirmative action goals. Minnesota Statutes § 43A.191, subd. 3(b) requires the Commissioner of DOER to submit a report on the affirmative action progress of each agency and the state as a whole to the Governor and to the Finance Committee of the Senate, the Ways and Means Committee of the House of Representatives, the Governmental Operations Committees of both houses of the legislature, and the Legislative Commission on Employee Relations. The report must include

noncompetitive appointments made under section 43A.08, subdivision 2a, or 43a.15, subdivisions 3 to 13, and cover each agency's rate of compliance with affirmative action requirements (see Appendix for complete statutory provision).

Over the 1997-1998 period, implementation of the State's affirmative action plan in collaboration with executive branch agencies has led to an increasingly diverse, qualified workforce. Expansion of recruitment and retention efforts provides an opportunity to continue this promising trend.

## Section 3 - Laws, Rules, and Procedures Guiding the State's Affirmative Action Program

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*The State of Minnesota is committed to its affirmative action program.*

"Human diversity makes tolerance more than a virtue; it makes it a requirement for survival." - Goethe

The State of Minnesota has statutes, rules, procedures, and executive orders establishing its commitment to affirmative action on the part of the State as an employer. The texts of these provisions are included in the Appendix.

Among the important statutory and regulatory provisions are:

- Minnesota state laws establish a statewide affirmative action program (M.S. § 43A.19) and agency affirmative action programs (M.S. § 43A.191).
- Rules promulgated pursuant to this statute establish the requirements for each agency's affirmative action plan. Each executive branch agency is

required to have an affirmative action plan. Reporting requirements establishing the contents of affirmative action plans are established by the Department of Employee Relations and are contained in Department of Employee Relations Administrative Procedure 19.1. Among these rules are the requirement that agencies with 25 or more employees set goals and timetables for hiring of women, racial minorities, and persons with disabilities; that each agency head state a commitment to the state's affirmative action efforts; and that each agency have internal procedures for processing complaints of alleged discrimination and discriminatory harassment from applicants, eligibles and employees.

## Section 4 - Affirmative Action Progress of the State as a Whole

*Composite statistical data of the state's employment demographics.*

"Affirmative action is about opening the door of opportunity. The solution is not to close the doors but to keep them open." - Ada Deer, assistant secretary for Indian Affairs, Department of Interior

Minnesota State Government Progress in Increasing Employment of Protected Groups (Females, Minorities and Persons with Disabilities)

**Table One**

**Number of Women, Minorities and Persons with Disabilities Employed  
in the Legislative, Judicial and Executive Branches of Government**

### **Legislative**

	<b>Total # of Employees</b>	<b>Female Employees</b>		<b>Minority Employees</b>		<b>Disabled Employees</b>	
		<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>Senate</b>							
January 1999	215	131	60.9	7	3.2	Not available	
January 1997	209	128	61.2	10	4.8	Not available	
<b>House</b>							
January 1999	275	167	60.7	16	5.8	9	3.2
January 1997	261	159	60.9	16	6.1	9	3.4
<b>House &amp; Senate</b>							
January 1999	490	298	60.8	23	4.6	9	1.8
						(House only)	
January 1997	470	287	61.1	26	5.5	9	1.9

**Number of Women, Minorities and Persons with Disabilities Employed in the  
Legislative, Judicial and Executive Branches of Government (Continued)**

**Judiciary**

	<b>Total # of Employees</b>	<b>Female Employees #      %</b>	<b>Minority Employees #      %</b>	<b>Disabled Employees #      %</b>
<b>Supreme Court</b>				
January 1999*	144	94      65.9	14      .91	0      0
January 1997	268	186      69.4	11      4.1	2      .7
<b>Court of Appeals</b>				
January 1999*	63	44      69.1	5      7.9	0      0
January 1997	84	55      65.5	8      9.5	0      0
<b>District Courts</b>				
January 1999*	640	438      68.4	23      3.5	0      0
January 1997	834	428      51.3	26      3.1	7      0.8
<b>Public Defender</b>				
January 1999	728	328      45.1	85      11.7	Unavailable
January 1997	Accurate data on January 1997 composition of the Public Defender's Office is unavailable.			
<b>Total Judiciary</b>				
January 1999	1,575	904      57.3	127      8.1	0      0
January 1997 (does not include Public Defender)	1,186	669      56.4	45      3.8	9      0.08

**Number of Women, Minorities and Persons with Disabilities Employed in the  
Legislative, Judicial and Executive Branches of Government (Continued)**

**Executive**

	<b>Total # of Employees</b>	<b>Female Employees</b>		<b>Minority Employees</b>		<b>Disabled Employees</b>	
		<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
January 1999+							
Classified		17,785	46.4	2,102	5.5	2,708	7.0
Unclassified		1,859	4.8	295	0.8	163	0.4
<b>Total</b>	<b>38,554</b>						
January 1997+							
Classified		16,939	45.7	1,859	5.0	2,803	7.6
Unclassified		1,719	4.6	276	0.7	183	0.5
<b>Total</b>	<b>37,092</b>						

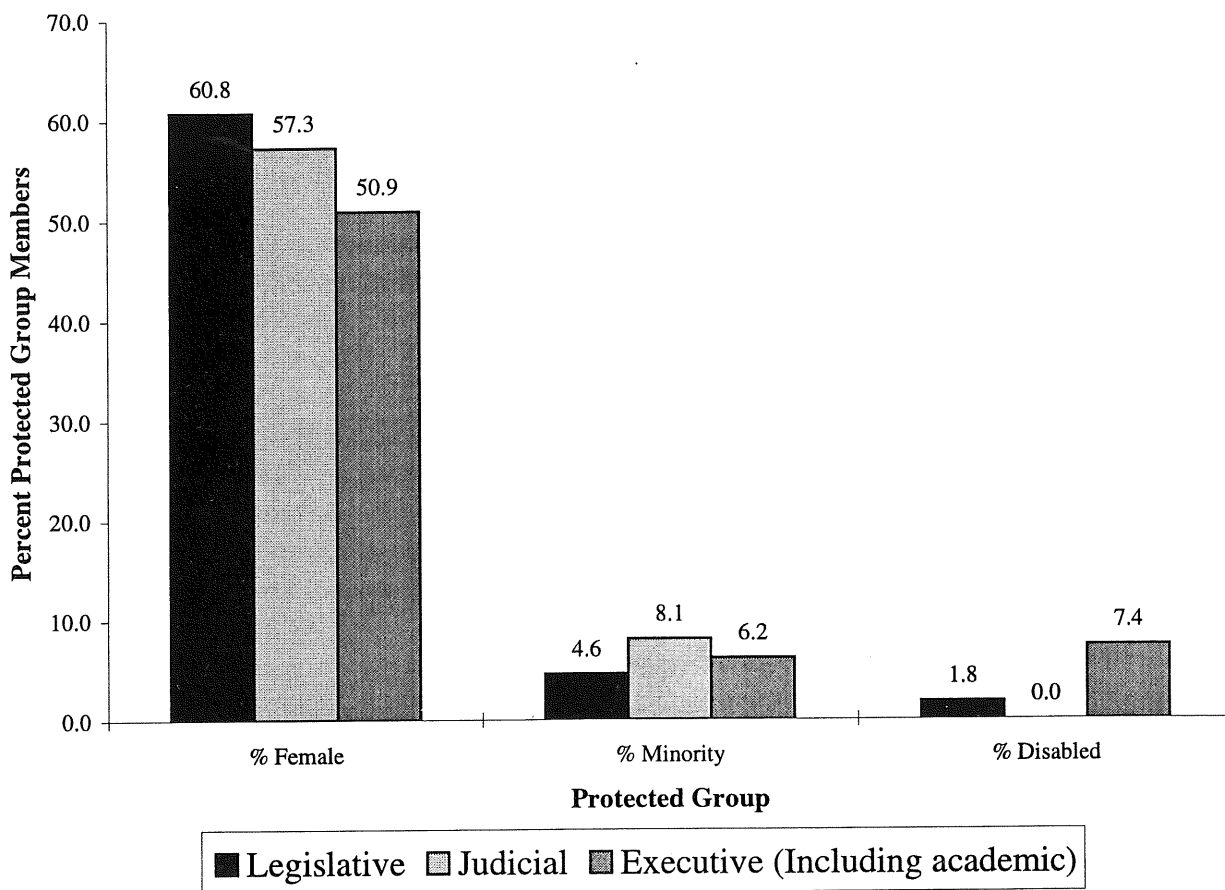
Figures for 1997 vary from 1995-1996 biennial report due to a one-time standardization of data collected and reported for biennial reports.

- \* Does not include elected officials; does not include per diem employees (e.g., bar examination graders)
- + Numbers reported include executive branch employees only, trainees, active and paid leave status. Numbers reported do not include retirees, separated employees, unpaid leaves of absence, laid off employees, seasonal layoff, deceased, non-status, interns, student workers, academic employees.

# = Numerical count of employees  
% = Percentage of the total workforce



# Percentage of Women, Minorities and Persons with Disabilities Employed in the Legislative, Judicial and Executive Branches of Government



## **Section 5 - Summary of Demographics of Executive Branch Employees Hired from January 1, 1997 - December 31, 1998**

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For the last two years, ending December 31, 1998, State executive branch agencies hired 7,423 new classified employees. Of these, 4,413 were women, 265 were persons with disabilities, and 901 were minorities.

During this same time period, State executive branch agencies hired 1,514 new unclassified employees. Of these, 923 were women, 42 were persons with disabilities, and 159 were minorities.

### **Executive branch employees hired January 1, 1997-December 31, 1998**

	Number	Percent
Classified		
Females	4,413	49.4
Minorities	901	10.1
Persons with Disabilities	265	6.3
Unclassified		
Females	923	10.3
Minorities	159	1.8
Persons with Disabilities	42	0.5

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Some employees are counted more than once if they are employed in more than one job.

Chart includes: executive branch employees , trainees, active or paid leave status employees.

