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# State Agency Hiring Practices of People with Disabilities Report

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Submitted to the Minnesota Legislature by the  
Department of Employee Relations

200 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155-1603



# Disability Survey 1999

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## Section 1 - Executive Summary

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The Department of Employee Relations conducted a study of State agency hiring practices of people with disabilities, as required by Laws of Minnesota 1998, Chapter 366, Section 7. The purpose of this study is to:

1. determine what temporary jobs occupied by disabled individuals are filled by able-bodied individuals when the jobs become permanent;
2. examine whether state agencies are in compliance with state and federal law in hiring qualified disabled individuals; and
3. recommend any assistance state agencies may need to comply with applicable laws.

The Office of Diversity and Equal Opportunity (ODEO) collected information from several sources including the Statewide Employee Management System (SEMA4), 1998 Agency Americans with Disabilities Act (ADA) Annual Reports, and survey information collected from employees with disabilities and state agency Human Resource Directors.

The State's SEMA4 system is used for human resources processing, payroll processing, and reporting and interfacing with other systems data on State employees. SEMA4 can track an employee's employment history with the State of Minnesota; their current status and all appointments made to positions in State agencies.

Typically, when an individual's appointment status to a position changes, for example from temporary to permanent, the position that the individual held on a temporary basis is abolished and a new position is created. Consequently, the history of an individual position is difficult to track. Therefore, the information collected for this study pertains to the number of individuals with disabilities who were hired on a temporary basis and of those, the number of individuals who have been appointed to permanent positions. The data collected from SEMA4 is for the time period of July 1, 1997 through June 30, 1999.

Agency ADA Annual Reports are submitted to the ODEO by September 1st of each year as required by Executive Order 96-9 "Providing for State Agency Coordination of the Americans with Disabilities Act." These reports must document agency compliance with the ADA.

Two surveys were developed in order to obtain additional information about individuals' experiences regarding State employment, and the hiring practices of State agencies. The first survey was directed to employees with disabilities who received temporary appointments to positions in State agencies between July 1, 1997 and June 30, 1999. The information gathered from this survey provided us with more specific information about an individual's temporary appointment to a position and the circumstances pertinent to his/her current employment status with the State.

The second survey was sent to State agency Human Resource Directors. Their responses provided us with information about what resources agencies are using to recruit and retain individuals with disabilities, including the provision of reasonable accommodations. Their responses also helped us determine what additional types of information and resources ODEO can provide agencies to assist them in the hiring and retaining of individuals with disabilities.

It is evident that temporary appointments are an excellent way to introduce individuals with disabilities to state employment and that agencies are satisfied with their work and are actively hiring them for permanent positions. The employee data gathered from SEMA4 shows that during the time period studied, 29.08% of individuals with disabilities who started in temporary positions obtained permanent positions, compared to the 18.45% total of individuals who started in temporary positions and who obtained permanent positions.

Survey respondents indicated some confusion about the state's hiring process and a number of them indicated that they were not aware of all of the options available to them, such as the State of Minnesota's 700-Hour Program and Supported Employment Program. Efforts to heighten applicants' awareness of these programs and of the state's hiring process are already underway. Information about the 700-Hour Program and the Supported Employment Program has been added to the Department of Employee Relations website and informational meetings about these programs have been held with vocational rehabilitation professionals. Information has also been added to the Minnesota Career Opportunities Bulletin, which is distributed statewide every two weeks.

The study indicates that state agencies utilize a wide variety of resources to fill temporary positions, including collaborating with agencies that assist individuals with disabilities in obtaining employment. In addition, agencies have implemented a number of initiatives to heighten employee and applicant awareness about the ADA and about people with disabilities.

Every effort is made to provide state agencies with accurate information and technical assistance about equal employment opportunities for individuals with disabilities. These efforts will continue unabated and the Office of Diversity and Equal Opportunity (ODEO) will continually seek out new and innovative ways of assisting agencies in dealing with ADA compliance issues in the workplace.

## **Section 2 - State of Minnesota's Hiring and Selection Process**

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It's important to understand how the State of Minnesota's hiring and selection process works in order to understand how an individual may obtain a position with a State agency, whether it be a permanent or temporary position.

Positions in the classified service are obtained through successful competition in an examination and certification and appointment from an eligible list except as provided in section 43A.15 or other law. Classified service means, "all positions now existing or hereafter created in the civil service and not specifically designated unclassified pursuant to M.S. 43A.08 (M.S. 43A.02)." Positions may also be designated unclassified through other enabling legislation.

