

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
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EQUAL OPPORTUNITY POLICY AND STATEMENT OF COMMITMENT

It is the policy of the Office of Administrative Hearings to work affirmatively to ensure that all persons, regardless of race, color, creed, national origin, sex, sexual orientation, religion, marital status, age, disabled status or reliance on public assistance, or membership or activity in a local commission will be treated fairly and equally in employment or program participation. The Office is committed to acting affirmatively in the recruitment, hiring, and retention of women, minorities and persons with disabilities.

It is this Office's policy and responsibility to aggressively and effectively take affirmative action to ensure fair and equal treatment for all minorities, women, and disabled persons; to work to eradicate the effects of prior discrimination; and to eliminate present barriers. By eliminating these barriers through affirmative action, one of the many positive benefits is fuller utilization of human resources in employment. By meeting our goals we will create a workforce that truly represents our community.

This policy will apply to all conditions of employment, including recruitment, selection, hiring, retention, benefits, compensation, equality of wages, employee development programs, promotion, transfer, layoff and return from layoff, termination, and disciplinary actions.

I have designated Sandra Haven as this Office's Affirmative Action Officer to ensure implementation of the Plan.

It is the intention of this Office to meet the needs of disabled employees and clientele through compliance with the Americans With Disabilities Act.

Areas not specifically mentioned in this statement will be governed by the spirit of this statement.

KEN NICKOLAI
 Chief Administrative Law Judge

— Minn. Stat. 93A.191 Subd. 2 —

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Providing Impartial Hearings for Government and Citizens
 An Equal Opportunity Employer

OFFICE OF ADMINISTRATIVE HEARINGS
AFFIRMATIVE ACTION PLAN
FISCAL YEARS 1999 AND 2000

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OFFICE OF ADMINISTRATIVE HEARINGS

Organizational Structure

The Office of Administrative Hearings is comprised of three programs:

- I. Administration Program
 - A. Chief Administrative Law Judge
 - B. Assistant Chief Administrative Law Judge
 - C. Personnel Services
 - D. Fiscal Services
 - E. Administrative Services
- II. Administrative Procedure Act Program
 - A. Environmental, Public Utility and Transportation Section
 - B. Licensing Section
 - C. Child Support Enforcement
 - D. Legal Support Services
- III. Workers Compensation Program
 - A. Workers Compensation Section
 - B. Settlement Division
 - C. Legal Support Services

FY 1999 AND FY 2000 AFFIRMATIVE ACTION PLAN OBJECTIVES

This plan is written to specifically address the job categories within the Office of Administrative Hearings that have a disparity in the identified protected groups. Protected groups include minorities, women and persons with disabilities.

A disparity exists when the percentage of protected group persons within a job category is less than the percentage determined for our Office. These percentages are determined with the assistance of the Department of Employee Relations. The job categories for this Office are: Office (AFSCME Clerical); Others (all judges and Attorneys 1), Commissioner's Plan, Supervisors, Managers, General Professional (MAPE) and Technical (AFSCME). In job categories that have less than five people, goals have not been set.

The Office Goal is the percentage we will try to achieve in a particular job category; the % of Goal Achieved is the percentage we have attained as of June 1998; the Annual Goal is the number of employees in a particular protected group who we realistically hope to hire in fiscal years 99 and 00.

The categories for which goals have been set are: Office, Others, General Professional, and Technical.

Disabled:

<u>Job Category</u>	<u>Office Goal</u>	<u>% of Goal Achieved</u>	<u>Annual Goals</u>	
			<u>FY 99</u>	<u>FY 00</u>
Office	12.82%	57.03%	1	1
Professional	12.82%	173.91%	-	-
Technical	12.82%	91.74%	-	-
Other	12.82%	73.64%	1	1

Minorities:

<u>Job Category</u>	<u>Office Goal</u>	<u>% of Goal Achieved</u>	<u>Annual Goals</u>	
			<u>FY 99</u>	<u>FY 00</u>
Office	6.50%	109.89%	-	-
Professional	5.60%	200.00%	-	-
Technical	4.40%	405.41%	-	-
Other	5.40%	69.93%	1	

Women:

<u>Job Category</u>	<u>Office Goal</u>	<u>% of Goal Achieved</u>	<u>Annual Goals</u>	
			<u>FY 99</u>	<u>FY 00</u>
Office	No goal set			
Professional	48.90%	181.82%	-	-
Technical	30.00%	196.08%	-	-
Other	27.10%	153.20%	-	-

This Office does not have a high turn-over in employment, with the exception of the Law Clerks who must separate upon graduation (see Retention at page 16). Annual Goals have not been set in Job Categories for which we do not realistically anticipate vacancies; however, should vacancies occur in any category, our goal will be to correct any disparities which exist and to increase the diversity of the office as a whole. Justified hires where there are no protected group members on the list should not exceed affirmative action hires.

KEY OFFICIALS RESPONSIBLE FOR THE AFFIRMATIVE ACTION PLAN

Names of Responsible Officials:

Chief Administrative Law Judge	Kenneth A. Nickolai
Administrative Officer	Susan C. Schleisman
Affirmative Action Officer/Designee	Sandra A. Haven

I. Chief Administrative Law Judge

Responsibilities: The Chief Administrative Law Judge has the final responsibility for the success of the Office's Affirmative Action Plan and for compliance with the Americans With Disabilities Act.

Duties: The Chief Administrative Law Judge shall appoint the Administrative Officer to develop, administer, and implement the Office's Affirmative Action Plan.

Accountability: The Chief Administrative Law Judge is directly responsible to the Governor and the State Commissioner of Employee Relations for the success of the plan and is indirectly responsible to the State Office of Diversity and Equal Opportunity Director.

II. Administrative Officer

Responsibilities: The Administrative Officer formulates the affirmative action policy, develops affirmative action procedures, and shares responsibility for the success of the plan with the Chief Administrative Law Judge.

Duties:

- To supervise administrative aspects of the plan.
- To approve and monitor all revisions and changes in the Office's Affirmative Action Plan.
- To provide administrative support to the Affirmative Action Officer.
- To act as liaison with the State Director of the Office of Diversity and Equal Opportunity and any other federal, state or local governmental Office responsible for ensuring equal opportunity/affirmative action.
- To assist the Chief Administrative Law Judge in the formulation of affirmative action policies.