Chart does not include: retirees, separated employees, unpaid leave of absence employees, layoff employees, seasonal layoff, non-status employees, deceased. Also not included are interns, student workers, academic employees and rehires.

## Section 6 - Affirmative Action Progress of Each Agency and Reporting Progress

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*Review of state agencies' progress in reaching employment affirmative action goals.*

"We must become the change we want to see." -- Mahatma Gandhi

### A. Affirmative Action Plans

*Each state executive branch agency that is required to do so has submitted an affirmative action plan for review by the Department of Employee Relations.*

The requirements of the contents of an affirmative action plan are designated by statute, rule, and administrative procedures, and vary dependent on whether an agency has fewer than 25 employees or 25 or more employees. Minnesota Statutes 43A.191 enumerates some of the actions executive branch agencies are required to take in regard to affirmative action. Included among these mandates are that the agencies:

- Demonstrate a good faith effort to recruit protected group members by following an active recruitment plan for agencies with 25 or more employees;
- Implement a coordinated retention plan for agencies with 25 or more employees; and
- Have an established complaint resolution procedure (for all agencies).

Agencies are required to submit affirmative action plans to the Department of Employee Relations during even-numbered years.

During this biennium, the Office of Diversity and Equal Opportunity (ODEO) at the Department of Employee Relations (DOER) has provided concentrated assistance and guidance to agencies in writing affirmative action plans. Numerous statewide training sessions on writing plans were provided from March through June, 1998, which were attended by approximately 150 agency representatives. Individual sessions were also held with agency representatives throughout 1998 as agencies prepared individualized affirmative action plans.

### Achieving Progress

Agencies assess and monitor results by setting goals using statistical population data from objective sources in conjunction with agency workforce data. The goals and timetables are documented in agency affirmative action plans. The intent of affirmative action is to remedy past discrimination, eliminate barriers, and create a level playing field that is fully inclusive. Agency plans contain procedures to address discrimination complaints, and programs and policies to eliminate barriers to employment. Each agency examines whether equal employment opportunity is indeed being provided through its efforts through active implementation of its affirmative action plan procedures and programs along with continuous assessment of effectiveness.

## The Approval Process

The approval process for agency affirmative action plans involves an intensive and thorough review by the Office of Diversity and Equal Opportunity. Suggestions for improvement are written in each plan and returned to the agency with a checklist of plan requirements. The Office of Diversity and Equal Opportunity then works with each agency to make appropriate changes to the plan. Agencies resubmit the plans, which are again thoroughly reviewed. This process repeated until the plan meets all requirements. Those plans meeting all requirements are approved by the Director of the Office of Diversity and Equal Opportunity. All of the agencies required to submit affirmative action plans for approval have submitted plans to the Office of Diversity and Equal Opportunity.

The Office of Diversity and Equal Opportunity is currently developing a program to audit each agency's affirmative action efforts to assist in the implementation of the affirmative action plans and assess opportunities for improvement.

### **B. Protected Group Reports/Non-list Hiring Monitoring Forms**

*Review of state agencies' progress in reaching affirmative action goals in employment.*

Minnesota Statute 43A.191, subd. 3(c) requires agencies that have not met affirmative action hiring goals to justify nonaffirmative action hires according to criteria issued by the Department of Employee Relations. This facilitates accountability in the hiring process within agencies and between each agency and the Department of Employee Relations. The intent is to examine whether an agency repeatedly misses opportunities to hire

qualified protected group members (over 25% of the time when affirmative action goals are unmet) in favor of non-protected group members.

In order to assist agencies in this assessment, each agency is required to implement a pre-hire review process. When a vacancy occurs in an agency which has a disparity for a protected group (i.e., racial minorities, females, or persons with disabilities) in the particular job classification for the existing vacancy, the agency implements its pre-hire review procedure. This procedure:

- Requires that the hiring supervisor's hiring recommendation be reviewed by the appropriate appointing authority;
- Requires that no offer for employment be made until the appropriate appointing authority and the agency's affirmative action office are sufficiently satisfied with a supervisor's rationale for recommending a non-protected group applicant when a disparity exists;
- Creates opportunities for agency appointing authorities to review hiring supervisor recommendations so that hiring is based on applicant qualifications rather than personal biases or comfort levels; the hiring process to the point of pre-hire review has been a non-discriminatory process; and barriers for protected group members have been eliminated;
- Requires agency appointing authorities and affirmative action officers to document the hiring decisions on Protected Group Reports and Non-List Hiring Monitoring forms and submit them to the Office of Diversity and Equal Opportunity.



Over the past two years, state agencies have made efforts to monitor their hiring decisions through this process. Agencies have submitted thousands of reports and data reflective of these efforts to the Office of Diversity and Equal Opportunity(ODEO). During 1999, ODEO will work closely with each agency to address any problems in the agency recruitment or hiring process.

ODEO will implement a new procedure to more effectively and accurately monitor agency hiring on a continuous basis, providing agencies with feedback and assistance throughout the year. Statewide percentages for hiring when disparities existed are as follows:

---

	Total Opportunities	Affirmative Hires		Justified Hires		Missed Opportunities	
		#	%	#	%	#	%
List Appointments	4,414	892	20.2	3,176	71.9	346	7.8
Non-List Appointments	3,101	979	31.6	2,082	67.1	40	1.3

**Total Opportunities** represents the number of hiring opportunities when disparities existed for state agencies during the two-year period ending December 31, 1998. **Affirmative Hires**, **Justified Hires**, and **Missed Opportunities** represent the information provided by state agencies by January 22, 1999 on hiring decisions during this period.

---

### C. Availability of detailed information/ DOER recordkeeping

*Additional records on employee demographics and affirmative action progress are available from the Department of Employee Relations.*

The Department of Employee Relations maintains a number of extensive, detailed statistical reports on the demographics and employment status of executive branch

agencies, that help monitor and assess affirmative action progress of executive branch agencies. These reports are not included in this Biennial Report because of their lengthy nature (several hundred pages each time the report is generated). However, these reports are available upon request from the Department of Employee Relations\*.

<u>Report Number</u>	<u>Name of Report</u>	<u>Description of Report</u>
PDHR6120†	Count of State Employees by Protected Group and Goal Unit	Agency specific quarterly report generated for each protected group that includes a listing of the total number of employees, total number of protected group members, protected group member percent composition, and similar information categorized by managers, professionals, supervisors, and all other job categories.
PDHR6200	Executive Branch Employment Statistics	Quarterly report listing statistics (percent, average age, average years of service, and average hourly rate of pay) for each agency in terms of gender, race (white/minority), classified, unclassified, non-status, academic, full-time unlimited, and totals for each agency.
PDHR6012	List of Job Code Titles by EEO4 Category	Quarterly report of all active job codes grouped by EEO4 occupational categories and listed alphabetically within each category. Information such as job code, job family, bargaining unit, and salary related information is included.
PDHR6100	Employee Roster by Job Title, Bargaining Unit	Semi-annual report roster of state employees split by job code listing agency, employee ID number, appointment status, class, sex, disability, ethnic group, hourly pay rate, etc.
PDHR6121	Count by State Employees by Goal Unit	Quarterly report that lists the following information for each agency: Total number of state employees, total number and percentage composition of protected group members and employees whose protected group traits are not identified.

<u>Report Number</u>	<u>Name of Report</u>	<u>Description of Report</u>
PDHR6210	Count of Protected Group Employees by Transaction and Job Title	Semi-annual report generated for each type of job event (e.g., appointment from competitive list, emergency appointment) giving a count of appointments for each specific job title filled by a female, minority or person with a disability.
PDHR6230	EEO4 Report	Annual EEO4 report for each agency that lists EEO job categories, associated salaries, and racial/ethnic identification within gender breakdown. Information given for full-time, non-full-time and new hires.
PDHR6231	Agency by EEO4 Function	Annual report listing EEO4 functions and the agencies associated with that function.
PDHR6270	List Appointments by Agency	Annual report listing the total appointments made by each agency with a breakdown of the count and percentage composition of women, minority, and disabled individuals hired through eligible lists (competitive, promotional, re-employment).
PDHR6271	Non-list Appointments by Agency	Annual report listing the total appointments made by each agency with a breakdown of the count and percentage composition of women, minorities and persons with disabilities hired through non-list means.
PDHR6272	List and Non-List Appointments by Event Group	Annual report listing the type of appointment event and the total appointments made with a percentage breakdown of women, minorities, and persons with disabilities hired through list and non-list means.

<u>Report Number</u>	<u>Name of Report</u>	<u>Description of Report</u>
PDHR6126	Executive Branch Protected Group Separation Report	Biennial statewide report (generated every quarter with rolling 24-month period) listing separation types and associated statistics for protected group members.
Unnumbered	Missed Opportunities	Data extracted from current data base biennially. Information tracked is number of opportunities to hire affirmatively, number of affirmative hires, number of justified hires, and number of missed opportunities to hire affirmatively when a disparity exists in the job classification being filled.

\* Access to some reports is limited due to data privacy concerns.

† This report contains detailed information of each agency's current composition, broken down by protected group (women, minorities [African American, American Indian/Alaska Native, Asian/Pacific Islander, Hispanic] and persons with disabilities) and total number and percentage of managers, professionals, supervisors and others who are protected group members.



## Section 7 - Awareness, Acceptance, and Appreciation for Diversity and Affirmative Action: Activities of Executive Branch Agencies

---

*Minnesota agencies are demonstrating ingenuity, enthusiasm and commitment in their individual and collective activities to increase diversity.*

"You can learn a lot from people who view the world differently than you do." - Anthony J. D'Angelo, The College Blue Book

Executive branch agencies have worked creatively and with determination to make a more welcoming and diverse workplace a reality.