To be considered for most state jobs, an applicant must submit an application when the job is open for application. The Department of Employee Relations (DOER) announces current job openings through the Minnesota Career Opportunities Bulletin, on DOER's Job Information Line (voice and TTY) and at DOER's Information Desk, through the State of Minnesota Work Force Centers, and on DOER's web site. The job announcements describe the type of selection process used for each job. The most common types are written tests, experience and training ratings and skill-based resume matching.

If the selection process is a written test, the job announcement will list the content areas of the test. Applicants are scheduled to appear for the exam, usually held 4-6 weeks after their application is received. If the selection process is an Experience and Training Rating, the individual's application for a job is scored. The job announcement describes the type and level of training and experience for which credit is given. Scores are then based on an evaluation of the job-related experience and training that the applicant describes on his/her application.

If an applicant passes the test and/or the experience and training rating, their name will be added to the eligible list, which is a list of qualified candidates for employment in the job class that they've applied for. Passing an exam doesn't guarantee a job offer or even an interview. As vacancies occur, candidates' names are referred to the hiring agency for consideration.

Skill based resume selection is used to fill vacancies in the following classes: Information Technology Positions, Hydrologists, Information Officers, and Pollution Control Specialists, as well as the accompanying supervisory classifications. When applying for vacancies filled using Minnesota Skill Search, an applicant submits their resume, which is then scanned by a computer. The computer then extracts their skills which are compared to the specific skill set requested by hiring agencies. There are no scores associated with this method. All candidates are referred for consideration for a vacancy if they meet the skills, availability, and salary requirements of the position.

Positions in the classified service *may* be filled other than by appointment from eligible lists (as described above) only as provided in section 43A.15 or other law. These appointment types are referred to as "noncompetitive and qualifying appointments." Noncompetitive appointment means that *anyone* can be appointed to the vacant position. They do not have to compete in the examination process or be selected from an eligible list. In order for agencies to use these types of appointments, specific conditions must exist, as outlined below.

The following temporary appointments are considered “noncompetitive and qualifying appointments,” and are the four temporary appointment types that were reviewed for purposes of this study:

**Temporary appointments** - A classified appointment of limited duration, under M.S. 43A.15, Subd. 3. A temporary classified employee’s term of employment may not exceed a total of 12 months in any 24-month period within the same agency. Employees with temporary appointment status must be classified.

Temporary appointments generally are created for temporary work needs, such as a project, extra workload, or a leave of absence. They may be established initially for six months, and may be extended for up to six additional months. Other reasons for use of temporary appointments include reorganizations and reclassification/restructuring of work units. Agencies may also use temporary appointments to fill positions on a limited basis during an announcement, examination, and/or selection process.

**Emergency appointments** - An emergency appointment may be made for up to 30 working days. If necessary, an extension for 15 additional days may be granted. No person may be employed in any *one* agency on an emergency basis for more than 45 working days in any 12-month period. However, it is possible to extend emergency work beyond 45 days by working for multiple *agencies*.

This option is used by agencies to handle workload peaks, short projects, and limited staff absences.

**Temporary unclassified appointments** - A temporary unclassified appointment may be created in relation to a special project and placed in the unclassified service. These appointments are sometimes referred to as Rule 10 appointments. They are limited to three years and must be professional/supervisory/managerial in nature.

This option enables agencies to hire persons for temporary or project-related work, work during major reorganizations, program development, or during significant periods of transition. The work is generally funded on a temporary basis.

**Student worker appointments** - Student worker appointments are defined under the same provisions as a statutory unclassified appointment. A person may not be employed as a student worker in the unclassified service under subdivision 1 for more than 36 months. Employment at a school that a student attends is not counted for purposes of this 36-month limit. Student workers in the Minnesota department of transportation SEEDS program who are actively involved in a four-year degree program preparing for a professional career job in the Minnesota department of Transportation may be employed as a student worker for up to 48 months.

These temporary appointment types enable agencies to fill positions in an expedient manner, when certain employment conditions exist within their agency.

## **Monitoring the Hiring Process**

Agencies are required to monitor their hiring process for specific list and non-list job classifications/positions when a disparity exists for protected group members for the job being filled. Individuals with disabilities are members of a protected group for purposes of the State of Minnesota's Affirmative Action Program. Therefore, all agencies monitor their hiring process of protected group members and submit a report on their progress to the Office of Diversity and Equal Opportunity (ODEO) on a quarterly basis. These reports include information about the number of affirmative hires, justified hires and/or missed opportunities that an agency has made for the time period covered.