Accountability The Administrative Officer is directly accountable to the Chief Administrative Law Judge.

III. Affirmative Action Officer/Designee (Affirmative Action Officer)

Responsibilities: The Affirmative Action Officer is responsible for implementing and directing the Office's Affirmative Action Plan and for coordination of the Office's compliance with the requirements of the ADA.

Duties:

To participate in the review of personnel practices of the Office and recommend policy changes when appropriate.

To investigate complaints of alleged discrimination.

To arrange for training seminars to be conducted at the Office and to advise employees of other available training opportunities.

To submit affirmative action reports as required and coordinate communications involving affirmative action and equal opportunity.

To plan and conduct exit interviews with and issue exit interview forms to all departing employees for the purpose of written reports analyzing data obtained from these forms in search of reasons for turnover, etc. Particular attention will be given to retention rate of protected group individuals to determine whether these members are adversely leaving state service.

To act as a public relations liaison with community groups and social service agencies to inform them of the Office and its goals and policies in the area of equal opportunity/affirmative action.

To review all public relations, advertising, and promotional materials distributed by the Office for equal opportunity compliance and relevance to protected groups and compliance with ADA requirements.

To recruit protected group persons for employment opportunities within the Office.

To review and recommend changes in policies, procedures, and programs to facilitate affirmative action within the Office.

To preview all layoff decisions to determine their effect on the Office's affirmative action goals and timetables.

Accountability:

The Affirmative Action Officer will be directly accountable to the Chief Administrative Law Judge.

IV. Managers and Supervisors

Responsibilities:

The managers and supervisors are responsible for the implementation of the Office's affirmative action policies and goals for persons directly under their supervision.

Duties:

To communicate the policy and spirit of the Plan to employees under their immediate supervision. The Affirmative Action Officer will be available to assist them if necessary.

To work closely with the Administrative Officer, Affirmative Action Officer, and the Minnesota Department of Employee Relations to ensure that all selection criteria are job related.

To choose candidates for new positions or promotional opportunities on the basis of training, experience, the Office's affirmative action goals, and the pre-hiring review.

To assist the Administrative Officer in recruiting and hiring protected class persons.

To estimate staffing needs and projected vacancies for their divisions in the coming year and set goals consistent with the Office's affirmative action goals and timetables.

To respond to requests for information related to discrimination complaints within 3 working days.

To assure that no reprisals are made against an employee for filing a discrimination complaint.

To make all employees aware of training and improvement programs as appropriate.

Accountability:

The managers and Administrative Law Judge supervisors are directly, and the legal support staff and administrative services supervisors are indirectly, accountable to the Chief Administrative Law Judge and they will be evaluated on the results of their affirmative action efforts as they would be on any other program or production related area.

PROGRAM DISSEMINATION

This Affirmative Action Plan is also available in alternative formats, such as tape or large print, when requested.

Internal Dissemination Procedure

- A. Copies of this plan will be distributed to all employees. New employees will receive a copy of the AA Plan at the time his/her office orientation and all employees will receive replacement pages when the plan is revised. A current copy will be posted on the Office's affirmative action bulletin board; and will be available in the offices of the Administrative Officer and the Affirmative Action Officer..

Responsible Official: Administrative Officer and Affirmative Action Officer

- B. All supervisors will be responsible for communicating the policy and spirit of the plan to the employees under their immediate supervision.

Responsible Official: All supervisors

- C. All job announcements will contain material identifying the Office as an equal opportunity employer committed to affirmative action.

Responsible Official: Administrative Officer

- D. Informational sessions for supervisors on the Affirmative Action Plan will be held at least annually.

Responsible Official: Administrative Officer

- E. The statement "An Equal Employment Opportunity Employer" will be reflected in annual reports, employee handbooks, policy and program manuals, newsletters and other appropriate publications of this Office as well as all appropriate correspondence.

Responsible Official: Chief Administrative Law Judge,
Administrative Officer
Affirmative Action Officer

- F. The Office's Affirmative Action Plan will be discussed with new employees at the time of his/her orientation session with the Administrative Officer; current employees are hereby invited to discuss the Plan with either the Administrative Officer or the Affirmative Action Officer at any mutually-convenient time.

Responsible Official: Administrative Officer

II. External Dissemination Procedures

- A. A mailing list consisting of community groups and groups representing protected classes will be maintained to keep these groups informed of position openings. Whenever such material is available, it will be mailed to those on the list.

Responsible Official: Administrative Officer
Affirmative Action Officer

- B. All stationery and all material distributed to the public will, when appropriate, contain an equal employment opportunity slogan, logo, or statement.

Responsible Official: Chief Administrative Law Judge,
Administrative Officer
Affirmative Action Officer

- C. The Affirmative Action Officer will be available upon request to explain our plan to all interested groups and organizations.

Responsible Official: Affirmative Action Officer

- D. All external job announcements will contain statements identifying the Office as an equal opportunity employer committed to affirmative action.

Responsible Official: Administrative Officer
Affirmative Action Officer

- E. All public relations and promotional materials will be reviewed for affirmative action and equal opportunity content and impact.

Responsible Official: Administrative Officer and
Affirmative Action Officer

- F. All contracts and agreements will contain affirmative action and equal opportunity provisions where appropriate.

Responsible Official: Administrative Officer

- G. A copy of the Affirmative Action Plan will be available to the public at each reception desk in each section of the Office and will be mailed to any person requesting a copy.

Responsible Official: Affirmative Action Officer

AUDIT AND EVALUATION

In order to meet the Office's affirmative action goals, the following personnel actions will be taken:

A. Consultation with Supervisors

Supervisors will be advised by the Affirmative Action Officer of the goals for the various occupational categories under their supervision.

