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# **Affirmative Action Plan**

AUG 31 1999

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**July 31, 1998 - July 31, 2000**

**Department of Employee Relations**

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# Department of Employee Relations

## 1998 Affirmative Action Plan

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## Statement of Commitment

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As Commissioner of the Department of Employee Relations, I support the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action efforts to provide equal opportunity in employment to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, membership or activity in a local commission. To ensure a diverse workforce representative of all protected groups, the Department of Employee Relations will ensure that positions are accessible to all qualified persons and will make every effort to recruit, hire, retain and support qualified protected group members.

Managers and supervisors are the individuals who can ultimately make the most impact on this program and they will be accountable for ensuring that Affirmative Action Programs are implemented. Each manager and supervisor shall have a statement in their position description describing their affirmative action responsibilities.

I have delegated the responsibility for administration of this Affirmative Action Plan to Lori Richman. Lori is the agency's Affirmative Action Officer and is responsible for monitoring and implementing the day-to-day activities of this program. Lori is accountable to the Commissioner of the Department of Employee Relations, on Affirmative Action Issues.

I am committed to implementation of this plan. I encourage employees of the Department to be involved in carrying out this policy and welcome comments and suggestions on improving our agency's policies and services to our customers.

11-20-98  
Date

Karen L. Carpenter  
Karen L. Carpenter, Commissioner  
Department of Employee Relations



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# **Responsibilities for Affirmative Action & ADA**

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## **Commissioner**

**Responsibilities:** Establish the Affirmative Action and ADA programs and maintain compliance with federal and state laws.

**Duties:**

- Designate Affirmative Action Officer and include accountability in his/her position description,
- Take action, as needed, on complaints of discrimination,
- Issue a statement affirming the department's commitment to affirmative action/equal employment opportunity,
- Report the department's progress annually to the Governor and Legislature.

**Accountability:** Accountable directly to the Governor.

## **Affirmative Action Officer/Designee**

**Responsibilities:** Administer the department's Affirmative Action and ADA programs.

**Duties:**

- Write, update, implement and monitor the affirmative action plan,
- Provide status reports as required,
- Oversee the pre-employment review process and the submission of the Protected Group Reports,
- Investigate alleged charges of discrimination and report a summary of findings to the appointing authority,
- Disseminate affirmative action and ADA information to managers, supervisors, employees, and applicants.

**Accountability:** Accountable to the Commissioner of the Department of Employee Relations.

## **Supervisors and Managers**

**Responsibilities:** Implement the Affirmative Action program and to ensure equal treatment to all employees.

**Duties:**

- Communicate the department's affirmative action policy to assigned staff,
- Carry out supervisory and managerial responsibilities in accordance with the affirmative action/equal employment policies embodied in this plan,
- Create and provide a positive work environment and maintain a system for equitable evaluation, recognition, development, and rewarding of employees.

**Accountability:** Accountable to Division Managers or the Commissioner.

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# **Methods for Communicating the Department of Employee Relations Affirmative Action Plan**

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The Department of Employee Relations Affirmative Action Officer/Designee (AAO) will ensure that all employees are advised of the policy of non-discrimination, the provision of reasonable accommodation, and the procedure for filing a complaint. The material can be provided in alternative formats such as large print, Braille or on tape.

## **Methods for Communicating the Affirmative Action Plan Internally**

1. The AAO will distribute to all supervisory staff, a copy of the full AA plan and a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Office of Human Resources will post the following documents on the official department bulletin board:
  - a) the Department of Employee Relations Affirmative Action Plan,
  - b) the Minnesota Equal Opportunity policy, and
  - c) the name and phone number of the agency's Affirmative Action Officer/Designee.
3. The Office of Human Resources will provide additional copies of the AA plan to employees upon request.