## **Section 3 - Statewide Programs for Individuals with Disabilities**

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The State of Minnesota is committed to providing equal access to employment opportunities to individuals with disabilities. In order to accomplish this objective, the State of Minnesota provides a number of programs and services to employees and applicants with disabilities.

Upon request, examination accommodations are provided to applicants with disabilities, to enable them to compete in the standard examination process. Examination accommodations can include the provision of sign language interpreters, readers, private testing space, test booklet markers, extended testing time, and/or the provision of testing materials in alternative formats, such as Braille or large print. On average, testing accommodations in the examination process are provided for ten individuals each month.

### **Qualified Disabled Examination (QDE) 700-Hour Program**

An alternative examination method is also available to assess the qualifications of applicants with disabilities who can not be accommodated in the regular examination process. This alternative examination method is referred to as the Qualified Disabled Examination (QDE) 700-Hour Program.

The 700-Hour Program allows eligible state job applicants to substitute up to 700 hours of on-the-job work experience for the standard testing process. This alternative testing procedure is available only after it has been determined that the individual cannot be accommodated in the standard testing process.

Applicants are eligible for the 700-Hour Program if they're:

- qualified to perform the job they're applying for;
- their disability prevents them from demonstrating their skills and abilities in the competitive examination process;
- their disability cannot be accommodated in the competitive examination process; and
- they've been certified to participate in the program by a Division of Rehabilitation Services (DRS) counselor, vocational counselor, or school-to-work counselor.

During the period of July 1, 1997 through June 30, 1999, 43 applicants were certified as eligible to participate in the Qualified Disabled Examination (QDE) 700-Hour Program and were added to the appropriate applicant pools.

### **The State of Minnesota's Supported Employment Program**

The State of Minnesota's Supported Employment Program was established by the legislature in 1987 to provide accommodations for persons with severe physical, mental health and/or developmental disabilities to ensure fair and equal access to employment opportunities. The program enables individuals with severe disabilities to qualify for and perform jobs they would otherwise have difficulty doing. "Supported Employment Worker" is a state job classification and is specific to people with severe disabilities who are employed by the State of Minnesota. Supported Employment Worker positions can be shared by up to 3 persons with disabilities with assistance from their job coaches.

The Supported Employment Program is administered through the Department of Employee Relations, Office of Diversity and Equal Opportunity (ODEO). A Supported Employment Task Force consisting of public and private rehabilitation and education professionals provides ODEO with assistance in implementing the Supported Employment Program.

In order to promote the establishment of Supported Employment Worker positions, State agencies are required to identify any positions in the agency that can be used for supported employment as defined in section 268.A.01 subdivision 13, of person with severe disabilities. In addition, they must identify their plan for filling such positions. This information is included in Agency Affirmative Action Plans and is reviewed and approved by the Office of Diversity and Equal Opportunity.

Currently, there are eight Supported Employment Workers employed with the State of Minnesota.

## **Section 4 - State Agency Coordination of the Americans with Disabilities Act**

The goal of the Americans with Disabilities Act (ADA) is to ensure equal access to employment, programs and services to persons with disabilities. Agencies must provide reasonable accommodations for known disabilities of qualified applicants or employees; and must ensure that all programs, services and activities are readily accessible to and usable by persons with disabilities.

In order to accomplish this objective, the Office of the Governor has continued Executive Order 96-9 "Providing for State Agency Coordination of the Americans with Disabilities Act." The executive order states that:

- State agencies strive to eliminate barriers to employment, programs, services and activities for persons with disabilities and charge all staff members with the same objective.
- Each state agency distribute to its managers and supervisors the policies and procedures designed to comply with the Americans with Disabilities Act and the Minnesota Human Rights Act, including the following from the Department of Employee Relations, and others that may from time to time become available from the Department.
  - Notice to the Public
  - External Grievance Policy and Procedures
  - Internal Grievance Policy and Procedures
  - Reasonable Accommodation Policy and Procedures
  - Auxiliary Aid Policy and Procedures
- State agencies conduct all public meetings in physically accessible sites, provided such space is available, and auxiliary aids be provided upon request to ensure fair and equal access to all attendees.
- Each agency perform a self-evaluation of all programs, services and activities and develop a plan to correct all items identified in the self-evaluation that do not comply with the Americans with Disabilities Act.
- State agencies allocate funds to provide reasonable accommodations for employees and modifications for the public, and report these amounts as part of the agency's affirmative action plan, in accordance with Minnesota Statutes, section 43A.191.
- Each agency head must appoint an ADA coordinator and communicate that appointment to the state ADA/disability program coordinator.
- Agency heads and their designated ADA coordinators may call upon the state ADA/disability program coordinator within the Department of Employee Relations to receive assistance in compliance with the provisions of Title 1 and Title 2 of the Americans with Disabilities Act.