B. Self-analysis

- I. Semi-annually, the Affirmative Action Officer shall prepare the following information:
 - a. The current employment profile of the department.
 - b. The extent to which protected group individuals are represented in the workforce, by job category, as compared to the relevant civilian labor force established goals in that geographic area.
 - c. The number of interviews, hires, terminations and promotions occurring in the preceding quarter, by race, sex, disability and occupational group.
 - d. A progress report indicating:
 1. Which of the Plan's action steps were emphasized during the quarter.
 2. Recruitment activities.
 3. Percentage of total action steps addressed.
 4. Progress toward goals in job categories where protected groups are under-represented.
 5. Special problems/barriers to progress.
 6. Proposed future action objectives.
2. Semi-annually, the Affirmative Action Officer will compile exit interview data, by division.
3. Semi-annually, the Administrative Officer and the Affirmative Action Officer shall review the above information and re-evaluate/identify priorities, based on degree of disparity and opportunity to hire or to remove barriers to progress. New or continuing action objectives shall be established for the remainder of the fiscal year.
4. On a quarterly basis, the Affirmative Action Officer will consult with the Administrative Officer to provide updated information on affirmative action goals.
5. The information gathered from the above analysis will be shared with supervisors and managers on a semi-annual basis..

C. Selection Process: Pre-Employment Review

1. If a vacancy occurs, the supervisor of the affected section may or may not request to fill the position. If a decision is made to fill the vacancy, the Personnel Director and the Affirmative Action Officer will be notified verbally or in writing, if, based on the Affirmative Action Plan, there is a disparity in the job category the vacant position comes under.
2. If a disparity exists, the Affirmative Action Officer will work closely with the Personnel Director, manager and/or supervisor, monitoring and collecting data for each step of the hiring and/or promotional process which includes:
 - a. A position analysis will be completed for the vacant job.
 - b. Job related criteria (knowledge, skills, and abilities--KSA's) needed to perform the job will be determined.
 - c. The position description will be revised as needed.
 - d. The Personnel Director determines whether any bargaining unit employees are eligible to bid on the position. If so, the job will be posted for the required length of time. If an employee bidding on the job is successful, the job will be filled in accordance with the union contract.
 - e. The Personnel Director ascertains whether there exists an appropriate certification list or if a job announcement is in order.
 - f. If a job announcement is in order, the Office, including the Affirmative Action Officer, will recruit affirmatively for the position.
 - g. If there exists an appropriate eligible list, telephone calls will be made and/or letters will be sent by Federal mail to all persons eligible for certification. Interviews will be scheduled for interested persons responding to telephone calls made and letters sent. The agency's ability to provide reasonable accommodation will be communicated to all applicants.
 - h. A list of job related questions will be devised by the supervisor, the Affirmative Action Officer, and the Personnel Director to make sure that the questions are uniform, appropriate and job related.
 - i. Interviews will be conducted, using the uniform job related questions, by the supervisor and/or others.
 - j. Interviewees' applications/resumes will be compared to the qualifications (KSAs) stated in the job announcement. Candidates will be compared on qualifications and the responses given in their interviews held to this point, keeping in mind the affirmative action goals based on Office disparities.
 - k. Prior to selection of a candidate, the manager or supervisor will discuss his or her anticipated selection with the Affirmative Action Officer to ascertain that the selection is consistent with the Office's affirmative action program.

- l. When a supervisor rejects a protected group member where there is a disparity, the supervisor will explain in writing, with sufficient specificity, why the protected group person was not selected. Copies of the written rejection will be reviewed by the Affirmative Action Officer and the Personnel Director and no selection will be made until such written reasons have been reviewed. Where the Affirmative Action Officer believes that the reasons for rejection are unjustified, and the matter is not satisfactorily resolved and, prior to any offer being made, these views will be transmitted to the Chief Administrative Law Judge who may take appropriate action including a recommendation that the preliminary rejection be reconsidered.
- m. All candidates will be notified of the hiring decision.
- n. Documentation (e.g. interview rosters, responses by interviewees, etc.), will be kept on the selection process for all appointments. Data on every appointment, where there is a disparity, will indicate the opportunity the Office had to hire affirmatively and whether there was a missed opportunity
- o. The Minnesota Data Government Practices Act defines which personnel data is classified as public; protected group status is not identified as public data. Therefore, information shall not be disclosed to any person who is not authorized to receive information regarding the protected group status of a selected applicant.

D. Layoff Procedures

If it is necessary to lay off employees, such decisions will be made in accordance with the agreement of the affected bargaining units and the applicable rules of DOER. The AAO will determine what effect the layoff will have on the affirmative action goals and timetables so that any disparities created can be addressed at the next opportunity. The Chief Administrative Law Judge, Personnel Director and affected supervisors and managers will be advised of the results.

AFFIRMATIVE ACTION PLAN ACTION-ORIENTED OBJECTIVES

I. Goal

To conduct an in-depth self-analysis of the Office by sections.

- A. Objective: To determine which sections in the Office have disparities in a particular classification and for which protected group(s).
- B. Action-Step(s)
 - 1. Assist each manager and supervisor with assessing their work force by race, sex, classification, etc.;
 - 2. Assess the potential turnover rate of a section;
 - 3. Have each manager and supervisor assess the potential mobility of protected group persons within their sections; and
 - 4. Within each manager and supervisor's position description provide for an evaluation of his/her affirmative action activities and results of those activities.
- C. Assignment: Affirmative Action Officer and Administrative Officer
- D. Target Date: January of each year.
- E. Evaluation: A written report to the Chief Administrative Law Judge, managers and supervisors, citing specific disparities of protected groups by section, proposed remedies for improving the disparities, and results of the efforts made, shall be distributed within two weeks of the completion of action steps I-3 by all managers and supervisors.

II. Goal

To create an environment which encourages and assists in the development of all Office personnel.

- A. Objective: To provide training to develop the talent of all employees, including protected group members, to better perform their jobs and prepare them for additional responsibilities and/or promotions.
- B. Action-Steps
 - 1. All section managers and supervisors will inform persons under their direct supervision of training programs, which, if successfully completed, could increase their chances for additional responsibilities and/or promotional opportunities; and
 - 2. All employees will be given the opportunity to participate in appropriate training and educational programs offered by the State or conducted by managers and supervisors.
 - 3. All employees will be advised of the Office's policies on reimbursement and time off for approved training.
- C. Assignment: Managers and supervisors, Personnel Director and Affirmative Action Officer

- D. Target Date: Continuous
- E. Evaluation: A review of all internal training and education programs will be made quarterly and data will be maintained for purposes of monitoring employees' participation in training and educational programs and their upward mobility experienced as a result of that participation.