## **Methods for Communicating the Affirmative Action Plan Externally**

1. The Department of Employee Relations will include the statement, "an equal opportunity employer," on agency letterheads, job announcements and training opportunity bulletins.
2. A notice of the Department's Equal Employment Opportunity Policy will be posted in the main lobby, providing an opportunity for everyone doing business directly with the Department of Employee Relations to be made aware of the policy.
3. The department's Internet Home Page will include the statement, "an equal opportunity employer."



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# **Internal Discrimination Complaint Procedure**

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The Leadership of the Department of Employee Relations seeks to maintain a working environment free from discrimination, harassment or hostility, where open, honest communication is encouraged. To that end, the Department of Employee Relations has established the following complaint procedure to be used by all employees. This procedure is designed to provide an opportunity to resolve problems **internally** before seeking redress from an outside authority. We encourage employees to use this internal procedure. However, all employees have the right to file a charge with the Department of Human Rights or other agencies. Anyone filing a complaint or serving as a witness in accordance with this procedure shall do so without fear of coercion, reprisal or intimidation.

## **Responsibility of Department Employees**

All employees shall respond promptly to any and all requests by the Affirmative Action Officer for information and for access to data and records for the purpose of enabling the AAO to carry out her/his responsibilities under the complaint procedure. The failure of any employee to comply with the requests of the AAO shall be reported to her/his manager and/or the Commissioner.

## **Who May File**

Any employee, or job applicant of the Department of Employee Relations or individual on an eligible list who believes that s/he has been harassed or discriminated against by reason of race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, or status with regard to public assistance or membership or activity in a local commission may file a complaint. Employees who are terminated must file their complaint prior to their actual separation. Complaints related to other types of harassment should be filed under the procedures defined in the employee's contract or plan.

## **The Complaint Procedure**

The complaint procedure provides two avenues for resolution of discrimination or harassment complaints. The informal procedure provides an opportunity for anyone who believes that they have been harassed or discriminated against to discuss the situation immediately with their supervisor, AAO, or staff member of the Office of Human Resources to ask for advice or to seek an informal resolution. If the informal procedure is unsuccessful, if the complainant is dissatisfied with the resolution, or if the complainant prefers to bypass the informal process, the formal procedure is used. In the case of a sexual harassment complaint, only the formal process may be used.

## **A. Informal**

Employees must present their complaint to their immediate supervisor or the AAO within 21 calendar days after the occurrence of the incident(s) in question. The supervisor or AAO must give an oral or written answer within 7 calendar days and thereafter the parties shall have 7 calendar days to pursue resolution by mutual agreement.

## **B. Formal**

The complaint must be filed with the AAO within 7 calendar days of the conclusion of the informal process or, if bypassing the informal process, within 21 calendar days after the occurrence of the incident(s) in question. If the respondent is the AAO, the complaint may be filed with the Commissioner.

## **Filing Procedures**

1. The employee completes the "Complaint of Discrimination Form" provided by the AAO. The AAO will, if requested, provide assistance in completing the form.
2. The Affirmative Action Officer determines if the complaint is harassment, discrimination, or a general personnel concern. This determination will be made within 5 working days of receipt of complaint. If determined by the AAO that it is not an affirmative action related complaint, the individual will be referred to her/his manager to file a complaint as defined by the complaint procedure specified by the employee's contract or plan. If the AAO determines that it is an affirmative action related complaint (i.e., the complainant is alleging a violation of her/his right to equal employment on the basis of race, creed, color, etc.), the AAO shall send a letter outlining the basic facts of the complaint and requesting a response to the allegations from the respondent(s) within a specified period of time. The AAO may conduct an interview to obtain the response, but will provide a letter at the time of the interview.
3. The respondent will reply to the AAO with her/his understanding of the situation. If the respondent fails to reply within the given time period, the allegations will be considered to be denied and the AAO shall investigate the case.
4. At the conclusion of the investigation, the AAO shall review the findings and, if there is sufficient evidence supporting the complaint, appropriate action will be taken.
5. If the AAO believes there is insufficient evidence to support the complaint, s/he will send a letter to the complainant, respondent(s) and the Commissioner dismissing the complaint.
6. The AAO will maintain records of all complaints and related documentation or data for three years after the case is closed.