The agency ADA coordinator is responsible to direct and coordinate agency compliance with Titles I and II of the Americans with Disabilities Act (additional responsibilities are outlined in Appendix A - Executive Order 96-9 Providing for State Agency Coordination of the Americans with Disabilities Act). In order to achieve compliance with the ADA, all state agencies incorporate the following efforts into their business practices:

- All agencies must submit an Affirmative Action Plan to the ODEO for review and approval. In addition to other requirements, plans must include a Reasonable Accommodation Plan in the hiring and promotion of qualified disabled persons, and identify methods to improve the recruitment of individuals with disabilities.
- All employment postings, advertisements, publications, employment application materials, etc. include a statement and a phone number informing individuals of who to contact to request accommodations.
- ADA self-evaluations and follow up are completed at the agency level.
- TTY numbers and/or the Minnesota Relay Service number is included on all written material whenever a telephone number is listed.
- New agency supervisors and managers must attend Supervisory Development Core Training, which includes a module on "Integrating the ADA and Employment Practices."

Many agencies have implemented a number of initiatives to heighten employee awareness about the ADA and about people with disabilities. Some agency highlights include:

- Brown bag sessions featuring speakers who present on topics related to disability, such as accessibility, workplace accommodations, deaf culture, mental health issues, etc.
- Host meetings for employees and/or students to address concerns and solicit feedback about ADA compliance.
- Off site accessibility checklists are used to ensure that events held off site are accessible to people with disabilities.
- Offices have incorporated artwork depicting individuals with disabilities into their décor.
- Demonstrations of assistive technology have been provided.
- Information about agencies' Reasonable Accommodation Policy has been included in employee handbooks, posted on agency web sites and discussed during staff meetings.
- Disability Employment Awareness Month celebrations.
- Provision of sign language classes to employees in order to increase their ability to communicate with co-workers and/or customers.

## Section 5 - Disability Survey and Results

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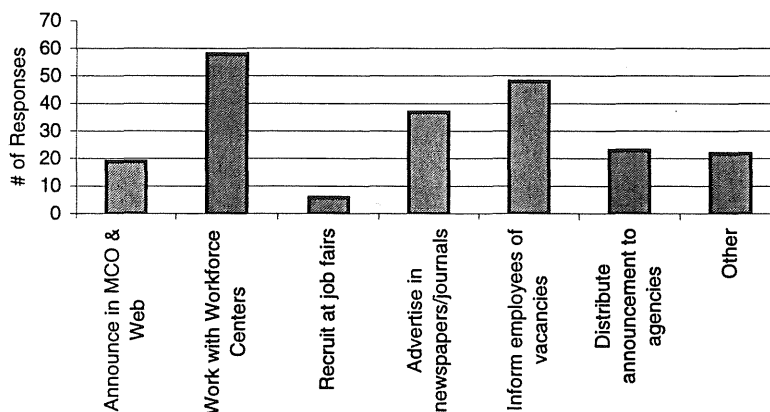
In order to obtain more detailed information about the hiring practices at the agencies, and applicants' experiences applying for state jobs, the ODEO developed two separate surveys. One survey was sent to state agency human resource directors and the other survey was sent to employees with disabilities who had/have temporary positions.

### Human Resource Survey

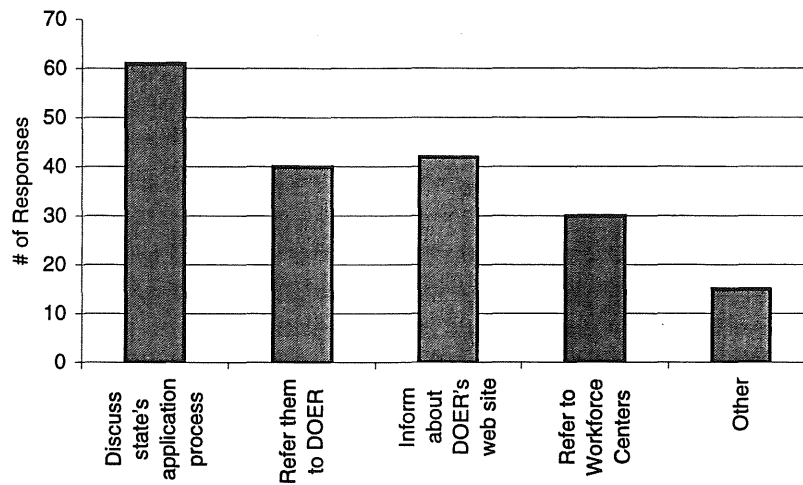
The purpose of this survey was to determine what methods state agencies are using to fill vacant positions on a temporary basis and their familiarity with available resources, particularly those that will assist them with the hiring and retention of employees with disabilities. A total of 183 surveys were sent and 74 responses were received, so the response rate is 40%. Survey questions and responses and included and summarized below.