The State of Minnesota as an employer strives for equal opportunity for all individuals at every level of employment. The challenges we face continue to grow rapidly. Diversity in the workplace is an inclusive effort to share in the wealth of experiences that a variety of individuals bring to state agencies. Affirmative action and equal opportunity initiatives are tools that help agencies hire and retain individuals from various communities. Agencies are developing and revising their diversity programs on an ongoing basis. The State strives to create a workforce that reflects the communities we serve. State agencies are committed to creating an environment that acknowledges and embraces the diversity of Minnesota, and they have taken innovative steps to move toward a more diverse workforce.

The following are examples of some of the outstanding, innovative efforts of state agencies to further this goal:

- Standard orientation for new employees on diversity, affirmative action and discrimination issues.
- Ongoing training and retreats for employees, focused on issues such as recruitment and retention, diversity, affirmative action, and the Americans with Disabilities Act.
- Designing accessible internet web pages listing career opportunities.
- Ongoing internships and mentorship programs designed to give high school/college students experience and information about state agency opportunities.
- Initiation and support of employee work groups and consultative committees to discuss workplace diversity developments.
- Monthly staff visits to human service, agencies and community-based organizations that serve persons of diverse backgrounds.
- Honoring and recognizing the efforts of individuals and agency workgroups that made superior contributions to the agency's diversity efforts through diversity awards.
- Development and distribution of calendar celebrating Minnesota's history and heritage of diversity.

- Increasing the number of individuals with second language skills on advisory boards and committees.
- Agency participation in and sponsorship of diverse community cultural events, e.g., Spring Pow-Wow, Martin Luther King Day celebrations, Latino Unity Conference, Asian Mid-Autumn Festival, and Giving Thanks Feast.
- Developing partnerships with educational institutions and businesses in formulating training projects, new jobs and career paths for individuals making the transition from public assistance to workforce participation.
- Diversity benchmarking: Conducting a study of best practices in diversity in public and private sector organizations.
- Development and distribution of newsletters, brochures, literature, magazines, mailings and radio programs addressing various aspects of diversity (including sexual harassment, racism, gay/lesbian issues, anti-Semitism and disabilities).

## Section 8 - An Increasingly Diverse Population

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*Minnesota reflects increasing racial, cultural and multiethnic diversity in the general population.*

*Population studies indicate Minnesota will become increasingly diverse, and has become increasingly diverse since the 1995-1996 Biennial Report; the State Demographer has tracked populations, and made projections of future Minnesota demographics.*

"The menace to America today is the emphasis on what separates us rather than what brings us together." - Daniel Boorstin, Librarian of Congress Emeritus

Minnesota Planning has documented state demographic trends. Minnesota's population will grow more slowly, will be older, and will become more racially and ethnically diverse.

- The lifespan of the elderly in Minnesota is longer.
- The baby boomers are aging. Substantial growth is predicted for the number of people 45 and above.
- By 2025, for the first time, people age 65 and older will outnumber children under age 15.
- Minnesota has experienced a rapid increase in the African-American, Asian, American Indian and Hispanic origin populations, and will continue to experience increases in these populations.
- The African American population is expected to more than double, from 141,900 in 1995 to slightly more than 300,000 in 2025.
- The number of Asian or Pacific Islander residents in Minnesota is projected to grow from 112,100 in 1995 to 229,000 in 2025.
- Minnesota's American Indian, Eskimo and Aleut population is expected to grow from 61,300 people in 1995 to about 92,300 in 2025.
- The number of Minnesotans of Hispanic origin is projected to rise from 85,100 in 1995 to about 296,000 in 2025.
- Minority population growth will account for a larger share of the total population growth in Minnesota in the future.

The above information on state demographic trends is extracted from: "Faces of the Future: Minnesota Population Projections 1995-2025", published by the Minnesota Planning State Demographic Center.

## Section 9 - Partners in Affirmative Action

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*The State has actively pursued numerous efforts to assist agencies in increasing diversity and improving affirmative action programs.*

"We seek not just freedom, but opportunity -- not just legal equality but human ability -- not just equality as a right and theory, but equality as a fact and as a result." - Lyndon B. Johnson

The mission of the Minnesota Department of Employee Relations is Leadership and Partnership in Human Resource Management. The Department's Mission Statement states, in part,

"By 'partnership', we mean:

Involving others in decision-making through teamwork and effective communication."

In fulfilling this mission, we seek to involve a number of stakeholders in our efforts in order to obtain greater success in meeting affirmative action goals and implementing affirmative action programs.

Some of these partners in affirmative action include the following:

- **The Governor's Affirmative Action Council.** Created by Executive Order 91-14, the Governor's Affirmative Action Council is led by the Lieutenant Governor, and is constituted of the five Commissioners from the Departments of Employee Relations, Economic Security, Human Rights, Administration and Human Services. The Council works in cooperation with the Chicano Latino Affairs Council, Commission on the Economic Status of Women, Council on

Asian Pacific Minnesotans, Minnesota State Council on Disability, Indian Affairs Council, the Council on Black Minnesotans, and the Statewide Affirmative Action Committee Chairperson. Staff support is provided by the Department of Employee Relations. The Council was established to provide leadership and support to the chief executive in discussing issues affecting communities and constituents. Critical issues addressed and identified by the Council as needing attention during the past two years included: welfare reform, citizenship, community violence, and gambling.

- **Interagency Diversity Coordinators Group.** Recently re-established by the Office of Diversity and Equal Opportunity, the IDCG is committed to promoting diversity throughout Minnesota. Composed of state employees with experience and interest in diversity, equal opportunity and affirmative action, the group meets regularly to provide leadership and support in helping to create work environments that value, respect and appreciate differences and similarities.



- **Americans with Disabilities Act Advisory Committee.** The ADA Advisory Committee members are ADA/Disability Coordinators from numerous state agencies. They serve in an advisory capacity to the State ADA/Disability Program Coordinator by raising and discussing compliance issues facing state agencies. Committee meetings also serve as a mechanism for sharing information, resources and expertise related to the Americans with Disabilities Act, accommodations, policies and best practices in the workplace.
- **Statewide Affirmative Action Council.** The Statewide Affirmative Action Committee (SWAAC) was formed in April, 1977, and serves in an advisory capacity to the Office of Diversity and Equal Opportunity. The members of SWAAC are affirmative action officers or have affirmative action responsibilities within their agency. Members are nominated by their commissioner or agency head with the Commissioner of Employee Relations appointing members to a two-year term. The purpose of the Committee is to lead, develop, and implement affirmative action programs on a statewide level. Members meet regularly to discuss the affirmative action concerns of agencies. The Committee's ultimate goal is to assist in attaining a diversified workforce in all state agencies through implementation of affirmative action policies.
- **Increased Work Opportunities Now (IWON) Program: Project to Recruit Former Welfare Population to State Employment.** The welfare-to-work transition, coupled with the anticipated workforce shortage, inspired the Department of Employee Relations to create programs such as Increased Work Opportunities Now (IWON) to attract these prospective workers. At the request of Commissioner Karen Carpenter, the Department launched the IWON program, aimed at recruiting economically disadvantaged jobseekers to state employment, including former welfare recipients. Since the IWON program began in February, 1998, the State has filled 16% of entry level positions with economically disadvantaged applicants, exceeding the legislative goal of filling at least ten percent of entry level vacancies with former welfare recipients. After being hired by a state agency, the new state employee may be eligible for promotional opportunities in state government. If the employee becomes permanent, s/he is eligible for benefits such as insurance, retirement, vacation and sick leave.
- **Joint Labor-Management Affirmative Action Committee.** The eight-member Committee is composed of an equal number of designees of the Employer (State of Minnesota) and the Union (AFSCME). Some of this Committee's interests include affirmative action plans, proposed solutions to existing problems

brought to the Committee for review and discussion and measures to provide maximum cooperation with goals and objectives determined by the Committee. It also works with Statewide Affirmative Action Committee, the Interagency Diversity Coordinators Group, and the Office of Diversity to develop statewide anti-discrimination and diversity training.

- **Councils established by statute.** The State of Minnesota as an employer values the input and counsel of its citizens regarding diversity and affirmative action issues. A number of Councils have been established to advise the governor, the state legislature, state agencies, and the public on the administration of programs, services and facilities and public policy. Their roles are not limited to advising the State on its affirmative action program, however. They also serve as resources for public information and formulate plans, programs, and policies to serve their communities. These Councils include:

**Chicano-Latino Affairs Council - Created in 1978**

Director: Irene Gomez-Bethke  
Address: 555 Park Street, Suite 408  
St. Paul, MN 55101  
Telephone number: 1-888-234-1291 (toll free)  
e-mail: Irene.Gomez-Bethke@state.mn.us

**Council on Asian Pacific Minnesotans - Created in 1985**

Director: Ilean K. Her  
Address: 100 University National Bank  
200 University Avenue W.  
St. Paul, MN 55103  
Telephone number: (651) 296-0538  
e-mail: Kao.Ly.Her@state.mn.us

**Council on Black Minnesotans - Created in 1980**

Director: Lester R. Collins  
Address: 426 Wright Building  
2233 University Avenue  
St. Paul, MN 55114  
Telephone number: 651) 642-0811  
e-mail: Lester.Collins@state.mn.us

**Council on Disability - Created in 1973**

Director: Clell Hemphill  
Address: 107 Metro Square  
121 East 7th Place  
St. Paul, MN 55101  
Telephone number: (651) 296-6785  
e-mail: C.Hemphill@disability.state.mn.us

**Indian Affairs Council - Created in 1963**

Director: Joseph Day  
Address: 1450 Energy Park Drive, Room 140W  
St. Paul, MN 55155  
Telephone number: (651) 643-3032  
e-mail: In process

**Legislative Commission on the Economic Status of Women - Created in 1976**

Director: Aviva Breen  
Address: 85 State Office Building  
100 Constitution Avenue  
St. Paul, MN 55155  
Telephone number: (651) 296-8590  
e-mail: Aviva@commissioners.leg.state.mn.us

## **Section 10 - The Office of Diversity and Equal Opportunity**

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*The Office offers leadership, direction and assistance to state agencies to ensure equal opportunity and affirmative action.*

"Leadership has a harder job to do than just choose sides. It must bring sides together." - Jesse Jackson

The Office of Diversity and Equal Opportunity offers guidance and leadership for the state's affirmative action program. The mission of the Office of Diversity and Equal Opportunity (ODEO) is to provide leadership, consultation and support to state agencies and to serve as an information resource in the areas of:

- Compliance with requirements for the development and implementation of affirmative action processes, affirmative action plans, programs and equal opportunity compliance;
- Compliance with guidelines for the Americans with Disabilities Act;
- Diversity programming and planning, including agency initiatives;
- Information and resources to promote and maintain inclusive hiring and employment practices for the State of Minnesota as an employer;
- Selection, retention and mentoring strategies and program initiatives.