7. The entire complaint procedure should be completed within 60 working days following the filing of the formal complaint. The complainant will be contacted if extenuating circumstances arise which may prevent completion within 60 days.
8. All data collected may, at some point, become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. Investigative data may include, but is not limited to, the following types of data:
  - A. interviews or written interrogatories with all parties involved in the complaint, such as complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
  - B. all records pertaining to the case (i.e., written, recorded, filmed, etc.).

All documentation associated with a complaint will be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint is public. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act. All data will be retained in the Office of Human Resources.

Department of Employee Relations

COMPLAINT OF DISCRIMINATION

**Please Read Before Completion of Form**

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer/Designee, the complainant, the respondent, appropriate supervisory or Human Resources personnel, investigative staff, and the Commissioner of Employee Relations.

**Complainant (You)**

Name		Job Title	
Work Address	City, State, Zip Code	Telephone ( )	
Agency	Division	Supervisor	

**Respondent (Person Who Discriminated Against You)**

Name		Job Title	
Work Address	City, State, Zip Code	Telephone ( )	
Agency	Division	Supervisor	

**The Complaint**

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

continue on other side....

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

**Information on Witnesses Who Can Support Your Case**

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

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

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

Complainant Signature

Date

Affirmative Action Officer Signature

Date

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## **Programs and Program Objectives**

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### **Program: Affirmative Action Hiring**

**Objective:** The department will continue to hire affirmatively and will include Affirmative Action consideration in the hiring process for all hires.

**Responsibility:** Affirmative Action Officer and Office of Human Resources staff.

**Completion Date:** Ongoing

#### **Action Steps:**

1. The Office of Human Resources will maintain current information regarding disparities.
2. Prior to working with supervisors on all hires, members of the Office of Human Resources will check AA data identifying disparities which exist.
3. For all hires where a disparity exists members of the Office of Human Resources will initiate the pre-employment review process prior to interview activities.
4. The AAO will maintain files with background materials/documentation on any missed opportunities.

**Evaluation:** Office of Human Resources staff involved in the hiring process will provide oral evaluation of the affirmative action hiring process on a semi-annual basis to the AAO.

**Program: Affirmative Action Education**

**Objective:** Provide education to department supervisors and managers about Affirmative Action and about responsibilities in implementing the Affirmative Action Plan.

**Responsibility:** Affirmative Action Officer and Office of Human Resources staff.

**Completion Date:** Ongoing

**Action Steps:**

1. Develop educational materials which include an overview about the Affirmative Action Plan and specific information about the components of the Plan for which supervisors and managers will be held accountable.
2. Develop education materials describing the hiring process for situations where a disparity exists and outlining the supervisors and managers role in assuring that affirmative hiring goals are met.
3. Educate supervisors and managers about their role in implementing the Affirmative Action Plan, creating and maintaining a healthy and humane workplace and specific supervisory responsibilities that contribute to retention of protected group members.

# Annual Goals

Anticipated hiring of disparate protected group members when a good faith effort is made to remove the barriers that prevent full participation of minorities, females and persons with disabilities in state service. Consideration of turnover, growth and retraction needs to be made for each agency's goal/bargaining unit and for each of the three protected classes. Hiring goals for disparate groups should be considered whenever underutilization exists and there is one or more anticipated hires in the job group. The "Change +/-" column should reflect the difference between the current total workforce and the anticipated total workforce by end of the fiscal year.