### Human Resource Survey Statistics

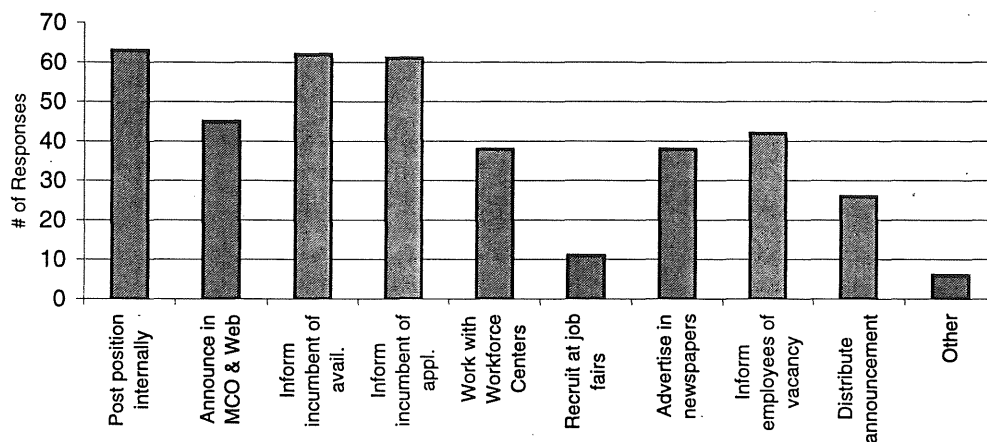
1. When temporary positions become available, what steps do you typically take to fill the position?



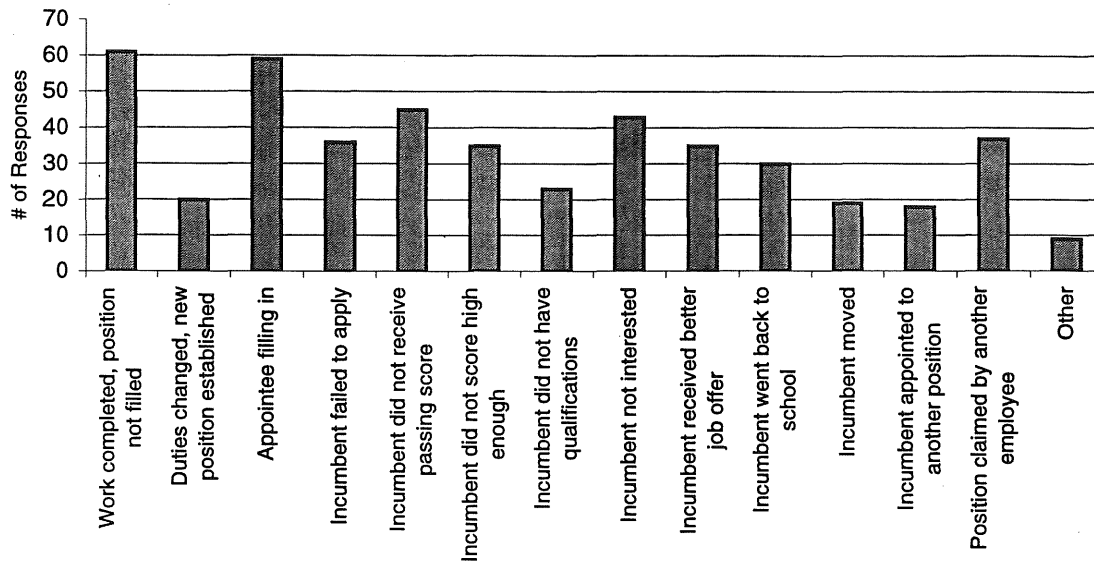
2. When an individual is appointed to a temporary position, what steps do you take to inform them of the State's application process in order for them to be considered for permanent positions?