### **A. Achievements during the 1997-1998 biennial period**

In pursuing this mission over the past two years, ODEO has focused on developing and sharing expertise in guiding executive branch agencies. Some of the division's accomplishments in the past two years include:

- Thorough review of Agency Affirmative Action Plans and provision of one-on-one consultation with Agency representatives.
- Training and consultation to state agencies on writing and implementing affirmative action plans, determining eligibility under the ADA, developing strategies for inclusive recruitment, and establishing orientation training for new Affirmative Action Officers and ADA Coordinators.
- Complete revision of Supervisory Core Training materials including affirmative action, diversity, sexual harassment, equal opportunity, discriminatory harassment and the integration of the Americans with Disabilities Act and employment practices.

- Development and statewide distribution of the ODEO Visions newsletter and the ADA Bulletin.
- Collecting and compiling agency Americans with Disabilities Act (ADA) Annual Reports documenting compliance with Titles 1 and 2 of the ADA.
- Reinstating Interagency Diversity Coordinators Group.
- Strengthening its role in advising agencies on compliance with the Americans with Disabilities Act.
- Developing a statistical report of separations from employment in order to determine whether there is an adverse impact on protected groups.
- Enhancing relationship/network/collaboration with Human Resource directors.
- Reconvening the Supported Work Task Force.
- Continuing education opportunities through providing speakers at monthly ADA Coordinator meetings.
- Strengthening and developing relationships and collaboration between the Department Of Employee Relations and the Office of Diversity and Equal Opportunity.
- Providing information to all state agencies regarding website accessibility requirements and suggestions for implementation.

- Serving on the National Disability Employment Awareness Month Committee and assisting in the development and statewide distribution of materials for October Disability Employment Awareness Month.
- Reviewing sexual harassment complaint investigations of state agency employees as provided by union contract.

#### **B. The Office of Diversity and Equal Opportunity: Looking to the Future**

The Office of Diversity and Equal Opportunity intends to continue its efforts to implement the State's affirmative action plan during the next two years. ODEO intends to build on its achievements and will:

- Examine the state's current affirmative action practices for compliance with statutes and caselaw and clarify the state's affirmative action policies.
- Draft consistent, clarifying rules and procedures, and draft language for proposed changes to Minnesota Statutes § 43A, as well as executive orders.
- Audit each executive branch agency's affirmative action plan for compliance with affirmative action requirements, including affirmative action audits.
- Revise and expand the Supported Employment Program into more state agencies.



- Develop and present workshops for executive branch agencies, with topics including writing and implementing affirmative action plans, investigating discrimination complaints, recruitment of job applicants from diverse backgrounds, retention of qualified employees, determining eligibility under the ADA, the reasonable accommodation process, and implementing the Supported Employment and the 700-Hour Program.
- Formulate and maintain a tracking system for affirmative action plans.
- Generate and share suggestions for state agency diversity programming.
- Develop and update ODEO resources for statewide distribution, including a media library for use by State agencies;
- Conduct a study on the number of temporary state jobs occupied by disabled individuals that are filled by able-bodied individuals when the jobs become permanent. Examine whether state agencies are in compliance with state and federal law in hiring qualified disabled individuals. Recommend any assistance state agencies may need to comply with applicable laws and submit report to the Legislature.
- Collaborate with Staffing regarding recruitment and external communication of career opportunities with the state.
- Evaluate the need for statistical information and program options.
- Develop and implement a retention program, which may include a mentorship training program. Analyze state agency retention and recruitment issues.
- Assess agency training needs regarding diversity, Americans with Disabilities Act, affirmative action, Protected Group Reports, equal employment opportunity, sexual harassment, mentorship, recruitment, retention, and reengineering and provide training as requested and required.
- Monitor agency list hires and non-list hires through protected group reports and non-list hire forms.
- Assess the need to revise the tracking of list and non-list hires, and improve the consistency of information reported by revising existing forms.

The Department of Employee Relations and its Office of Diversity and Equal Opportunity has a number of statutory and regulatory requirements in providing assistance to agency's regarding the state's affirmative action program. These requirements are included in the appendix.

## Section 11 - Looking to the Future: Recruitment and Retention of State Employees

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*State agencies focus on improving recruitment and retention of protected group employees.*

"Let us not look back in anger or forward in fear, but around in awareness." - James Thurber

### A. Recruitment

#### **Why is recruitment of protected group members important?**

- Recruitment of protected group members helps agencies in achieving the goal of increasing the diversity of available qualified candidates, with the benefits that accrue from having a qualified, diverse workforce.
- Recruitment of protected group members taps into underutilized groups of qualified candidates, which is important during worker shortages.

#### **What is Minnesota's current status, as an employer, on recruitment issues?**

- The State currently has a recruitment system to attract new state employees. However, inclusive, focused recruitment has not been emphasized.
- Current reorganization of the state's hiring process requires an assessment of how to fully include protected group members in each agency's recruitment efforts.

- Minnesota is currently benefiting from existing initiatives, such as the IWON program, to bring workers into state service through temporary appointments. However, the success of bringing in such workers is tempered by the fact that less than half of the IWON employees made the transition into full-time permanent employment.

#### **Future partnering with state agencies to increase inclusiveness in recruitment.**

- Partnering will help lessen and eliminate barriers for protected group member job applicants.
- Partnering will help agencies explore recruitment needs, and development of recruitment training.
- Partnering will increase best practices information sharing and may spur innovative recruitment approaches that will benefit the State.

### B. Retention

#### **Why is employee retention important?**

- Retention of employees is critical to Minnesota as an employer because it reduces the amount of money spent in terms of recruitment, hiring and training.

- Low employee retention results in loss of employee productivity and loss of agency credibility.

### **What is Minnesota's status in protected group workforce retention?**

- A comparison of protected group employee separation from state employment indicates a need for aggressive action. **Females, minorities, and persons with disabilities currently account for 51.2 percent, 6.3 percent and 7.4 percent of the current State of Minnesota workforce, respectively.**
- Females received 54.3 percent of dismissals, minorities received 22.46 percent, and persons with disabilities received 8.25 percent.
- Females received 58.3 percent of terminations without rights, minorities had 11.77 percent, and persons with disabilities received 2.38 percent.

### **Future partnering with state agencies is the key to retention.**

- Assisting agencies in determining separation trends of protected group members is critical to improving the retention of protected group members.
- A cooperative effort is needed to develop a means of communicating information and offering assistance to agencies to determine the existence of barriers to state employment and career progression, and to develop solutions.

- The separation pattern of protected group members in the workforce indicates the need for partnering between ODEO and state agencies to improve the retention of protected group members.

### **Statewide Retention**

- Separation from state service for females, minorities, and persons with disabilities should generally reflect the workforce composition.
- Given the worker shortage and added costs of employee turnover, determining the reasons why protected group members are not retained in state employment in accordance with their representation in the workforce, is an important issue.
- Individual agencies, in partnership with ODEO, need examine their organization to identify and address the factors that have an impact on agency retention.
- Establishing an ongoing process to monitor the success of protected group hires through the initial stages of employment (probation and increasing familiarity with agency structure) will help agencies promptly determine what factors may contribute to loss of protected group members.

Separations for protected group members that were above the expected rates are as follows:

<u>Separation Types</u>	<u>Females</u> (females represented 51.2% of the statewide workforce as of 1/1/99)	<u>Minorities</u> (minorities represented 6.3% of the statewide workforce as of 1/1/99)	<u>Persons with Disabilities</u> (persons with disabilities represented 7.4% of the statewide workforce as of 1/1/99)
	%	%	%
Retirement	*40.12	*3.77	13.58
Dismissal	*54.32	22.46	8.25
Resignation	60.03	11.85	*4.66
Termination without Rights	58.31	11.77	*2.38
All Other Types	55.91	7.38	12.66%

\*Number reported within expected workforce composition levels

**Factors to consider in reviewing retention information:**

- Reasons for employee separation may include higher wages, career progression, or greater fringe benefits, but these factors cannot account for the higher than expected separation rates of protected groups.
- Information reported is based on data reported by individual agencies, and reflects the quality of the process used to input the information.

Agencies with offices in both rural and urban areas face challenges in diversifying their workforce. These individual challenges will be addressed in the affirmative action plans, which will reflect the diversity of the respective candidate pool areas.

## Section 12 - Conclusion

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*Although the State continues to make progress in improving its equal opportunity and affirmative action efforts as an employer, it is only through continued efforts that the State will improve its affirmative action activities and reap the benefits of a more diverse workforce.*

"You cannot afford to let someone else make all the decisions. This government is your business. It's everybody's business. I challenge you to get to work." - Hubert H. Humphrey

- Minnesota's population is becoming increasingly diverse, and it is important that the State as an employer be poised to attract a qualified workforce from all communities.
- The State of Minnesota as an employer has made progress in increasing diversity to reflect the available qualified population, disparities still exist throughout the state for women, minorities, and persons with disabilities.
- Women, minorities, and persons with disabilities separate from employment with the State at a higher rate than would be expected based on their numbers in the workforce.
- Executive branch agencies have initiated programs to improve the appreciation of diversity within their agencies, and to attract applicants from diverse groups.
- Agencies have worked hard to develop and implement affirmative action plans in compliance with state requirements.
- A number of state agencies have demonstrated excellent efforts to track and review their hiring decisions to minimize barriers to employment for women, minorities, and persons with disabilities.
- State agencies are increasingly aware of their responsibilities toward recruitment and retention of persons with disabilities in the workplace, and of the requirements of the Americans with Disabilities Act and Minnesota Human Rights Act.