Date: July 24, 1998

Agency: Employee Relations

JOB GROUP	CURRENT WORK FORCE				AVAILABILITY (%)			UNDERUTILIZATION # of Persons (Nearest Tenth)			Anticipated New Hires for the Year			HIRING GOALS		
	TOTAL	FEMALE	MINORITY	DISABLED	FEMALE	MINORITY	DISABLED	FEMALE	MINORITY	DISABLED	Change+/-	Turnover	Total Hires	FEMALE	MINORITY	DISABLED
Managers	16	9	2	1	41.6	5.8	12.8			1.05		2	2			1
Supervisors	23	16	1	3	45.7	7.4	12.8		.55							
Professionals	96	57	7	9	57.1	6.9	12.8			3.31	2	4	6			2
Office Clerical	70	56	6	9		7.7	12.8				1	3	4			1

The Hiring Goals represented here reflect the Department's desire to hire and retain a diverse workforce that reflects the demographics of the community. The goals are ONLY goals and should not be misunderstood as quotas. Goals established for any hiring group does not mean that a member of that protected group will necessarily be appointed to that position.



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## **Pre-Employment Review Process**

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The Department of Employee Relations Office of Diversity and Equal Opportunity rules governing statewide affirmative action programs require that methods of auditing, evaluating and reporting program success be established for all agencies. This includes the establishment of the pre-employment review process for all hiring decisions in occupational categories in which a disparity exists. The AAO will generate monthly AA data reports indicating current disparities and will distribute them to members of the Office of Human Resources and to department supervisors and managers. When filling a vacancy in an occupational category in which a disparity exists, we will follow these procedures.

1. The assigned Office of Human Resources staff member will review the data and meet with the AAO as necessary, to determine whether a disparity exists for a position that has been/will be posted.
2. The Office of Human Resources staff member will work with the hiring supervisor, monitoring the hiring process, to ensure that available protected group candidates for which there are disparities are included.
3. Where a disparity exists, protected group candidates are available and the intended hiring selection is not a protected group member, the staff member from the Office of Human Resources will obtain the hiring supervisor's rationale to discuss with the AAO.
4. The AAO, Office of Human Resources staff member and Division Manager will review the rationale and attempt to resolve the hiring situation. If agreement cannot be reached, the AAO, and the Commissioner as necessary, will approve or deny the selection. All decisions will be made in writing and will be maintained on file in the Office of Human Resources.

### **Procedure for Reviewing Layoffs**

All layoffs will be discussed by the Director of the Office of Human Resources and the Affirmative Action Officer/Designee to determine their effect on the Department of Employee Relations' Affirmative Action goals and timetables.

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## **Recordkeeping and Evaluation**

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Office of Human Resources staff records data regarding hires on the Protected Group Report forms.

The AAO and Office of Human Resources staff maintains evaluation documentation in the central files of the Office of Human Resources, and include:

- Affirmative Action Plan and any related written comments
- purchase orders for recruitment fees paid and notes on specific recruitment activities
- Affirmative Action complaints
- ADA complaints

Yearly discussions among Office of Human Resources staff will determine the success and/or additional requirements for the Affirmative Action Program.

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## **Weather Emergencies**

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The News for state employees... regarding Winter/Weather Emergencies is posted on the DOER Bulletin Board.

In case of an emergency all employees who are deaf or hard of hearing will receive notification, if at work, by the supervisor or designated backup staff. If a weather emergency is called after work hours, employees who are deaf or hard of hearing can obtain official notification by watching weather broadcasts on WCCO, or KARE 11 Television. Broadcasts are closed captioned. In addition, if employees who are deaf or hard of hearing prefer, they may arrange for notification at home from their supervisor or designee. If an emergency which affects the employee is called, the supervisor or designee may use the Minnesota Relay Service (1-800-627-3529) to contact the employee using the TTY.

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# Emergency and Building Evacuation Procedures

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The Department of Employee Relations has developed building evacuation procedures for use in the event of an emergency to ensure the safe exit of all individuals, both employees of the agency and those visiting the Department of Employee Relations.

## IN CASE OF FIRE

When the building alarm sounds, follow these procedures.