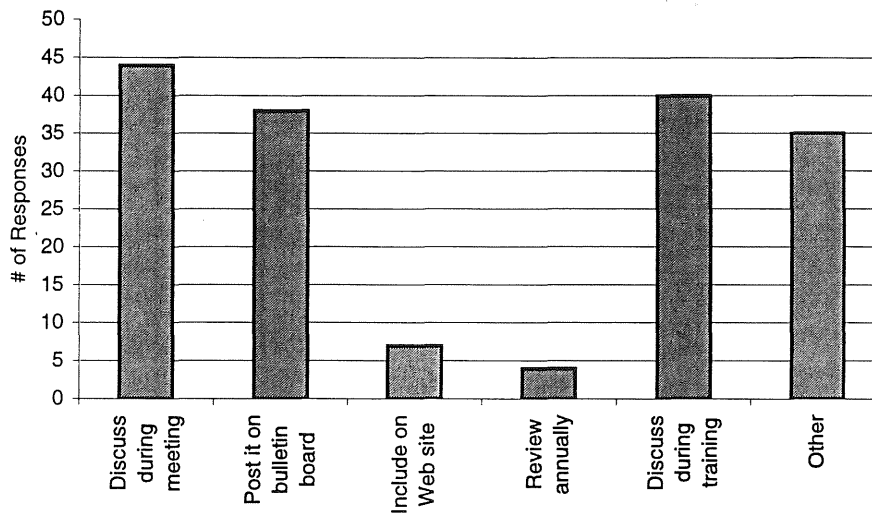
3. If the determination is made that the temporary position should become permanent, what are some of the steps that you take to fill the position?



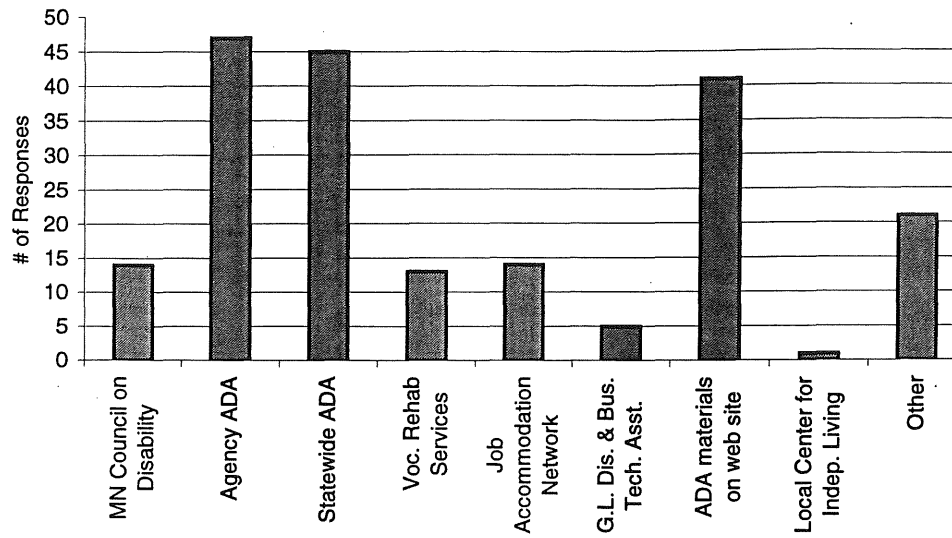
4. After a temporary appointment has ended, what are some of the possible reasons the incumbent may not obtain the position on a permanent basis?



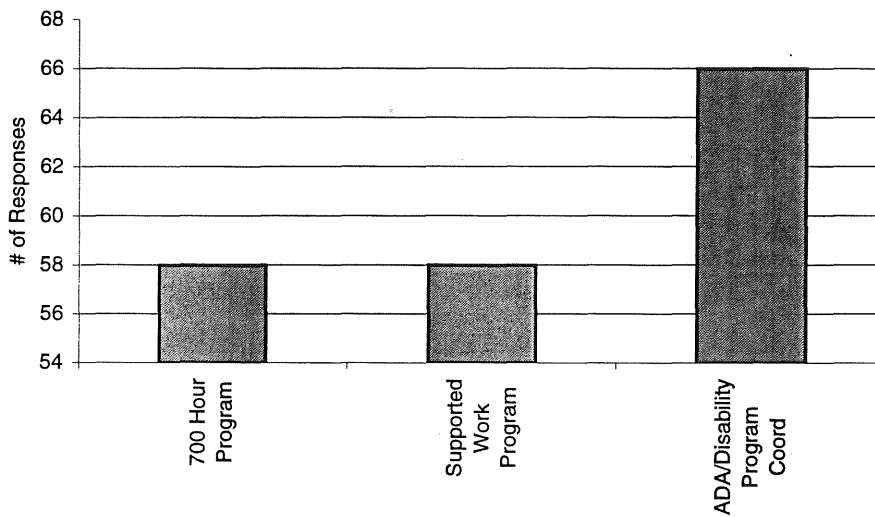
5. What steps do you take to inform hiring supervisors and managers of your Agency's Reasonable Accommodation Policy?