III. Goal

To correct all disparities for each occupational category by protected group.

- A. Objective: To recruit qualified protected group members so that when vacancies occur in an occupational category containing a disparity, this Office will have access to qualified applicants in the protected groups containing a disparity.
- B. Action-Step(s)
 - 1. Identify and contact appropriate professional and occupational organizations and associations, businesses and educational institutions to recruit protected group applicants.
 - 2. Maintain ongoing lists of applicants, including protected group applicants, for all occupational categories assigned to this Office.
 - 3. All initial correspondence to potential employees regarding the interview and hiring process will include a statement offering reasonable accommodation to persons who request it.
- C. Assignment: Administrative Officer and Affirmative Action Officer
- D. Target Date: Continuous
- E. Evaluation: Based on the availability of qualified protected group applicants, the occupational categories containing disparities within protected groups should be reduced or eliminated.

IV. Goal

To provide all employees with the opportunity to attend training regarding the prevention of any type of harassment/discrimination, workforce diversity, and reasonable accommodation issues.

- A. Objective: To increase the sensitivity of employees to co- employees and clients of this Office, and to provide a work environment free of harassment and discrimination.
- B. Action Step(s)
 - 1. Employees will be given the opportunity and encouraged to attend training courses designed to prevent harassment and/or discrimination.
 - 2. Managers and Supervisors will be required to attend a minimum of one such training course each fiscal year.
- C. Assignment: Affirmative Action Officer and Administrative Officer.
- D. Target Date: Continuous
- E. Evaluation: All employees, including managers and supervisors, will attend courses designed to prevent harassment/discrimination.

V. GOAL

To hire an employee under the Supported Work Program.

- A. Objective: To develop a position with duties that can be performed by a person with severe disabilities. This position will be shared by the three sections of the OAH (Administrative Law, Child Support, and Workers' Compensation) and the funds will be taken from the Workers' Compensation Special Fund and the Revolving Account.
- B. Action-Step(s)
 - 1. To meet with supervisors and managers to discuss the Supported Work Program so that they are aware of the purpose and expectations of the position.
 - 2. To determine what duties and responsibilities performed by current employees could be transferred to create this position.
 - 3. To create a meaningful position description for this position.
 - 4. To contact the Department of Employee Relations to assist OAH in recruiting candidates for the position.
- C. Assignment: Administrative Officer and Affirmative Action Officer
- D. Target Date: As soon as practical.
- E. Evaluation: A position will be created and filled by a Supported Employment Worker.

RECRUITMENT PLAN

The purpose of a recruitment plan is to attract qualified applicants in order to obtain a balanced workforce and to meet affirmative action goals. Supervisors and managers are required to comply with part C. of the Audit and Evaluation section in order to meet this objective. Recruitment opportunities exist for the positions of administrative law judge, workers' compensation judge, and the internship positions. All other positions are filled by persons who transfer, are on state lay-off lists or are on the eligible lists received from DOER. Full-time judge positions have not been available since 1994. However, contracts are entered into each year for administrative law judge services, and the recruiting process used for these contracts is also followed when filling full-time judge positions.

For the 1998 contracts, the notice of the availability of contract positions was published in:

<u>Publication</u>	<u>Cost</u>
Access Press	\$98
Finance & Commerce	\$385
Bench & Bar	\$111.75
Minnesota Women Lawyers	\$32.50
State Register	\$24

Also contacted and asked to publish the Notice were:

Minnesota American Indian Bar Association
Minnesota Minority Lawyers Association
Minnesota Hispanic Bar Association
National Asian Pacific American Bar Association - Minnesota Chapter
District bar associations in specific areas

The Office does not currently have a means of measuring the result of this recruitment effort. The Affirmative Action Officer will explore a means of measuring the extent of our contact and response from these publications before the beginning of the next contract period.

The Request for Proposal is also mailed to those persons on an on-going list who have expressed interest in receiving information.

Administrative law judges and workers' compensation judges require expertise and experience in specific areas of the law. In order to reach these individuals, the OAH will also:

- 1) Notify current Administrative Law Judges (ALJs) and Workers' Compensation Judges (WCJs) that a position will be available and ask for their active assistance in recruiting;
- 2) Identify attorneys who are leaders in the community and maintain a list of those willing to contact protected group members and encourage them to apply;
- 3) Post notices of openings at hearing sites and other appropriate areas, such as legal aid center and Pilot City;
- 4) Expand publication of notices to include minority community newspapers;
- 5) Expand recruitment of persons with disabilities by contacting organizations such as the State Council on Disabilities, Metropolitan Center for Independent Living, Rehabilitation Services at the Department of Economic Security, and Courage Center.

6) Investigate publishing general informational articles about the OAH for the purpose of making the public aware of the functions of the office.

There were no other methods used to recruit during the 1998 contracting period; we did not use 2, 5, and 6 during 1998 because these methods were the result of subsequent Affirmative Action Committee meetings.

In compliance with the Americans With Disabilities Act, all materials will also be available in alternative formats. We have not participated in job fairs. Should it become appropriate, the Office will investigate participation in job fairs in order to recruit applicants for position with this agency.

INTERNSHIPS

Administrative Law Clinic , William Mitchell College of Law: Participants are law students who are enrolled in the Administrative Law Clinic at Mitchell. All students who are enrolled participate. There is no recruitment because everyone who enrolls in this particular clinic is a part of the internship program. Students receive 2 credits for each semester and may enroll for up to two semesters. The law student attends the hearing with the ALJ and then prepares a draft decision, which is evaluated by the ALJ and sent to the law school.

Law Clerks, Workers' Compensation Section: Participants serve as law clerks to the Workers' Compensation Judges. The field of applicants is narrow because the participants must be second or third year law students and have an interest in workers' compensation law. OAH works with the placement offices to encourage protected group applicants from the three local law schools: University of Minnesota, William Mitchell College of Law and Hamline University Law School. Notice of the positions are posted at the law schools and the Department of Employee Relations is notified when positions are available.