- Immediately evacuate via the nearest emergency exit. Do not use elevators.
- Close all doors.
- Evacuation Team members assist with evacuation and ensure that all individuals in their assigned area have safely evacuated. Individuals with mobility impairments are assisted in moving into the stairwells, or other safe, smoke-free areas of the building as arranged with fire authorities. Individuals with mobility impairments are accompanied by two "assistants" during all evacuations. A third helper immediately reports the location of individuals inside the building to the Building Emergency Director or his/her representative or the Fire Department representative on the scene.
- Individuals who are deaf or hard of hearing and who have not seen the alarm lights are notified of the evacuation by an individual from their work unit or the evacuation team.

If you see the fire and no alarm has sounded, call Capitol Security immediately at 296-2100. Capitol Security will set off the alarm and will contact the Fire Department. If time permits, inform the Department Emergency Coordinator at 296-5280.

When it is safe to enter the building, the Building Emergency Director will issue the "all clear" and normal business may resume.

## REMEMBER...

...begin evacuation immediately,

...don't try to return to your office for coats, purses, or other items before the "all clear" has sounded, and

...don't use building elevators.

## IN CASE OF SEVERE WEATHER

The Building Emergency Director will be notified by Capitol Security or by the National Weather Service when the Capitol Complex is placed on a severe weather or tornado watch status and will notify the Department Emergency Coordinator. The Department Emergency Coordinator will monitor the weather conditions on a weather radio. If the watch is upgraded to a warning, the Building Emergency Director will determine the need for relocation of all employees and visitors to safe areas, and will use the public address system to communicate that decision.

**When the relocation order is given via public address system, the Department Emergency Coordinator will:**

- assist all individuals in moving away from windows and into assigned safe areas,
- remind individuals assigned as "assistants" to assist employees and visitors with mobility impairments in relocating to the assigned safe stairwell areas, and
- remind individuals assigned as "assistants" to assist employees and visitors who are deaf or hard of hearing.

When the weather threat has passed, the Building Emergency Director will issue the "all clear" and normal operations may resume.

## IN CASE OF BOMB THREATS

In the event of a bomb threat, the Department will make a public address announcement.

**A. Yellow Alert.** This alert will indicate that a bomb threat has been received.

- All employees should take note of and report suspicious packages, envelopes, or items.
- If an item is discovered, DO NOT TOUCH OR MOVE IT. Notify Capitol Security immediately at 296-2100.
- Individuals who are deaf or hard of hearing will be informed of the alert by "assistants" or their supervisor.

**B. Blue Alert.** This alert will notify building occupants that an unidentified package has been found.

- All individuals in the affected area will be instructed to move to a safe area.
- Individuals who are deaf or hard of hearing will be assisted by an "assistant" or by their supervisor.
- Individuals who have a mobility impairment will be accompanied by two "assistants" and should use the elevators if it is safe to do so.

C. **Red Alert.** This alert will notify building occupants that it is unsafe to remain in the building.

- All occupants should evacuate the building until further notice.
- Individuals who are deaf or hard of hearing will be assisted by an “assistant” or by their supervisor.
- Individuals who have a mobility impairment will be accompanied by two “assistants” and should use the elevators if it is safe to do so.

D. **All Clear.** When it is safe to return to normal operation, the Evacuation Team members will announce the “all clear.”

- Note: All employees should continue to be cautious of suspicious items and should contact the Department Emergency Coordinator at 296-5280 or Capitol Security at 296-2100 if concerned.

### **IN CASE OF MEDICAL EMERGENCIES**

A. Call 296-2100 (Capitol Security) or 9-911 and give:

- the exact location of the medical emergency, including the building address, floor and room number or name
- the symptoms of the victim
- your name
- any other requested information

Do not hang up the phone until Capitol Security or the 911 operator does.

B. Support the victim's medical needs. Call for a first aid certified employee to help.

C. Send someone to meet the paramedics and lead them to the scene.

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# Reasonable Accommodation Policy

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It is the state's policy to reasonably accommodate qualified individuals with physical or mental disabilities, who are employees, applicants or employees seeking promotion, in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. The Leadership of the Department of Employee Relations is committed to the fair and equal employment of people with disabilities, and understands that in many cases, reasonable accommodation is the key to this employment.