# **APPENDICES**

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- **Affirmative Action Plan Checklists**
- **Affirmative Action Statutory Revisions**
- **Statewide Affirmative Action Program Rules**
- **Affirmative Action Administrative Procedures**





# Affirmative Action Plan Checklist

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Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_

## Agencies with 25 or More Employees

- \_\_\_\_\_ 1. Transmittal Sheet
  - \_\_\_\_\_ Identifies protected groups by bargaining unit
  - \_\_\_\_\_ Shows underutilization
  - \_\_\_\_\_ Signature of Affirmative Action Officer
  - \_\_\_\_\_ Signature of Agency Head
  
- \_\_\_\_\_ 2. Statement of Commitment
  - \_\_\_\_\_ Statement signed by Agency Head
  - \_\_\_\_\_ Commitment to state's affirmative action efforts
  - \_\_\_\_\_ Commitment to implementation of affirmative action plan
  - \_\_\_\_\_ Commitment to affirmatively retain protected group employees
  - \_\_\_\_\_ (Optional) Statement indicating that agency will not tolerate discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, membership or activity in a local commission, or age
  
- \_\_\_\_\_ 3. Identify the Affirmative Action Officer/Designee & Duties
  - \_\_\_\_\_ Directing and implementing agency affirmative action plan
  - \_\_\_\_\_ Specific responsibilities
  - \_\_\_\_\_ Accountable to whom
  - \_\_\_\_\_ Duties of person or group
  
- \_\_\_\_\_ 4. Communication of Affirmative Action Plan
  - \_\_\_\_\_ Internal methods by which the agency's affirmative action plan is communicated to employees and other interested persons (Specify a readily accessible location for the posting of the agency's AA plan)
  - \_\_\_\_\_ External methods by which the agency's affirmative action plan is communicated to employees and other interested persons (Ex.: where, when, and how agency will communicate to the public that agency is "An Equal Opportunity Employer")
  
- \_\_\_\_\_ 5. Complaint Procedure (For Processing Complaints of Alleged Harassment and Discrimination)
  - \_\_\_\_\_ Harassment/Discrimination Policy statement (Introduction)
  - \_\_\_\_\_ Who can file:
    - \_\_\_\_\_ Employees
    - \_\_\_\_\_ Applicants
    - \_\_\_\_\_ Eligibles

## Agencies with 25 or More Employees (cont.)

- \_\_\_\_\_ Initial step must provide for a determination of whether the complaint is properly a discrimination complaint, and therefore, appropriate to be addressed by the internal procedure. In addition, include:
  - \_\_\_\_\_ Time limits on this initial step determination must be established to permit the applicant, eligible, or employee to pursue a complaint determined to be other than a discrimination complaint through other appropriate grievance procedures in accordance with the time limits of those procedures.
- \_\_\_\_\_ Process and timeline of complaint procedure (final written answer within 60 days after a formal complaint is filed; disposition of complaints filed with commissioner within 30 days of final determination)
- \_\_\_\_\_ (Optional) Definitions of harassment, discrimination, etc.
- \_\_\_\_\_ (Optional) Identify who is responsible for investigation & communication
- \_\_\_\_\_ (Optional) Identify who has authority to issue & communicate results
- \_\_\_\_\_ (Optional) Sample complaint form
- \_\_\_\_\_ 6. Goals and Timetables
  - \_\_\_\_\_ Identify hiring goals for Affirmative Action Plan period
  - \_\_\_\_\_ Identify timeline for hiring
- \_\_\_\_\_ 7. Programs and Program Objectives
  - \_\_\_\_\_ Identify & describe methods for developing programs designed to meet AA goals
  - \_\_\_\_\_ Identify program objectives
- \_\_\_\_\_ 8. Methods of Auditing, Evaluating, Reporting Program Success
  - \_\_\_\_\_ Pre-employment review procedure of all hiring decisions for goal units with unmet affirmative action goals
  - \_\_\_\_\_ Pre-review procedure of all layoff decisions to determine their effect on agency affirmative action goals and timetables
  - \_\_\_\_\_ Methods of auditing, evaluating, reporting program success. These could include a discussion of:
    - \_\_\_\_\_ (Optional) Recordkeeping (Statement that recordkeeping is done on hires, turnover, protected group reports, purchase orders for recruitment fees paid, notes on specific recruitment activities, complaints filed, etc.)
    - \_\_\_\_\_ (Optional) Evaluation of affirmative action program, hires, recruitment, retention, turnover & complaints, etc.
- \_\_\_\_\_ 9. Weather Emergencies & Evacuation
  - \_\_\_\_\_ Include statement of how weather emergencies are declared and communicated to employees
  - \_\_\_\_\_ Define weather emergency situations and plans for evacuation or safety
  - \_\_\_\_\_ Define methods of communication, evacuation and safety of disabled persons
  - \_\_\_\_\_ (Optional) Include administrative procedure 5.4 regarding time off in emergencies

## Agencies with 25 or More Employees (cont.)

### 10. Reasonable Accommodation

- \_\_\_\_\_ Identify the individual(s) responsible for ADA compliance
- \_\_\_\_\_ Procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act, United States Code, title 42, sections 101 to 108, 201 to 231, 241 to 246, 401, 402, and 501 to 514
- \_\_\_\_\_ Methods and procedures for providing reasonable accommodations for:
  - \_\_\_\_\_ Job applicants with disabilities
  - \_\_\_\_\_ Current employees with disabilities
  - \_\_\_\_\_ Employees seeking promotion with disabilities
- \_\_\_\_\_ Provisions for funding reasonable accommodations
- \_\_\_\_\_ (Optional) Include definition of undue hardship
- \_\_\_\_\_ (Optional) Copy of Reasonable Accommodation form
- \_\_\_\_\_ (Optional) Copy of Reasonable Accommodation Agreement form

### 11. Recruitment Plan

- \_\_\_\_\_ Identify advertising sources used during the previous year, expenses incurred and results of their use
- \_\_\_\_\_ Identify other methods used to recruit for positions during the reporting period
- \_\_\_\_\_ List job fairs attended during previous year and projected attendance at fairs for upcoming affirmative action plan period
- \_\_\_\_\_ Identify projected hiring opportunities for upcoming period and strategies to recruit for those positions
- \_\_\_\_\_ Identify measures to recruit and hire individuals as described in Internship Administrative Procedures
- \_\_\_\_\_ Identify methods to improve recruitment of persons with disabilities
- \_\_\_\_\_ Supported work (Mention here or in separate section about supported work)
  - \_\_\_\_\_ Identify any positions or functions in the agency that can be used for supported employment as defined in section 268A.01, subdivision 13, of persons with severe disabilities (Call Joanna Morken Hardy with questions at 297-8849)
  - \_\_\_\_\_ Identify measures to recruit and hire individuals in supported employment as described in M.S. 43A.421 (i.e. a plan for filling such positions - Call Joanna Morken Hardy with questions)
- \_\_\_\_\_ (Optional) Statement that you will ensure that recruitment activities are in compliance with ADA (making materials available in alternate formats and that meeting locations are accessible)
- \_\_\_\_\_ (Optional) Identify & list duties of person responsible for implementation of recruitment plan

### 12. Retention Plan

- \_\_\_\_\_ Designate person(s), (including name, division, and position), who are responsible for agency's retention program/activities
- \_\_\_\_\_ Analyze separation & layoff patterns of all employees to determine the impact on protected group members. Analysis must contain data for the previous two year period.
- \_\_\_\_\_ Identify specific methods to retain protected group employees (e.g., mentorship, training, individual development plans, employee network groups, etc.)

# Affirmative Action Plan Checklist

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Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_

## Agencies with Fewer than 25 Employees

\_\_\_\_\_ 1. Statement of Commitment

- \_\_\_\_\_ Statement signed by agency head
- \_\_\_\_\_ Commitment to state's affirmative action efforts
- \_\_\_\_\_ Objective to hire members of protected groups when vacancies occur if an apparent underutilization of protected group members exists in the agency workforce
- \_\_\_\_\_ (Optional) Statement indicating that agency will not tolerate discrimination on the basis 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

\_\_\_\_\_ 2. Complaint Procedure (For Processing Complaints of Alleged Harassment and Discrimination)

- \_\_\_\_\_ Harassment/Discrimination Policy statement (Introduction)
- \_\_\_\_\_ Who can file: \_\_\_\_\_ employees \_\_\_\_\_ applicants \_\_\_\_\_ eligibles
- \_\_\_\_\_ Initial step must provide for a determination of whether the complaint is properly a discrimination complaint, and therefore, appropriate to be addressed by the internal procedure. In addition, include:
  - \_\_\_\_\_ Time limits on this initial step determination must be established to permit the applicant, eligible, or employee to pursue a complaint determined to be other than a discrimination complaint through other appropriate grievance procedures in accordance with the time limits of those procedures.
- \_\_\_\_\_ Process and timeline of complaint procedure (final written answer within 60 days after a formal complaint is filed; disposition of complaints filed with commissioner within 30 days of final determination)
- \_\_\_\_\_ (Optional) Definitions of harassment, discrimination, etc.
- \_\_\_\_\_ (Optional) Identify who is responsible for investigation & communication
- \_\_\_\_\_ (Optional) Identify who has authority to issue & communicate results
- \_\_\_\_\_ (Optional) Sample complaint form

\_\_\_\_\_ 3. Reasonable Accommodation

- \_\_\_\_\_ Procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act, United States Code, title 42, sections 101 to 108, 201 to 231, 241 to 246, 401, 402, and 501 to 514
- \_\_\_\_\_ Methods and procedures for providing reasonable accommodations for:
  - \_\_\_\_\_ Disabled job applicants
  - \_\_\_\_\_ Current employees
  - \_\_\_\_\_ Employees seeking promotion

**Agencies with Fewer than 25 Employees (cont.)**

- \_\_\_\_\_ Provisions for funding reasonable accommodations
- \_\_\_\_\_ Supported work
  - \_\_\_\_\_ Identify any positions or functions in the agency that can be used for supported employment as defined in section 268A.01, subdivision 13, of persons with severe disabilities (Call Joanna Morken Hardy with questions)
- \_\_\_\_\_ (Optional) Include definition of undue hardship
- \_\_\_\_\_ (Optional) Copy of Reasonable Accommodation form
- \_\_\_\_\_ (Optional) Copy of Reasonable Accommodation Agreement form

## Affirmative Action Statutory Provisions

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### 43A.19 AFFIRMATIVE ACTION.