RETENTION

The Office will strive to create an environment which promotes the retention of a diverse workforce. Ken Nickolai, Chief Administrative Law Judge, has final responsibility for this objective. Those who assist are:

Bruce Johnson, Assistant Chief Administrative Law Judge
Susan Schleisman, Administrative Officer
Sandra Haven, Office Services Supervisor 2, Administrative Law Section
Leslie Doolittle, Workers' Comp. Program Supervisor, Workers' Comp Section
Dennis Reek, Accounting Supervisor, Administrative Law Section
George. Beck, Administrative Law Judge Supervisor, Administrative Law Section
Allan Klein, Administrative Law Judge Supervisor, Administrative Law Section
Beverly Anderson, Administrative Law Judge Supervisor, Child Support Section
Cathrine Quintero, Executive 1, Workers' Comp Section

During fiscal years 1997 and 1998, 18 employees separated from the Office of Administrative Hearings. This group included 15 females, of which three were minorities, and three males. All four of the Goal Units for this Office (Office, Technical, Professional and Other) were affected by these separations.

SEPARATION ANALYSIS:

OFFICE (AFSCME) – Of the four total employees (all female), two were minorities; one of the minority employees was not certified; the other three employees preferred to work in St. Paul and transferred to other State agencies.

TECHNICAL – There were a total of twelve separated employees; ten were women (one minority, one person with a disability); and two males. These are Student Worker Para Professional Sr. positions; employees must be enrolled in an accredited law school during their employment and employment terminates upon graduation. Of these twelve employees, nine left because they had graduated from law school, including the minority female and the female with a disability; one female resigned to take another position; one female resigned because of a conflict with her school schedule; one female did not offer an explanation.

PROFESSIONAL – One female resigned to accept an opportunity for advancement.

OTHER – One male employee retired.

The reasons for separation do not appear to be significantly different between protected group employees and non-protected groups. Only one minority employee was separated involuntarily; the majority of the employees left because of graduation or because they preferred a work location other than downtown Minneapolis. We will continue to monitor the separation data.

All managers and supervisors are responsible for assisting employees under their supervision with development and training by informing them of training and educational opportunities which could lead to advancement. Promotional and transfer opportunities are posted by the Administrative Officer as they arise.

The Cultural Diversity Committee has been established to promote awareness, acceptance and appreciation of all aspects of our community. One of the objectives of this committee is to create an atmosphere that will promote the retention of all employees.

POLICY ON DISCRIMINATORY HARASSMENT

Harassment is a form of discrimination and is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972 and the Minnesota Human Rights Act, Minn. Stat. Ch. 363. It is a clear violation of equal employment opportunity and it is illegal. Harassment based on race, color, creed, national origin, sex, sexual orientation, religion, marital status, age, disability, status with regard to public assistance status, or membership or activity in a local commission will not be tolerated by this Office.

Harassment is any behavior which is not welcome, which is personally offensive, which insults or demeans and which, therefore, may affect morale and interfere with the employee's ability to perform. Harassment may take the following forms:

1. Repeated disparaging, belittling, demeaning, insulting remarks.
2. Repeated jokes about an employee or a characteristic unique to the employee.
3. Sabotage of an employee's character, reputation, work efforts or property.

Sexual harassment has been specifically defined by the Equal Employment Opportunity Commission (EEOC) as follows:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment; and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Sexual harassment may include such actions as:

1. Sex-oriented verbal kidding or abuse;
2. Subtle or overt pressure for sexual activity;
3. Physical contacts such as patting, pinching, or constant brushing against another's body; and
4. Demands for sexual favors which affect an individual's employment status or consideration.

Racial and ethnic harassment might include such actions as:

1. Any behavior previously listed in this policy which is applied to one's race, color, heritage or national origin.
2. Telling jokes or making derogatory remarks about one's race or ethnic heritage.

3. Use of language implying inferiority of a race or ethnic heritage.

Religion, disability, sexual orientation and age harassment might include such actions as:

1. Any behavior previously listed in this policy which is applied to one's religion, disability, sexual orientation or age.
2. Use of demeaning, derogatory names or remarks about one's religion, disability, sexual orientation or age.

It is the policy of the Office of Administrative Hearings to prohibit verbal and physical harassment of its employees based on race, color, creed, national origin, sex, sexual orientation, religion, marital status, age, disability, status with regard to public assistance status, or membership or activity in a local commission. Employees who experience harassment from co-workers should either make it clear that such behavior is offensive to them or bring the matter to the attention of their supervisor(s) or the Affirmative Action Officer. Individuals who harass are subject to disciplinary actions, including suspensions, demotions, transfer, or termination. Complaints of harassment involving misuse of an individual's official position should be made to the Chief Administrative Law Judge or the Affirmative Action Officer.

The Chief Administrative Law Judge is responsible for the application of this policy within the Office and each supervisor within their division. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees must be informed that discriminatory harassment is unacceptable behavior, and each supervisor will be responsible for orienting his/her staff to the Office's policy. The Affirmative Action Officer will be expected to keep the Office apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, the Chief Administrative Law Judge will be responsible for:

1. Making certain that each individual in the Office who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy;
2. Notifying all employees within the Office of this policy and orienting each new employee who is hired; and
3. Establishing a complaint procedure to investigate all complaints promptly and carefully, the provisions of which shall be disseminated to all employees.

DISCRIMINATION OR DISCRIMINATORY HARASSMENT COMPLAINT PROCEDURE

The following procedures will be used to resolve discrimination or harassment complaints if no specific procedures are provided in the bargaining agreements or compensation plans under which the complainant is represented. This office will not tolerate discrimination.