## Definitions

1. **Person with a disability.** A person with a disability is one who...
  - ...has a physical or mental impairment that substantially limits one or more major life activities, or
  - ...has a record of such an impairment, or
  - ...is regarded as having such an impairment.
2. **Reasonable accommodation.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.
3. **Undue hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the agency.

## Procedure for Requesting a Reasonable Accommodation - Employee

1. The employee will inform her/his supervisor of the need for an accommodation. The employee or the supervisor if requested by the employee will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan. If necessary, the supervisor will work with the ADA Coordinator to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor will, in consultation with the employee:
  - discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step job analysis);
  - determine the precise job-related limitation(s);
  - identify potential accommodations and assess the effectiveness of each; and
  - select and implement the most appropriate accommodation for both the individual and the employer.

3. The supervisor and/or employee may seek technical assistance from the agency ADA coordinator/AAO as needed.
4. If the supervisor is unable to make a decision about a requested accommodation, s/he will forward the written request for accommodation along with her/his recommendation to the division manager within five working days of the employee's request. If the division manager is unable to make a decision, the request will be forwarded along with her/his recommendation to the Commissioner within 10 days of the employee's initial request. The Commissioner, working with the agency's ADA Coordinator, will make the decision and provide the response to the division manager and the employee within 10 working days after receiving the request.
5. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of the agency, the employee and ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.
  - Look for a vacant position that is equivalent to the one held by the employee.
  - If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.
  - Look for transfer, mobility, noncompetitive and competitive opportunities.

### **Procedure for Requesting a Reasonable Accommodation - Job Applicant**

1. When a request for accommodation is received from a job applicant, the supervisor and a staff member from the Office of Human Resources will discuss alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.
2. If the supervisor and the staff member from the Office of Human Resources are unable to make a decision, they will forward a written request for accommodation along with a recommendation to the ADA Coordinator/AAO within 3 days following the request.
3. If the request is approved, the supervisor will make sure that the accommodation is provided. If the request is not approved, the ADA Coordinator/AAO will inform the applicant in writing within 3 working days.



## **The Funding of Accommodations**

Funding will be approved by the department for reasonable accommodations which do not cause an undue hardship. The supervisor and/or division manager will determine the funding source, either general or revolving fund, at the time of the request.

### **Procedure for Determining Whether Requested Accommodation is an Undue Hardship**

1. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor and Affirmative Action Officer/ADA Coordinator will meet with the division manager to review the requested accommodation(s), and will consider:
  - the nature and cost of the accommodation in relation to the size and financial resources of the state as an employer; and
  - the impact of the accommodation on the nature or operation of the department.
2. If the division manager determines that the accommodation will impose an undue hardship, the AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the Commissioner within 10 working days following the employee's request or within three working days following an applicant's request.
3. The Commissioner will provide a decision in writing to the AAO, supervisor, division manager, and the employee or applicant within 3 working days after receipt of the analysis and recommendation.

## Employee Request for Reasonable Accommodation

Please Print or Type

Employee Name	Classification	Date of Request
Division		
<ul style="list-style-type: none"><li>• Attach additional sheets for questions below if necessary.</li></ul>		
1. Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.		
2. Type of accommodation requested to perform essential function(s):		
3. Which essential function(s) of your job will the requested accommodation allow you to perform?		
4. Why is the requested accommodation necessary to perform the essential job function(s)?		
5. How will the requested accommodation be effective in allowing performance of the essential job function?		
Signature of Employee		Date
Signature of Supervisor		Date
Signature of Manager		Date
Additional Comments:		

\* Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. P.L. 101-336, Sec. 102.C.

STATE OF MINNESOTA  
DEPARTMENT OF EMPLOYEE RELATIONS  
200 CENTENNIAL OFFICE BUILDING  
658 CEDAR STREET  
ST. PAUL, MINNESOTA 55155  
(612) 296-4600

### 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 indicates an agreement between the employee and the Department to the specific accommodation.

