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MINNESOTA BOARD OF  
PEACE OFFICER STANDARDS AND TRAINING  
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ST. PAUL, MINNESOTA 55104-3825

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## AFFIRMATIVE ACTION PLAN

### STATEMENT OF COMMITMENT

The Minnesota Board of Peace Officer Standards and Training is committed to the implementation of the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action for its employees and the public it serves. I affirm my personal and official support of these policies, and am dedicated to administering the POST Board's Affirmative Action Program in compliance with existing laws, federal regulations, and state rules.

The POST Board will actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are under represented in the workforce, as well as the retention of protected group employees in employment.

All employees and potential employees of the POST Board will be treated equally, and discrimination on the basis of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, disability, sexual orientation, age, and membership or activity in a local commission, will not be tolerated.

The POST Board will further strive to ensure equal access and opportunity in the services it provides to the public.

To ensure that the POST Board's Affirmative Action Plan is administered most effectively, I have designated a member of my staff, Ms. Stephanie Roy Hatteberg, Education Coordinator, to serve as the Board's Affirmative Action Officer/ADA Coordinator. Ms. Hatteberg will be responsible for monitoring the day to day activities of the program.

Anyone interested in reviewing the Board's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues, may contact our Affirmative Action Officer. A copy of the plan will be posted for employee use.

  
\_\_\_\_\_  
Neil Melton, Executive Director

  
\_\_\_\_\_  
Date

# COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS OF ALLEGED HARASSMENT AND DISCRIMINATION

## Policy

The POST Board wants to create and maintain an environment where mutual respect and dignity of and by all employees is the expected form of behavior.

It is the policy of the POST Board that harassment and discrimination are unacceptable, prohibited in the workplace, and will not be tolerated. All complaints of harassment and discrimination filed against POST Board employees will be responded to in a timely manner.

## Procedures

### Coverage and Exclusions

- 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 his/her race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, disability, sexual orientation, age, or membership or activity in a local commission; or that s/he has been harassed by an employee because of the above factors or any other factor.
- This complaint procedure may also be used by any employee, applicant, or eligible who believes that s/he is the victim of retaliatory action by an employee of the Board as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under this procedure.
- 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.
- This complaint procedure does not in any way limit an employee's, applicant's, or eligible'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.

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## **Informal Complaint Procedure**

An employee, applicant, or eligible who has a complaint of discrimination or harassment is encouraged to inform the person that their behavior is objectionable and ask that it cease. An employee may also bring the complaint to the attention of their immediate supervisor in a timely manner. The supervisor receiving the complaint has the primary responsibility to determine if it is properly a discrimination or harassment complaint. The supervisor will make this initial determination, and inform the complaining party of the decision, either orally or in writing, within ten (10) days of receiving the complaint. If the complaint is against the immediate supervisor, the employee should present it to the supervisor's immediate supervisor. The POST Board strongly encourages the use of this informal procedure for the resolution of complaints, prior to the use of the formal complaint procedure.

## **Formal Complaint Procedure**

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 form entitled "Complaint of Discrimination or Harassment" (attached).
2. The Affirmative Action Officer will determine if the complaint is properly a discrimination or harassment complaint, and therefore, whether it is appropriate to be addressed by the formal procedure, within ten (10) working days of receiving written notice of the complaint. S/he will notify the complainant of that decision, the resultant procedures to be followed within the Board, and other appropriate avenues of recourse outside of the Board (where applicable).
3. If the complaint is determined to fall under this procedure, the Affirmative Action Officer will schedule a meeting with the Executive Director. After the meeting, the Executive Director will request the Affirmative Action Officer, in writing (with a copy to the employee, applicant, or eligible), to conduct an investigation of the matter.
4. If the complaint is referred to the Affirmative Action Officer for investigation, the Affirmative Action Officer shall ensure a thorough investigation is conducted within thirty (30) days of the request for investigation. 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 of findings will be prepared and submitted to the Executive Director. The Affirmative Action Officer may also provide recommendations to the Executive Director for resolving or correcting the situation. Appropriate action, which may include discipline up to and including termination of employment, will be taken in a timely manner. The Executive Director has the authority to issue and communicate the results of the formal complaint process.