Subdivision 1. **Statewide affirmative action program.** (a) To assure that positions in the executive branch of the civil service are equally accessible to all qualified persons, and to eliminate the underutilization of qualified members of protected groups, the commissioner shall adopt and periodically revise, if necessary, a statewide affirmative action program. The statewide affirmative action program must consist of at least the following:

(1) objectives, goals, and policies;

(2) procedures, standards, and assumptions to be used by agencies in the preparation of agency affirmative action plans, including methods by which goals and timetables are established;

(3) the analysis of separation patterns to determine the impact on protected group members; and

(4) requirements for annual objectives and submission of affirmative action progress reports from heads of agencies.

(b) The commissioner shall base affirmative action goals on at least the following factors:

(1) the percentage of members of each protected class in the recruiting area population who have the necessary skills;

(2) the availability for promotion or transfer of members of protected classes in the recruiting area population;

(3) the extent of unemployment of members of protected classes in the recruiting area population;

(4) the existence of training programs in needed skill areas offered by employing agencies and other institutions; and

(5) the expected number of available positions to be filled.

(c) The commissioner shall designate a state director of diversity and equal employment opportunity who may be delegated the preparation, revision, implementation, and administration of the program. The commissioner of employee relations may place the director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a.

Subd. 2. Repealed, 1Sp1985 c 13 s 376

Subd. 3. **Exemptions.** Implementation of the provisions of this section shall not be deemed a violation of other provisions of Laws 1981, chapter 210 or 363.

HIST: 1981 c 210 s 19; 1982 c 560 s 29; 1Sp1985 c 13 s 171; 1988 c 667 s 10; 1995 c 248 art 10 s 7

#### **43A.191 AGENCY AFFIRMATIVE ACTION PROGRAMS.**

Subdivision 1. **Affirmative action officers.** (a) Each agency with 1,000 employees or more shall have at least one full-time affirmative action officer, who shall have primary responsibility for developing and maintaining the agency's affirmative action plan. The officer shall devote full time to affirmative action activities. The affirmative action officer shall report administratively and on policy issues directly to the agency head.

(b) The agency heads shall assign affirmative action officers or designees for agencies with fewer than 1,000 employees. The designees shall report administratively and on policy issues directly to the agency head.

(c) An agency may not use authority under section 43A.08, subdivision 1a, to place the position of an agency affirmative action officer or designee in the unclassified service.

Subd. 2. **Agency affirmative action plans.** (a) The head of each agency in the executive branch shall prepare and implement an agency affirmative action plan consistent with this section and rules issued under section 43A.04, subdivision 3.

(b) The agency plan must include a plan for the provision of reasonable accommodation in the hiring and promotion of qualified disabled persons. The reasonable accommodation plan must consist of at least the following:

(1) procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act, United States Code, title 42, sections 101 to 108, 201 to 231, 241 to 246, 401, 402, and 501 to 514;

(2) methods and procedures for providing reasonable accommodation for disabled job applicants, current employees, and employees seeking promotion; and

(3) provisions for funding reasonable accommodations.



(c) The agency plan must be prepared by the agency head with the assistance of the agency affirmative action officer and the director of diversity and equal employment opportunity. The council on disability shall provide assistance with the agency reasonable accommodation plan.

(d) The agency plan must identify any positions in the agency that can be used for supported employment as defined in section 268A.01, subdivision 13, of persons with severe disabilities. The agency shall report this information to the commissioner. An agency that hires more than one supported worker in the identified positions must receive recognition for each supported worker toward meeting the agency's affirmative action goals and objectives.

(e) An agency affirmative action plan may not be implemented without the commissioner's approval.

**Subd. 3. Audits; sanctions and incentives.** (a) The commissioner shall annually audit the record of each agency to determine the rate of compliance with affirmative action requirements.

(b) By March 1 of each odd-numbered year, the commissioner shall submit a report on affirmative action progress of each agency and the state as a whole to the governor and to the finance committee of the senate, the ways and means committee of the house of representatives, the governmental operations committees of both houses of the legislature, and the legislative commission on employee relations. The report must include noncompetitive appointments made under section 43A.08, subdivision 2a, or 43A.15, subdivisions 3 to 13, and cover each agency's rate of compliance with affirmative action requirements.

(c) An agency that does not meet its hiring goals must justify its nonaffirmative action hires in competitive and noncompetitive appointments according to criteria issued by the department of employee relations. "Missed opportunity" includes failure to justify a nonaffirmative action hire. An agency must have 25 percent or less missed opportunities in competitive appointments and 25 percent or less missed opportunities in appointments made under sections 43A.08, subdivisions 1, clauses (9), (11), and (16); and 2a; and 43A.15, subdivisions 3, 10, 12, and 13. In addition, an agency shall:

(1) demonstrate a good faith effort to recruit protected group members by following an active recruitment plan;

(2) implement a coordinated retention plan; and

(3) have an established complaint resolution procedure.

(d) The commissioner shall develop reporting standards and procedures for measuring compliance.

(e) An agency is encouraged to develop other innovative ways to promote awareness, acceptance, and appreciation for diversity and affirmative action. These innovations will be considered when evaluating an agency's compliance with this section.

(f) An agency not in compliance with affirmative action requirements of this section must identify methods and programs to improve performance, to reallocate resources internally in order to increase support for affirmative action programs, and to submit program and resource reallocation proposals to the commissioner for approval. An agency must submit these proposals within 120 days of being notified by the commissioner that it is out of compliance with affirmative action requirements. The commissioner shall monitor quarterly the affirmative action programs of an agency found to be out of compliance.

(g) The commissioner shall establish a program to recognize an agency that has made significant and measurable progress in implementing an affirmative action plan.

HIST: 1Sp1985 c 13 s 172; 1987 c 186 s 7; 1987 c 354 s 8; 1988 c 667 s 11; 1990 c 571 s 26,27; 1992 c 513 art 9 s 2; 1995 c 248 art 10 s 8-10; 1996 c 305 art 1 s 11

43A.192 Repealed, 1990 c 426 art 1 s 12

# **Statewide Affirmative Action Program Rules**

## **Chapter 3905**

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### **3905.0100: AFFIRMATIVE ACTION POLICY**

It is the policy of the state of Minnesota to implement and maintain an affirmative action program designed to eliminate underutilization of qualified protected group members within the state civil service through a series of specific, result-oriented procedures combined with good faith effort. A good faith effort minimally includes consideration of affirmative action goals on all staffing and personnel decisions.

Statutory Authority: MS §43A.04 Subd. 3.

### **3905.0200: SCOPE OF CHAPTER**

This chapter applies to all agencies in the executive branch and to classified and unclassified positions of those agencies. In the event of a conflict or duplication between requirements of this chapter and federal regulations and at the request of the agency head, the commissioner may permit an agency to substitute a federally required procedure for a similar procedure otherwise required by this chapter.

Statutory Authority: MS §43A.04 Subd. 3.

### **3905.0300: DUTIES OF AGENCY HEAD**

The agency head shall administer the agency's affirmative action program in compliance with existing laws, federal regulations, and state rules. The agency head is accountable for affirmative action compliance to the governor and to the commissioner.

Statutory Authority: MS §43A.04 Subd. 3.

### **3905.0400: REQUIREMENTS FOR AGENCY AFFIRMATIVE ACTION PLANS**

Subpart 1. **For agencies with 25 or more employees.** The head of each agency with 25 or more employees shall submit to the commissioner an affirmative action plan for the agency. The plan must at least:

A. Identify the protected group or groups underrepresented in the agency's work force, and therefore, covered by the affirmative action plan;

B. Designate those persons or groups responsible for directing and implementing the agency affirmative action program and the specific responsibility, accountability, and duties of each person or group;

C. State the agency head's commitment to the affirmative action program to the implementation of the agency affirmative action plan;

D. Specify a readily accessible location for the posting of the agency's affirmative action plan;

E. Describe the methods by which the agency's affirmative action program is communicated internally and externally to employees and other interested persons;

F. Describe internal procedures, which must comply with part 3905.0500, for processing complaints of alleged discrimination from applicants, eligibles, and employees;

G. Set goals and timetables, which must be established using the standards in part 3905.0600;

H. Identify and describe methods for developing programs and program objectives designed to meet affirmative action goals;

I. Describe methods of auditing, evaluating, and reporting program successes, including a procedure that requires a reemployment review of all hiring decisions for goal units with unmet affirmative action goals and prereview of all layoff decisions to determine their effect on agencies' affirmative action goals and timetables; and

J. Include the official affirmative action transmittal form which provides for section by section verification of the plan's components.

At the discretion of the agency head, the affirmative action plan may contain other provisions not in conflict with this chapter.

**Subpart 2. For agencies with fewer than 25 employees.** The head of each agency with fewer than 25 employees shall submit to the commissioner an affirmative action plan for the agency, which must at least:

A. State the agency head's commitment to the affirmative action program;

B. State the agency head's objective to hire members of protected groups when vacancies occur if an apparent underutilization of protected group members exists in the agency work force; and

C. Describe an internal procedure, which must comply with part 3905.0500, for processing complaints of alleged discrimination from applicants, eligibles, and employees.