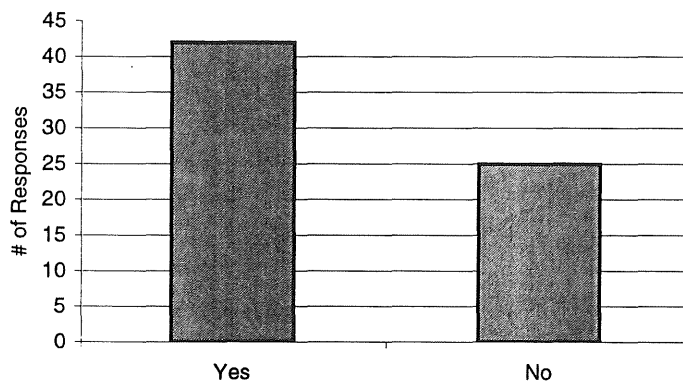
6. What are some of the resources you use when reviewing an applicant's/employees' request for a reasonable accommodation?



7. Are you familiar with the following programs?



If yes, have you used these programs?





Agencies utilize a wide variety of resources in order to fill temporary positions. The most widely used resource is the Department of Economic Security's Minnesota Workforce Center System. Currently, there are 53 workforce Centers located throughout the state. Through partnerships with state, county and private non-profit employment and training related services, they provide a comprehensive system to job seekers and employers. The workforce Centers provide employers with a number of services including posting job announcements, screening applicants and conducting computerized skills matching, recruiting, assessment of skills of employers' workers, needs analysis and numerous other services. They are frequently contacted by agencies when there's an immediate need to fill a position quickly and efficiently, which is typically the case in temporary appointments.

Agencies utilize a number of unique ways to recruit and fill vacant positions. Following is a sampling of the resources agencies use:

- Internet sites
- Use the current list of eligibles
- Contact local college placement offices
- Call other agencies to see if they know of potential applicants
- Use names from our intermittent employees list
- Advertise in various publications such as Hispanic Outlook, etc.
- Minority Job Bank
- Direct contact with community organizations such as Courage Center, Mpls. Rehab. Center, etc.
- Business Advisory of St. Cloud working with the MN Dept. of Jobs and Training Rehabilitation Services

Since most applicants who acquire temporary positions are interested in learning how to obtain permanent positions in state government, we asked human resource directors what steps they take to inform the incumbents of the State's application process. The survey responses indicate that they frequently discuss the process with the incumbent at some point during their employment with them, and many refer them to the Department of Employee Relations' (DOER) web site. A large number of agencies also refer employees to the Minnesota Workforce Centers for job search assistance. A smaller number of agencies have tried some creative efforts, such as:

- Helped an employee with study materials and then followed up with the employee.
- Gave the employee(s) specific information about delegated exams.
- Referred employees to Skillsearch.
- Offered a two-day orientation session informing employees of all of the options available to them.
- Discussed options at monthly orientation meetings held for all employees.

When most jobs become permanent, agencies are required to post them internally first, per their union contract requirements. If there are no bidders on the position, agencies then use a number of different methods to advertise the position, including informing the incumbent of its availability, using the Minnesota Career Opportunities Bulletin and the DOER web site to post the position. Agencies also use the Minnesota workforce Centers and advertise in local community newspapers.

As the survey responses indicate, there are a number of reasons why an individual working in a temporary position may not obtain it permanently when their appointment ends. The most common reason is that the work was completed and there was no longer a need for the position. Often times, the temporary appointment comes to an end because the appointee was temporarily filling in for someone else who has now come back to work.