NOTE: Certain procedural requirements exist in various bargaining unit agreements which apply to complaints of alleged harassment. For more specific information regarding these requirements, refer to the

applicable agreement or inquire with the Affirmative Action Officer.

## **Appeal Procedure**

1. If the disposition of the complaint is not satisfactory to the complainant, it may be appealed to the Executive Director in writing. This appeal must be filed by the employee, applicant, or eligible within five (5) working days following notification of the disposition of the complaint.
2. The Executive Director shall review the appeal and discuss with the complainant as needed. If the complaint is resolved, that resolution will be put in writing and signed by the Executive Director and the complainant, including the complainant's representative, if any. If no settlement is reached, the Executive Director shall give a written decision to the employee, applicant, or eligible within a reasonable period following the meeting. This decision by the Executive Director will be the Board's final decision.

## **Disposition of Complaints: Time Limits**

Time limits specified 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 (60) 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 Employee Relations within thirty (30) days of the final determination. Board files of complaints or charges filed by or against an employee shall be filed separately from personnel files unless the complaint or charge results in disciplinary action against an employee.

## **REASONABLE ACCOMMODATION**

### **Policy**

The POST Board is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process.

It is the POST Board's policy to reasonably accommodate qualified individuals with physical or mental disabilities unless the accommodation would impose an undue hardship. This policy applies to disabled job applicants, employees, and employees seeking promotion. To ensure the effectiveness of this policy, the POST Board's Affirmative Action Officer will oversee its implementation and procedures.

## **Definitions**

### **1. Person with a Disability**

For the purposes of this policy, a person with a disability is one who:

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

### **2. Reasonable Accommodation**

A reasonable 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 enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying work schedules; providing qualified readers or interpreters; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- a. to assure equal opportunity in the employment process;
- b. to enable a qualified individual with a disability to perform the essential functions of a job; and
- c. to enable an employee with a disability to enjoy equal benefits and privileges of employment.

## **Procedures**

### **Current Employees and Employees Seeking Promotion**

1. All Post Board employees will be informed of the policy, and a copy will be posted for employee use. Additional copies are available from the Affirmative Action Officer.
2. If an employee has need of a special accommodation, s/he shall inform his/her immediate supervisor, with the form "Employee Request for Reasonable Accommodation" (attached).
3. The POST Board may request documentation of the individual's functional limitations to support the request. Any medical documentation collected will be maintained on separate forms and in separate files. Supervisors and managers may be told about necessary restrictions on the work or duties of the employee, and about necessary accommodations. Supervisors and managers will not be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the POST Board, in consultation with the individual, shall:

- a. discuss the purpose and essential functions of the particular job involved, completing a step-by-step job analysis, if necessary;
  - b. determine the precise job-related limitation;
  - c. identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
  - d. select and implement the accommodation that is the most appropriate for the individual and the POST Board. While an individual's preference will be given consideration, the POST Board is free to choose among equally effective accommodations, and may choose the one that is less expensive or easier to provide.
5. The Affirmative Action Officer will work with the supervisor and employee to obtain technical assistance as needed.
  6. The supervisor, along with the Affirmative Action Officer, will forward the written request for accommodation along with their recommendations to the Executive Director within five (5) working days following the employee's request.
  7. The Executive Director will provide a decision in writing to the supervisor, Affirmative Action Officer, and employee within ten (10) working days of receiving the request.
  8. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause an undue hardship on POST Board operations, the employee, supervisor, and Affirmative Action Officer will work together to determine whether reassignment may be an appropriate accommodation.