Statutory Authority: MS §43A.04 Subd. 3.

### **3905.0500: REQUIREMENTS FOR COMPLAINT PROCEDURES**

In an agency's internal procedure for processing complaints of alleged discrimination from applicants, eligibles, and employees, the initial step must provide for a determination of whether the complaint is properly a discrimination complaint and, therefore, appropriate to be addressed by the internal procedure. Time limits on these determinations must be established to permit the applicant, eligible, or employee to pursue a complaint determined to be other than a discrimination complaint through other appropriate grievance procedures in accordance with the time limits of those procedures. Complaint procedures must also provide for a final written answer within 60 days after a formal complaint is filed. Disposition of complaints must be filed with the commissioner within 30 days of final determination.

Statutory Authority: MS §43A.04 Subd. 3.

### **3905.0600: REQUIREMENTS FOR GOALS AND TIMETABLES**

Subpart 1. **General requirement.** In establishing goals and timetables for affirmative action plans, agency heads shall comply with subparts 2 to 6.

Subpart 2. **Labor force statistics.** In establishing goals for affirmative action plans, agency heads shall use labor force statistics from census data when available to examine work force participation. When an agency requests the authority to substitute more specific data, the commissioner shall consider alternative data sources and determine their applicability based on the following criteria:

- A. The objectivity of the supplying organization;
- B. The reliability of statistical procedures used to generate the data; and
- C. The comparability of data categories (occupational group, geographic location, handicapping condition, for example) used.

Subpart 3. **Formula for determining underutilization.** Agency heads shall determine underutilization of protected groups using statistical formulas based on the following criteria:

- A. Types of jobs within each agency and agency subdivisions;
- B. Number of employees in those jobs, by state class title, and by protected group;
- C. Availability of protected group workers having the qualifications for those jobs; and

D. Geographic locations and applicable labor market areas for each type of job in each agency and agency subdivision.

Subpart 4. **Numerical goals.** Agency heads shall establish numerical goals for the agency and for each agency subdivision that has 25 or more employees and that is in a geographic location with a labor market area separate from that of the agency central office.

Subpart 5. **Basis for goals.** Agency heads shall establish goals for each goal unit by protected group. The goals must be based on a comparison of the composition of the agency or agency subdivision work force with the composition of the relevant civilian labor force in an identified labor market area. If the comparison shows that a goal unit underutilizes a protected group, the agency head shall establish a goal for that group in that goal unit.

Subpart 6. **Timetables.** Agency heads shall establish timetables for meeting goals. Timetables must be based on turnover and hire rates within each goal unit in the agency or within each agency subdivision.

Statutory Authority: MS §43A.04 Subd. 3.

### **3905.0700: REPORTING REQUIREMENTS**

Subpart 1. **Quarterly reports.** Agency heads with 25 or more employees shall submit quarterly to the commissioner a report of the agency's efforts to meet affirmative action goals and the progress resulting from those efforts. Agency heads with fewer than 25 employees shall submit such a report to the commissioner semiannually. Reports are due 30 days following the close of the reporting period.

Subpart 2. **Biennial reports.** Each agency head shall submit to the commissioner, concurrently with the agency's biennial budget request, a report on the results of the agency's affirmative action plan. The commissioner shall submit these reports to the governor and the legislature.

Statutory Authority: MS §43A.04

## AFFIRMATIVE ACTION PLAN REPORTING REQUIREMENTS

Description and Scope - An affirmative action plan is a set of management policies and procedures designed to identify and remove barriers that contribute to disparities in all executive branch agencies of State government. The Department of Employee Relations/Office of Diversity and Equal Opportunity (DOER/ODEO) must monitor the efforts and progress of the Affirmative Action Programs. This process is completed by setting reporting standards and procedures and requiring that each executive branch agency in state government submits biennially an affirmative action plan for review and approval in order to ensure compliance with the State's commitment to affirmative action.

Objectives - To provide guidelines and requirements for documentation; to set dates for the reporting of progress toward ensuring that positions in the executive branch of civil service are equally accessible to all qualified persons; and to ensure that a diverse work force representative of the community is maintained in state executive branch agencies.

### Responsibilities -

#### A. Appointing Authorities:

- Maintain data on available personnel/payroll system which support routine reporting, e.g. protected group status of current employees, competitive appointments and unclassified appointments made under M.S. 43A.08 Subd. 1 clauses 9, 11, and 16; and 2a; and non-competitive and qualifying appointments made under M.S. 43A.15, subd. 3, 10, 12, and 13.
- Designate January 31 or July 31 of even-numbered years as submission date of an affirmative action plan, consistent with section M.S. 43A.191, subd. 3. The plan must be submitted to DOER/ODEO and contain at least the following requirements:

#### **For agencies with 25 or more employees.**

- Identify the protected group(s) underrepresented by bargaining unit/EEOC categories in the agency's work force.
- Designate those persons or groups responsible for directing and implementing the agency affirmative action program and define the specific responsibility, accountability, and duties of each person or group.
- State the agency head's commitment to the state's affirmative action efforts and to the implementation of the agency's affirmative action plan.
- Specify a readily accessible location for the posting of the agency's affirmative action plan.
- Describe the methods by which the agency's affirmative action program is communicated internally and externally to employees and other interested persons.



- Describe internal procedures, which must comply with Personnel Rule 3905.0500, for processing complaints of alleged harassment and discrimination from applicants, eligibles, and employees.
- Set goals and timetables, which must be established using the standards in Personnel Rule 3905.0600.
- Identify and describe methods for developing programs and program objectives designed to meet affirmative action goals.
- Describe methods of auditing, evaluating, and reporting program success, including a procedure that requires a preemployment review of all hiring decisions for goal units with unmet affirmative action goals.
- Provide details for weather emergency procedures.
- Identify methods/procedures for providing and funding reasonable accommodations for the interview process and for existing employees.
- Identify functions that can be used to create supported employment positions and a plan for filling such positions.
- Identify the individual(s) responsible for ADA compliance.
- Identify methods to improve recruitment of persons with disabilities.
- Develop a comprehensive recruitment plan to identify ways in which the agency will recruit for positions that are underutilized by any protected group as directed in Administrative Procedure 9A "Recruitment Plans/Reporting".
- Develop a plan for retaining protected group employees as established in Administrative Procedure 19.3 "Retention".

**For agencies with fewer than 25 employees.**

- State the agency head's commitment to the state's affirmative action efforts.
  - State the agency head's objective to hire members of protected groups when vacancies occur if an apparent underutilization of protected group members exists in the agency workforce.
  - Describe an internal procedure, which must comply with Personnel Rule 3905.0500 for processing complaints of alleged harassment and discrimination from applicants, eligibles and employees.
  - Identify methods/procedures for providing and funding requests for reasonable accommodations for the interview process and for current employees.
- 
- Submit to DOER/ODEO, concurrently with the agency's biennial budget request, a report on the results of the agency's affirmative action plan, including an analysis of separation and layoff patterns, in order to attain the desired impact regarding protected group members.
  - Revise the affirmative action plan as necessary and resubmit within 30 days of notification by DOER/ODEO of non-approval.

B. Department of Employee Relations/Office of Diversity and Equal Opportunity:

- Assist appointing authorities in determining affirmative action goals based on at least the following factors as described in M.S. 43A.19 Subdivision 1 (b): the percentage of members of each protected class in the recruiting area population who have the necessary skills; the availability for promotion or transfer of members of protected classes in the recruiting area population; the extent of unemployment of members of protected classes in the recruiting area population; the existence of training programs in needed/skill areas offered by employing agencies and other institutions; and, the expected number of available positions to be filled.
- Submit reports on affirmative action progress of each agency and the State as a whole to the Governor and the legislature by March 1st of each odd-numbered year as established in M.S. 43A.191, Subd. 3.
- Ensure that the Council on Disability has access to state agencies in order to assist them with the affirmative action plan issues related to reasonable accommodation to be consistent with ADA requirements. (As established in M.S. 43A.191, Subd. 2c.)
- Review and approve or request modification of an agency affirmative action plan within 60 calendar days after receipt. Indicate the basis on which an agency affirmative action plan was not approved when requesting modification of the plan.
- Review and approve or request further modification of the agency affirmative action plan after re-submission of unapproved plans.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Personnel Rule 3905.0100
- B. Personnel Rule 3905.0300 - Duties of Agency Head.
- C. Personnel Rule 3905.0400 - Requirements for Agency Affirmative Action Plans.
- D. Personnel Rule 3905.0600 - Requirements for Goals and Timetables
- E. Personnel Rule 3905.0700 - Reporting Requirements
- F. Americans with Disabilities Act, U.S. Code, title 42, section 101 to 108; 201 to 231; 241 to 246, 401, 402 and 501 to 514.
- G. Section M.S. 43A.08 and 43A.15

## AFFIRMATIVE ACTION AUDIT PROCESS

Description and Scope - Audit procedures are designed to ensure that agencies in the State of Minnesota have comprehensive programs and procedures that comply with all federal, state and local laws related to Affirmative Action and Equal Employment Opportunity including the Americans with Disabilities Act. Audits are conducted by representatives of state agencies, including the Department of Employee Relations.

Objectives - To provide procedures for conducting and documenting agency audits and for the reporting of each agency's efforts and progress toward achieving and maintaining a representative work force.

### Definitions - Key Terms -

- Agency Desk Audits - An examination of a representative sample of agency records or material requested by ODEO that is related to the recruitment and retention process, affirmative action compliance or analysis of an agency under audit.
- Agency On-site Audits - A thorough examination of all agency records or material requested by ODEO that is related to the recruitment and retention process, affirmative action compliance or analysis of an agency under audit. Audit teams may also interview agency representatives.