Name of Employee	Name of Division Manager
The request for reasonable accommodation to the needs of the above named employee with a disability was:  <input type="checkbox"/> ACCEPTED <input type="checkbox"/> DENIED  Justification for the decision (indicate specific factors considered)	
If reasonable accommodation was approved, was the employee's suggestion accepted?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partially  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 Department, will become the Property of the State of Minnesota.	
Signature of Employee	Date
Signature of Commissioner	Date
Signature of Affirmative Action Officer	Date

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# Harassment Policy

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## Statement of Policy

It is the policy of the Department of Employee Relations to prohibit verbal and physical or other harassment of its employees based on race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, or membership or activity in a local commission. This prohibition of harassment includes serious acts as defined by the EEOC as well as petty and annoying acts which create a negative or hostile work environment. Any employee who believes that s/he has been the target of such harassment should file a complaint with the agency's AAO. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each manager and supervisor is responsible for application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment and compliance of this policy. All employees must be informed that harassment is unacceptable behavior and each supervisor will be responsible for orienting new employees to the harassment policy. The AAO will keep the agency informed of any changes in the law or its interpretation regarding this form of discrimination. Each manager will be responsible for:

- making certain that each individual in her/his division who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
- notifying all employees within the division and orienting each new employee who is hired of this policy; and
- informing all employees in her/his division of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

## Definitions

Harassment is any behavior which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform. When the basis of harassment is race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, or status with regard to public assistance, it is illegal.

## **Sexual Harassment**

Sexual harassment has been specifically defined by the Equal Employment Opportunity Commission. "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual harassment may include such actions as:

- sex-oriented verbal kidding or abuse
- subtle or overt pressure for sexual activity
- physical contacts such as patting, pinching, or constant brushing against another's body
- demands for sexual favors which affect an individual's employment status or consideration

Clearly, there are two levels of seriousness in sexual harassment violations -- those included in the EEOC definition which are most serious, punishable in the civil and criminal courts, and requiring serious levels of progressive discipline; and those which are annoying and perhaps insulting and which should be corrected early and firmly in the interests of maintaining a barrier-free work place.

Finally, it is possible for sexual harassment to occur within two different levels of employee relationship: 1) among peers or co-workers, or 2) between supervisors and subordinates. Employees who experience sexual 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 supervisors or the agency AAO. In fulfilling our obligation to maintain a positive and productive work environment, supervisors are expected to halt such harassment between co-workers through appropriate disciplinary action based on the seriousness of the incident. They are also expected to protect from reprisal, a harassed employee who initiates a complaint.

A form of sexual harassment which may be more difficult for employees to cope with occurs when people offer or threaten to use the power of their position to control, influence, or affect the career, salary, or job of another employee (or prospective employee such as an applicant) in exchange for sexual favors. Individuals who instigate this type of harassment are subject to the most serious disciplinary actions, including suspensions, demotion, transfer, or termination. Complaints of sexual harassment involving misuse of an individual's official position should be made to the Commissioner or the agency's AAO.

## **Complaint Procedure**

Any employee of the Department of Employee Relations who believes that s/he has been harassed based on her/his race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, or membership or activity in a local commission may file a complaint.

Complaints of harassment should be filed using the formal internal discrimination complaint procedure included in this affirmative action plan (page 4).

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# **Retention Program**

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Lori Richman, the Affirmative Action Officer, is responsible for overseeing DOER's retention activities.

## **Separation and Layoff Pattern Analysis**

The current separation and layoff pattern data available to the department is inaccurate so that full analysis is not possible. This preliminary data indicates acceptable levels of separation for the female and disability goal units. The separation rate for the minorities goal unit is slightly higher than the other goal units. However, exit interviews with individuals in the minority goal unit separating from the department indicate that the work environment is conducive to retention of members of this goal unit.

Full analysis of complete and accurate data will be supplied in the 2001/2002 Affirmative Action Plan.