Coverage and Exclusions

1. This complaint procedure may be used by an employee, applicant, or eligible whose dispute or disagreement is based upon the belief that s/he has been discriminated against in employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age; or that s/he has been harassed by an employee because of the above factors or any other factor.
2. This complaint procedure may also be used by any employee, applicant, or eligible who believes that s/he is a victim of retaliatory action by an employee of this Office as the result of filing a complaint, cooperating in an investigation or otherwise participating in any action under this procedure.
3. This complaint procedure may not be used for disputes which are covered exclusively by provisions of a collective bargaining agreement or the Managerial or Commissioner's Plans. Such disputes should be handled under the grievance or dispute resolution procedures contained in those collective bargaining agreements or plans.
4. This complaint procedure does not in any way limit an employee's or applicant's right to file a formal complaint with the Minnesota Department of Human Rights, the U. S. Equal Employment Opportunity Commission, or an appropriate court of law.

Informal Complaint Procedure

An applicant or employee who has a complaint of discrimination or discriminatory harassment may inform the person that their behavior is objectionable and ask that it cease or the employee may bring it to the attention of their immediate supervisor. The supervisor receiving the complaint has the primary responsibility to respond to the complaint orally or in writing, in a timely manner, in an effort to resolve the complaint. If the complaint is against the immediate supervisor, it should be brought to the attention of the supervisor's immediate supervisor.

Formal Complaint Procedure

STEP 1. If a complaint is not satisfactorily resolved through the informal procedure, a formal complaint may be submitted in writing to the Affirmative Action Officer using the Discrimination Complaint Form for those complaints (Appendix D). The formal complaint must be filed within ten (10) working days after the completion of the informal procedure.

STEP 2. If in filing a complaint an employee states that s/he is unable to function in the worksite from which the complaint arose, the appointing authority, or his designee in his absence from the office, shall begin a preliminary investigation within two calendar days. If this preliminary investigation establishes that a reasonable basis for the employee's concern about continuing in the worksite exists, the appointing authority shall take intervening action to defuse the situation, which may include temporarily reassigning either party until such time as the complaint is fully investigated, there is a finding, and corrective action, if required, is implemented.

STEP 3. Within 7 calendar days, the Affirmative Action Officer will determine if the complaint of discriminatory harassment or discrimination is based on protected group status or not. S/he will notify the complainant of that decision in order that the complainant may use other remedies.

STEP 4. If the complaint is determined to fall under this procedure, the Affirmative Action Officer will within 7 days schedule a meeting with the appropriate Section Head and any appropriate parties to discuss the complaint. After the meeting, the Section Head will, within 3 days, provide the complainant with a written decision in the matter or will request in writing that the Affirmative Action Officer or other appropriate investigative body (with a copy to the employee or applicant) conduct an investigation of the matter.

STEP 5. If the complaint is referred to the Affirmative Action Officer for investigation, the Affirmative Action Officer shall ensure an investigation is conducted in a timely manner. The investigation may include interviews with and/or statements from all parties involved including the complainant, respondent, complainant's supervisors, witnesses and co-workers as well as a review of all pertinent records or documents relating to the complaint. A report will be prepared and submitted to the responsible party in the office who is authorized to take action to resolve or correct the situation. The Affirmative Action Officer may also provide recommendations to the responsible party. Appropriate action will be taken in a timely manner and may include discipline up to and including discharge.

Disposition of Complaints: Time Limits

Time limits in the specified areas above may be waived or modified upon mutual agreement of the parties involved. The final written disposition of a formal complaint shall be provided within sixty days of receipt of the complaint. The final disposition of a complaint, if based on protected group status, shall be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.

Appeal Procedure

1. If the disposition of the complaint by any responsible party, other than the Chief Administrative Law Judge, is not satisfactory to the complainant, it may be appealed in writing to the Chief ALJ within five (5) working days following notification of the disposition of the complaint.
2. The Chief ALJ shall review the appeal and discuss it with the employee as needed. If the complaint is resolved, that resolution will be put in writing and signed by the Chief ALJ and the complainant, including the complainant's representative, if any. If no settlement is reached, the Chief ALJ shall give a written decision to the employee within a reasonable period following the meeting. The decision by the Chief ALJ will be the Office's final decision.

Alternative Investigation:

As an alternative to Steps 3 – 5, and at his discretion, the Chief Administrative Law Judge may refer a complaint to the Department of Employee Relations, Labor Relations Division, for the purpose of conducting an investigation and making a recommendation.

REASONABLE ACCOMMODATION PROVISION

I. POLICY

This Office is committed to encouraging the employment of people with disabilities. We will make reasonable accommodations to the physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would impose an undue hardship on the Office. This policy applies to all current employees, employees seeking promotion, and job applicants.

Accommodations will be provided to qualified individuals, whether an employee or job applicant, when such accommodations are directly related to performing a job or competing for a job. Accommodations will not be provided for non-job-related personal needs, such as transportation to and from work. This Office will comply with Minn. Stat. § 15.441 (1998) which requires that a sign language interpreter be provided at hearings, when requested.

To make a reasonable accommodation request, employees should contact their supervisor; job applicants and participants in hearings conducted by this office can contact Michael Lewis at 341-7610, Catherine Quintero at 349-2669; or Sandra Haven at 341-7642.

II. DEFINITION

An individual with a disability is defined as (and as more fully defined in the Americans With Disabilities Act):

a person who has a physical or mental impairment that substantially limits one or more major life activities;

a person who has a record of such an impairment; or

a person who is regarded as having such an impairment.

III. REQUEST FOR REASONABLE ACCOMMODATIONS

The steps in requesting reasonable accommodations for current employees are:

- A. The employee shall inform his/her supervisor of the need for an accommodation.
- B. The Affirmative Action Officer may request documentation of the individual's functional limitations to support the request. If the documentation supports the individual's request, steps C. through H. will be followed.
- C. When the documentation is received, and if it is determined to be an appropriate request under the ADA, C. through H. are followed.
- D. The supervisor and the employee with a disability consult to determine the need for the accommodation and to discuss alternatives such as job restructuring, job site modification, and assistive devices.
- E. Within seven working days, the supervisor must submit a written request form (copy attached) obtained from the Affirmative Action Officer for reasonable accommodation. The request includes a justification for the accommodation, a statement of the limitations, the suggested accommodation, and approximate cost. If the supervisor approves the request, the Affirmative Action Officer will assist the supervisor by providing the necessary resources and information.