### Responsibilities -

#### A. Appointing Authorities:

- Cooperate with audit teams by providing requested documentation within established time frames.
- Provide audit teams with 3 copies of all requested documentation.
- Designate agency representative to serve as an audit team member when need arises.
- Provide a summary report of complaints filed during the reporting period. This summary should consist of: 1) the basis of the complaint (i.e., race, sex, religion, color, national origin, sexual orientation, etc.); 2) action involved (i.e., appointment, promotion, harassment, disciplinary action, etc.); 3) attempts at resolution (i.e., mediation, investigation, conciliation, arbitration, etc.); 4) outcome (i.e., settlement, pending, referral to external organization, etc.).

B. Department of Employee Relations(DOER)/Office of Diversity & Equal Opportunity(ODEO):

- Establish policy for determining justifiable non-affirmative action hires to remedy existing disparities and a policy for determining missed opportunities.
- Establish standards for desk and on-site audit processes including a process for appeal, and coordinate audit teams.
- Establish criteria for selection of agencies subject to on-site audits.
- Provide 30 days written notice of intent to perform either an on-site or a desk audit by each agency location.
- Compile an audit report consisting of the results of each agency's outcome in regard to the audited agency's overall achievement of optimum affirmative action compliance.
- Provide written confirmation of agency compliance or non-compliance within 30 days from the completion of the audit.
- Provide guidance to agencies found in non-compliance.
- Submit reports, to the Governor and the agencies, indicating the results of the agency affirmative action desk and on-site audits.

Provisions:

- All agencies required to develop and implement affirmative action plans are subject to desk and onsite audits. The audit will occur annually and consist of examination, analysis and review of records and material related to affirmative action compliance. This will include verification of information submitted in the Affirmative Action Plan.
- Agency compliance will be determined by the factors identified in M.S. 43A.191, Subd. 3. Those factors include: number of missed opportunities (failure to justify a nonaffirmative hire), efforts to recruit protected group members, implementation of a retention plan, process for complaint resolution, and innovation to promote diversity awareness.
- An agency not in compliance must identify programs to improve performance and to reallocate resources internally in order to increase support for affirmative action programs and submit program and resource reallocation proposals to DOER for approval. An agency must submit these proposals within 120 days of being notified by DOER that it is out of compliance with affirmative action requirements.
- The affirmative action process will be in accordance with appropriate federal and state laws related to access to agency records (i.e., data practices).

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. Personnel Rules 3905.0400, 3905.0600, 3905.0600, 3905.0700
- B. M.S. 43A.191, Subd. 3

## INTERNSHIPS

Description and Scope - The internship work experience (paid or unpaid) is directly related to a specific academic program of an educational institution. The work experience must fulfill an academic requirement and/or academic credit from an educational institution. An intern is not a State of Minnesota employee.

Objectives - To provide students of any educational institution with opportunities to earn academic credit and/or work experience while performing a valuable service for the State of Minnesota. The internship program is designed to provide work opportunities and pragmatic knowledge to students enhancing their academic preparation while exposing them to state government. To provide agencies the opportunity to appraise students' work performance in a businesslike, practical, realistic work environment.

### Responsibilities -

#### A. Appointing Authorities:

- Identify possible internship positions and job duties.
- Recruit and select interns.
- Coordinate agency intern activities with accredited schools, colleges, and universities.
- Establish appropriate pay (within established structure) for interns.
- Verify that interns are fulfilling an academic requirement.
- Review, monitor and evaluate the progress of interns, submitting any necessary documentation to the educational institution.

#### B. Department of Employee Relations:

- Oversee the state's overall internship program.
- Provide public notice of the Internship Program and of the procedures that institutions and their students must follow.
- Market the internship program to all state agencies.
- Develop a forum for agency internship coordinators to communicate and coordinate activities.

- Provide orientation training and ongoing guidance to agency coordinators.
- Monitor and evaluate agency programs to determine effectiveness and success.
- Make public the notice of openings upon request of state agencies.
- Review and revise intern applications and agreement forms.
- Disseminate relevant information to agency coordinators, interns, supervisors, schools and clients.

Provisions:

A. Duration:

- Internships generally last a minimum of four weeks and a maximum of one year.
- Internships may be full or part-time assignments.
- Interns may be high school or college level students.

B. Benefits:

- Interns do not receive holiday, sick or vacation pay or any insurance benefits. If assigned to travel status during the internship, they may be reimbursed for expenses in the same manner and amounts as provided in the Non-Managerial Unrepresented Employees Plan established pursuant to M.S. 43A.18. Internship agreements may include room and/or board as reasonable on premises of appointing authority.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

A. Personnel Rule 3900.9000 - Internship Appointments

## RECRUITMENT PLANS/REPORTING

Description and Scope - Recruitment activities are shared responsibilities of Department of Employee Relations and all state agencies. M.S. 43A.09 directs the Commissioner of DOER, with cooperation from all appointing authorities of state agencies, to conduct an active recruitment program to maintain and replenish the state's workforce.

Objectives - To ensure that recruitment programs are publicly marketed, attract and obtain qualified applicants, enhance the image of state employment and to assist state agencies in meeting affirmative action goals to achieve a balanced workforce.

### Responsibilities -

#### A. Appointing Authorities:

- Develop and implement an active recruitment plan as established in M.S. 43A.191, subdivision 3. The plan must be revised and submitted to DOER/ODEO as part of the required Affirmative Action Plan as described in M.S. 43A.191, subdivision 3. The recruitment component must include the following:
  - identify advertising sources used during previous year, expenses incurred and results of their use.
  - identify other methods used to recruit for positions during the reporting period.
  - list job fairs attended during previous year and projected attendance at fairs for upcoming plan year.
  - identify projected hiring opportunities for upcoming year and strategies to recruit for those positions.
  - identify measures to recruit and hire individuals as described in Internship Administrative Procedures and Supported Employment as described in M.S. 43A.421.
- Identify and communicate recruitment needs to DOER/ODEO.
- Provide reasonable notice of plans to fill unclassified positions under M.S. 43A.08 subdivision 1, clauses (9), (11), and (16) and 2a; and to fill classified vacancies using 43A.15, subdivisions 3, 10, 12, and 13 to DOER/ODEO for referral of individuals to the selection process.
- Ensure that all recruitment activities are in compliance with the Americans with Disabilities Act by making materials available in alternative formats (when requested) and meeting locations accessible.
- Inform ODEO of internship opportunities as they arise.



- Ensure that fee contracts with employment agencies conform with M.S. 16B.06 and that fees are paid by agencies.
- Inform the DOER Staffing Division of advertising activities.

B. Department of Employee Relations:

- Coordinate efforts of statewide recruitment to foster cooperative strategies between all state agencies and the community at large.
- Develop and implement a statewide advertising campaign, general in content, that will apply to all agencies.
- Maintain data on recruitment resources to assist state agencies with recruitment activities, especially protected group communities.
- Actively recruit candidates for the MN Skill Search process, examinations announced in the Career Opportunities Bulletin and job classes held open continuously for application.
- Develop and disseminate information about the state's hiring process to the community at large.
- Provide on-going recruiting assistance for hard to fill and shortage occupations by referring qualified applicants for consideration.
- Respond to all agencies requesting recruiting assistance.
- Train agency staff on the use and implementation of the on-the-job demonstration, examination and appointment program.
- Publish and distribute periodic listings of exam announcements in accord with Personnel Rule 3900.3200.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. 43A.191, subdivision 2, d
- B. M.S. 43A.191, subdivision 3
- C. M.S. 43A.09
- D. M.S. 43A.191, subdivision 1, a1
- E. Americans with Disabilities Act, U.S. Code, Title 42
- F. Personnel Rules 3900.3100-3300
- G. Personnel Rules 3905.0100-0700

H. M.S. 43A.08  
I. M.S. 43A.15  
J. M.S. 16B.08

## RETENTION

Description and Scope - Activities to retain the state workforce are a shared responsibility between individual agencies and the Department of Employee Relations. An analysis to measure compliance with M.S. 43A.19 and M.S. 43A.191, the American with Disabilities Act, Title VII of the Civil Rights Act and M.S. 363 is required to determine separation patterns that may have a disparate impact on protected group members. Reporting on individual agency retention rates will coincide with Affirmative Action Reporting Requirements and Affirmative Action Auditing procedures. Review of the separation analysis and retention plan is conducted by the Office of Diversity and Equal Opportunity (ODEO) in the Department of Employee Relations.

Objectives - To develop and implement a coordinated retention plan, as identified in M.S. 43A.191, Subd. 3(c), to retain state employees through agency and DOER activities. Additionally these initiatives are to improve productivity, make the work culture more conducive to protected group(s) employees, and guide new employees toward career mobility.

### Responsibilities -

#### A. Appointing Authorities:

- Submit, as part of the agency affirmative action plan, a comprehensive retention plan on January 31 or July 31 of even-numbered years to demonstrate a good faith effort to retain protected group members as required by M.S. 43A.191, Subd. 3 (c). The retention plan must be updated biannually and must:
  - state the agency head's commitment to affirmatively retain protected group employees in the affirmative action plan statement of commitment.
  - designate person(s), (including name, division and position), who are responsible for the agency's retention activities.
  - analyze separation and layoff patterns of all employees to determine the impact on protected group members. Analysis must contain data for the previous two year period.
  - identify specific methods to retain protected group employees (e.g., mentorship, training, individual development plans, employee network groups, etc.).
- Identify and advise current employees of mobility and career advancement opportunities.
- Develop and implement activities that will promote awareness, acceptance and appreciation for diversity and affirmative action.

- Recommend to ODEO agency employees to work as designated agency liaisons to assist ODEO with implementation of the statewide mentorship program.
- Work to redeploy laid off employees to other areas within state government, if possible.

B. Department of Employee Relations/Office of Diversity and Equal Opportunity:

- Review separation patterns as part of the Affirmative Action Audit process to determine overall compliance with M.S. 43A.19 and 191.
- Develop, implement and direct a statewide mentorship program.
- Establish selection criteria for mentors and mentees.
- Provide information, expertise, and guidance on retention practices to agencies.
- Provide appointing authorities with sufficient data to conduct separation analysis.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

A. M.S. 43A.19, subd. 1a, clause 3