The Affirmative Action Officer shall first look for a vacant position at the POST Board, equivalent to the one presently held by the employee in terms of pay and other job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position (or one that will become vacant within a reasonable period of time), the POST Board may reassign the individual as a reasonable accommodation to a lower graded vacant position for which s/he is qualified. If this occurs, the POST Board is not required to maintain the employee's salary at the previous level. The POST Board will look into transfer opportunities, mobility opportunities, appointment opportunities, noncompetitive, and competitive opportunities (MS 43A). The POST Board is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

9. If a request for accommodation is not approved, the Executive Director shall inform the employee of the reason(s) for non-approval, in writing, within three (3) working days of the decision.
10. After approval or denial by the Executive Director, a "Reasonable Accommodation Agreement" (attached) will be completed.

### **Job Applicants**

1. All job applicants will be informed about this policy.

2. When a request for accommodation is received from an applicant, the supervisor will discuss the needed accommodation and possible alternatives with the applicant.
3. The supervisor, along with the Affirmative Action Officer, will forward a written request for accommodation and their recommendations to the Executive Director within three (3) working days of the applicant's request.
4. If the request is approved, the supervisor and Affirmative Action Officer shall take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the Executive Director will inform the supervisor, Affirmative Action Officer, and applicant of the reason(s) for non-approval, in writing, within three (3) working days of the decision.

### **Policy for Funding Accommodations**

Funding for accommodations which do not cause an undue hardship will be provided by the POST Board (MS 43A.191©).

### **Definition**

#### **1. 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 POST Board.

### **Procedure for Determining Undue Hardship**

1. The supervisor will meet with the Affirmative Action Officer to discuss the requested accommodation.
2. The Affirmative Action Officer will determine undue hardship by considering:
  - a. The nature and cost of the accommodation in relation to the size, financial resources, nature, and structure of the POST Board's operations; and
  - b. The impact of the accommodation on the nature or operation of the POST Board.
3. If the Affirmative Action Officer believes that the accommodation will impose an undue hardship, s/he will forward an undue hardship analysis and recommendation to the Executive Director within ten (10) working days following an employee request, or within three (3) working days following an applicant request.
4. The Executive Director will provide a written decision to the Affirmative Action Officer, supervisor, and employee within ten (10) working days, or applicant within three (3) working days.

## **Policy on Supported Work**

The POST Board supports the State of Minnesota's Supported Work Program, which provides accommodations for persons with severe disabilities to ensure fair and equal access to employment.

If the need should arise at the POST Board for a supported work position, or a position becomes vacant for which the responsibilities could be completed by a supported worker, we will work in conjunction with the ADA/Disability Coordinator at the Department of Employee Relations to provide such equal employment opportunities.



**MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING  
COMPLAINT OF DISCRIMINATION OR HARASSMENT**

**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, the complainant, the respondent, appropriate supervisory personnel, and the Commissioner of Employee relations.

**Complainant**

Name: (Last, First, Middle)		Job Title:	
Work Address:	City, State, Zip Code:	Telephone: (    )	
Agency:		Supervisor:	

**Respondent**

Name: (Last, First, Middle)		Job Title:	
Work Address:	City, State, Zip Code:	Telephone: (    )	
Agency:		Supervisor:	

**The Complaint**

Basis of Complaint ("X" all that apply):  
 Race    Color    Disability    Status in regard to Public Assistance    Gender  
 Creed    Age    Marital Status    Religion    National Origin    Sexual Harassment  
 Sexual Orientation    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.).

Additional information on your complaint. If needed, attach any additional pages 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 the Additional Information above, or on a separate page 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's Signature:

Date:

Affirmative Action Officer's Signature:

Date:

**MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING  
EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION**

Please Print or Type

Employee Name: (Last, First, Middle)	Classification:	Date of Request:
*Attach additional sheets for questions below, if necessary.		
Please describe the nature of your limitation(s), what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.		
Type of accommodation requested to perform essential function(s):		
Which essential function(s) of your job will the requested accommodation allow you to perform?		
Why is the requested accommodation necessary to perform the essential job function(s)?		
How will the requested accommodation be effective in allowing performance of the essential job function(s)?		
Signature of Employee:	Date:	
Signature of Supervisor:	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