- F. The Affirmative Action Officer will review the request and, if approved, will assist the supervisor in making the accommodation. If the accommodation will cost a significant amount (an amount already determined by the Chief Administrative Law Judge pursuant to the OAH ADA self-evaluation), the Affirmative Action Officer will forward it along with his/her recommendation to the Chief ALJ within three working days.
- G. The decision is provided in writing to the supervisor and employee within five working days after the determination is made by the Chief ALJ.
- H. The Affirmative Action Officer submits appropriate purchasing documents to the purchasing agent if equipment, furniture or other assistive devices must be purchased.
- I. The Affirmative Action Officer will maintain all documents pertaining to the accommodation.

IV. METHODS OF PROVIDING REASONABLE ACCOMMODATION

The following are some methods of providing reasonable accommodations to individuals with disabilities. Other forms of reasonable accommodation may also be provided.

- A. Modification of equipment or assistive devices. The provisions of equipment may include special telephone equipment, "talking" calculators, one-handed typewriters, closed circuit televisions, specifically designed desk and files, TTY communications equipment and other types of equipment to facilitate the performance of Job duties. These items may include: off-the-shelf devices as well as highly specialized, customized and/or prescription items.
- B. Job site modification. The planning and provisions of accessibility to existing facilities may be required in order for disabled individuals to work in them. Modifications may include adjustments to equipment height including desks, chairs, etc., addition of electrical outlets, rearrangement of furniture and equipment, widening doorways, reallocation of the job site to an accessible area, provision of special parking facilities, modifications of ventilation, heating, cooling, and lighting systems, and other types of similar modifications. This Office will negotiate any changes with Lessor through the Real Estate Management Division, Department of Administration, to determine costs involved.
- C. Job restructuring. The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Arrangements must be considered for full-time permanent and intermittent employment. Job sharing and flexible work hours may permit disabled employees to meet such needs as medical appointments and medical dietary requirements.
- D. Support services. Support services such as interpreters for individuals with hearing impairments or readers for blind, etc. must be provided when it is clearly demonstrated that these services are required for an employee's performance of the essential functions of the job. Support services may also be needed for job applicants during the interview process. The OAH may directly or on a contractual basis of any Office outside the department provide the training necessary to allow staff members to provide support services when such training and the provisions of such support services are administratively feasible.

V. FUNDING FOR REASONABLE ACCOMMODATION

Funding will be provided for reasonable accommodations. The availability of funds varies with each Office. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the Chief ALJ. When determining whether or not to make the accommodation without imposing undue hardship on the Office, the following factors must be considered:

the size of the Office's budget; the nature and cost of the accommodation; the ability to finance the accommodation in relationship to the site(s) where there may be a need; and documented good faith effort to explore a less restrictive or less expensive alternative.

VI. PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

- A. The OAH is free to choose the specific accommodation provided to qualified employees or applicants with disabilities. The person requesting reasonable accommodations will suggest appropriate accommodations. The OAH may provide another accommodation equal or superior to the one proposed in practicality, usefulness, or cost effectiveness.
- B. All tangible accommodations purchased by the OAH will be the property of the State of Minnesota and shall be used only for job related functions. The maintenance of equipment will be the responsibility of the OAH and projected maintenance costs will be a factor in the initial decision to provide accommodations. Example: repair special office equipment, etc.

VII. APPEALS

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the Chief ALJ within three working days of the decision. The Chief ALJ will, within three working days of the individual's appeal, convene the ADA Committee members who have not been previously involved. This committee will review all pertinent material and steps leading to the decision according to the following criteria:

- A. Job relatedness.
- B. Effectiveness.
- C. Necessity.
- D. The relationship between the accommodation and essential job functions.
- E. Cost.
- F. Other claims of undue hardship.

The committee will make a recommendation to the Office within three working days from the date the committee convened unless more time is needed to obtain more information from outside sources. The Chief ALJ will make a final determination within three days from receiving the committee's recommendation. The Affirmative Action Officer will then convey written copies of the Chief ALJ's decision to the employee and supervisor. If the employee is still dissatisfied with the decision, she/he may file with federal, state, local and human rights agencies or other legal channels. The OAH's Affirmative Action Officer will provide the employee and compliance agencies with information and assistance needed in the appeal process. Information will be provided in compliance with the Minnesota Government Data Privacy Act. Compliance agencies which are investigating complaints will be provided documentation relating to the denial of a request for reasonable accommodation.

VIII. REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS

- A. All initial communication with job applicants regarding job vacancies shall indicate the willingness of the Office to make reasonable accommodation to the known disability and shall invite the applicant to contact the Office for the needed accommodation.
- B. The individual contacted with the request shall contact the Affirmative Action Officer immediately. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.

- C. The Affirmative Action Officer shall contact the job applicant to discuss the needed accommodation and possible alternatives.
- D. If the accommodation is approved, the Affirmative Action Officer will take the necessary steps to see that the accommodation is provided.

IX. DENIAL OF ACCOMMODATION

All denials of requests for accommodation will be documented and kept on file by the Affirmative Action Officer. The Affirmative Action Officer shall notify the employee of their right to file a complaint under the Appeals section of this provision, and advise the employee of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

If the requested accommodation made by a job applicant is denied, the Affirmative Action Officer shall notify the job applicant of the decision and advise them of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission or other legal channels.

**OFFICE OF ADMINISTRATIVE HEARINGS
EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION**

Employee Name: _____ Classification: _____ Date of Request: _____

Division: _____

Statement of Limitations: (Attach additional sheets if necessary)

1. Type of accommodation requested to perform essential function:

2. Which essential function of your job will the requested accommodation allow you to perform?

3. How will the requested accommodation be effective in allowing you to perform the essential job functions?

4. Have any non-essential job functions been eliminated? Please describe.

5. Describe specific reasonable accommodations to be made and approximate cost.

Signature of Employee _____ Date: _____

Signature of Supervisor _____ Date: _____

Signature of Affirmative Action Officer _____ Date: _____

**OFFICE OF ADMINISTRATIVE HEARINGS
REASONABLE ACCOMMODATION AGREEMENT**

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

Name of Employee _____

Name of Supervisor _____

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

Accepted _____ Denied _____

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

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

Yes _____ No _____ Partially _____

If "no" or "partially", give reason:

Describe specific accommodations to be made:

COST ESTIMATE: _____

I have read the Employee Request for Reasonable Accommodation. I understand that all tangible accommodations purchased by the OAH will become the property of the State of Minnesota.