## **Program: Affirmative Action - Retention**

**Objective:** Better understand and document the reasons behind turnover among protected group members.

**Responsibility:** Affirmative Action Officer and Office of Human Resources staff.

**Completion Date:** Ongoing

### **Action Steps:**

1. Offer exit interviews to all employees who are leaving the department
2. Review results yearly and make recommendations for changes as appropriate.

**Objective:** Continue to create and maintain a respectful environment for all employees.

**Responsibility:** All DOER employees.

**Completion Date:** Ongoing

### **Action Steps:**

1. Encourage employees to participate in events which celebrate the rich diversity within the department.
2. Educate supervisors and managers about their role in creating and maintaining a healthy and humane workplace and about specific supervisory responsibilities that contribute to retention of protected group members.

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## **Retention Program (continued)**

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3. Require individual development planning as a part of all yearly performance appraisals, and support that planning with a training budget of at least 1.5% of salary dollars.
4. Design and implement a program targeted at developing a healthy and positive work environment.

**Objective:** Analyze separation and layoff patterns as they are available to determine the impact on protected group members.

**Responsibility:** Affirmative Action Officer and Office of Personnel & Training staff

**Completion Date:** Ongoing

**Action Steps:**

1. Determine impact on protected groups.
2. Determine need for action and make appropriate recommendations.

**Objective:** Implement group training and individual development plans as a specific method to retain protected group members.

**Responsibility:** Affirmative Action Officer and all supervisors

**Completion Date:** Ongoing

**Action Steps:**

1. Review individual development plans and advise supervisors on content.
2. Identify development/training opportunities that support appreciation of diversity.
3. Consult with individual supervisors and employees to determine how to most effectively address their concerns.



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# **Recruitment Program**

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## **Recruitment Activities - 1997**

### **Sources Used**

Minneapolis Star Tribune  
St. Paul Pioneer Press  
State of MN Career Opportunities Bulletin  
State of MN World Wide Web - Internet Job Listing  
State of MN Telephone/TTY Job Information Line  
MN Job Service - Department of Economic Security

### **Costs Incurred**

1997 total - \$3,472.00

### **Results**

The Department of Employee Relations has had moderate success with Protected Group hiring/retention as evidenced by the transmittal data. As of July 1998, we have disparities in one fewer category than in July of 1997.

### **Other Methods Used**

None.

### **Job Fairs Attended/Projected**

None.

### **Strategies**

We project little or no turnover in the next year in the EEO categories for which we have disparities. We will continue to use the same recruitment methods and to use additional methods to recruit and hire individuals with disabilities such as advertising in Access Press.

### **Internship Program Opportunities**

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with the Office of Human Resources to formalize and implement the specific internship arrangement.

### **Responsibilities**

The Office of Human Resources is responsible for recruitment efforts.

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# Supported Work Program

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## Statement of Policy

It is the policy of the Department of Employee Relations to seek opportunities to hire Supported Work Employees through an assessment of the vacant positions and determination of positions appropriate for Supported Employment Workers.

## Plan

1. The Office of Human Resources staff member, working with the hiring supervisor, will determine whether the job tasks are appropriate for a Supported Employment Worker as defined in the position description.
2. The Office of Human Resources staff member will work with the hiring supervisor and with the State Disability Coordinator during the hiring process to ensure that eligible Supported Employment Worker candidates are considered for the position.
3. The Office of Human Resources staff member will work directly with the Supported Employment Worker's supervisor and the identified vocational rehabilitation or education job coach who will be working with the Supported Employment Worker to place the worker in the job.
4. The Supported Employment Worker's supervisor and the Office of Human Resources staff member, along with the vocational rehabilitation or education job coach will monitor the progress of the worker. The supervisor and OHR staff member will decide how long the on-the-job test will last, up to a maximum of 700 hours. In addition, the supervisor and OHR staff member will determine whether consideration will be given for the Supported Employment Worker to be certified for hire.

admserv/general/aaplan99