Signature of Employee:

Date: _____

Signature of Chief Administrative Law Judge:

Date: _____

Signature of Affirmative Action Officer:

Date: _____

WEATHER EMERGENCY

A copy of Acting Commissioner Karen Carpenter's memorandum of December 2, 1996, is included in this Plan and attached as Appendix E.

All employees will be notified as outlined in this memorandum and as further explained in the Office's Time Off in Emergencies Plan. All employees have received the Office's Emergencies Plan.

At this time, the Office has one employee with a hearing impairment. If at work, this employee will be notified by the supervisor or designated backup staff; if the employee is not at work, the supervisor will contact the Minnesota Relay Service (MRS) at 1-800-627- to inform the employee via the TTY.

BUILDING EVACUATION

The Office is located in a privately-owned building which has an Emergency Procedures Plan which includes building evacuation. This Plan has been adopted by our office and has been made a part of our ADA Self-Evaluation.

All employees have been issued a memorandum regarding building evacuation and are aware of what exit to take in the event of an emergency, and "floor wardens" have been designated in conjunction with the Plan. There are also evacuation routes posted in various locations in the office.

We have no mobility-impaired employees at this time. In the event a mobility-impaired person is hired by the Office of Administrative Hearings, special arrangements will be made in accordance with the building's Plan.

In April, the 1998 Legislature transferred the Settlement Division of the Department of Labor and Industry to the Office of Administrative Hearings. This involves the addition of three office locations: one in St. Paul, one in Duluth, and one in Detroit Lakes. These three locations are all in privately-owned buildings and will continue to follow the emergency and evacuation plans for those locations.

APPENDIX A

RACE/ETHNIC CATEGORIES

The U.S. Equal Employment Opportunity Commission recently has revised its race/ethnic categories for the purposes of reporting employment statistics on the EEO-4 form (for state and local governments) and on the EEO-6 form (for educational institutions). The categories are defined as follows:

1. White, not of Hispanic Origin -- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. Black, not of Hispanic Origin -- Persons having origins in any of the Black racial groups of
3. Hispanic -- Persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race.
4. American Indian or Alaskan Native -- Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
5. Asian or Pacific Islander -- Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands. This area includes, for example, China, Japan, the Philippine Islands, and Samoa.

With regard to the Statewide Affirmative Action Plan, the term "minority" includes all of the aforementioned categories except the first, "White". Agencies must use these categories when preparing employment status by race or ethnic origin.

STATE OF MINNESOTA
DEPARTMENT OF EMPLOYEE RELATIONS
AFFIRMATION ACTION GOAL ACHIEVEMENT REPORT
AS OF: 1998-06-23

GOAL UNIT: 079 ADMINISTRATIVE HEARING OFFICE

TOTAL IN		TOTAL FTE	FEMALE	FEMALE	FEMALE	FEMALE	MINORITY	MINORITY	MINORITY	MINORITY	DISABLED	DISABLED	DISABLED	DISABLED
AA PLAN	AA PLAN	IN AA PLAN	% GOAL	FTE GOAL	FTE ACTUAL	% OF GOAL	% GOAL	FTE GOAL	FTE ACTUAL	% OF GOAL	% GOAL	FTE GOAL	FTE ACTUAL	% OF GOAL
OTH	53	53.00	27.10	14.36	22.00	153.20	5.40	2.86	2.00	69.93	12.82	6.79	5.00	73.64
206	43	42.00	0.00	0.00	39.00	0.00	6.50	2.73	3.00	109.89	12.82	5.38	3.00	55.76
207	11	8.50	30.00	2.55	5.00	196.08	4.40	0.37	1.50	405.41	12.82	1.09	1.00	91.74
214	9	9.00	48.90	4.40	8.00	181.82	5.60	0.50	1.00	200.00	12.82	1.15	2.00	173.91

DISCRIMINATION COMPLAINT

PLEASE READ: Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, subds. 1 & 2. You are not legally required to provide this information, but without it an investigation cannot be conducted. This information may only be released to the Affirmative Action Office, the Complainant (you), the Respondent (person who discriminated against you), appropriate supervisory personnel and the Chief Administrative Law Judge.

COMPLAINANT:

Name _____

Job Title _____

Division _____

Supervisor _____

RESPONDENT:

Name _____

Job Title _____

Division _____

Supervisor _____

COMPLAINANT: I was discriminated against because of:

Race ____ Sex ____ Age ____ Color ____ Creed ____ Religion ____

Disability ____ Marital Status ____ National Origin ____ Sexual Orientation ____

Status with Regard to Public Assistance ____ Membership or Activity in a Local Commission ____

When did the most recent incident occur: _____

Date _____

Time _____

Location _____

Describe the incident(s) in detail, including names of witnesses (use additional sheets if necessary):

Relief Requested: _____

Have you filed this complaint with any other agency? Yes ____ No ____

If yes, which agency? _____

I hereby certify that the information provided in this complaint is true and correct to the best of my knowledge.

Signature _____

Date _____

Received by: _____

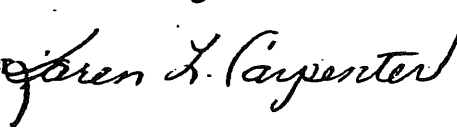
Date: _____

*Leadership and partnership in
human resource management*

DATE: November 14, 1997

TO: Agency Heads
Human Resource Directors/Designees

FROM: Karen L. Carpenter
Commissioner



RE: Weather Emergencies

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

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

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

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

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

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

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

How to find out about a weather emergency

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

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

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

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

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

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

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

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

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

I hope this information helps you understand how emergencies for state employees are determined and announced. Please feel free to share this information with your employees. Posters sent last year remain the same. If you need additional copies, contact Mary Ferguson at (612) 297-3053. If you have any questions, please contact your human resources office.

cc: Labor Relations Representatives

cfj/weather/m-weather