Agencies are making every effort to inform their hiring managers and supervisors of the agency's Reasonable Accommodation Policy. Most information regarding the Reasonable Accommodation Policy is passed on during staff meetings, posted on bulletin boards, or discussed during training sessions. Other means to disseminate information included orientation sessions, newsletters, policy manuals, the Affirmative Action Plan, Employee Handbook, discussed on a case by case basis, discussed when the situation arises, and discussed at the time the agency is preparing to fill a position.

Agencies have used a variety of resources to assist them with requests for reasonable accommodations. The survey responses indicated that most agencies look to their agency's ADA/Disability Coordinator for technical assistance. Agencies also indicated that they have contacted the State ADA/Disability Program Coordinator, the Great Lakes Disability and Business Technical Assistance Center, the Job Accommodation Network, Vocational Rehabilitation Services, their local Centers for Independent Living and have used the ADA materials available on DOER's web site when in need of assistance. It appears that agencies are making a concerted effort to obtain the information necessary to assist employees with disabilities in the workplace.

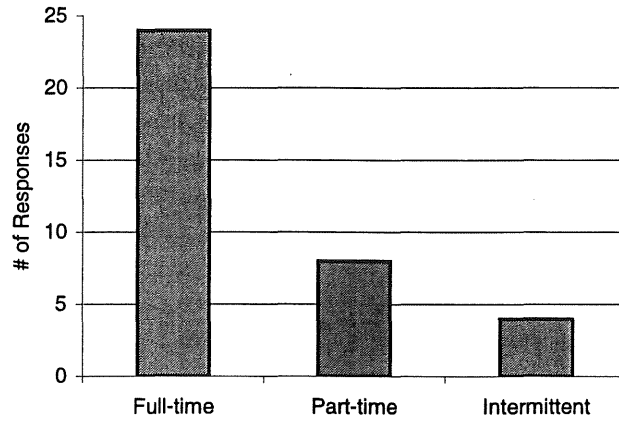
Based on the information obtained from the survey, most agencies are aware of the programs and services offered by the ODEO and quite a few of them have utilized one or more of them. Overall, state agencies are working towards maintaining a diverse workforce through the hiring of individuals with disabilities.

### **Employee Survey**

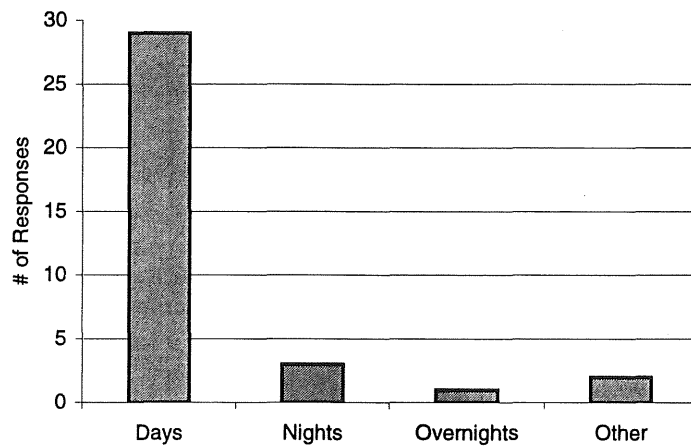
The second survey was sent to individuals with disabilities who have/had a temporary position at a state agency during the time period reviewed. Their responses provided more specific information about individuals' experiences regarding State employment. There were a total of sixty-four surveys sent and thirty-three responses were received, so 51% were returned. Of those respondents, approximately 73% were full-time employees, 24% were part-time, and 12% were intermittent. Survey questions and responses are included and summarized on the following pages.

## Employee Survey Statistics

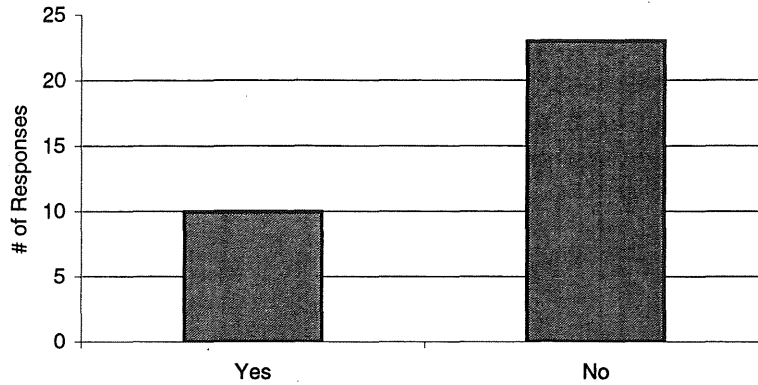
### 1. What were/are your work hours?



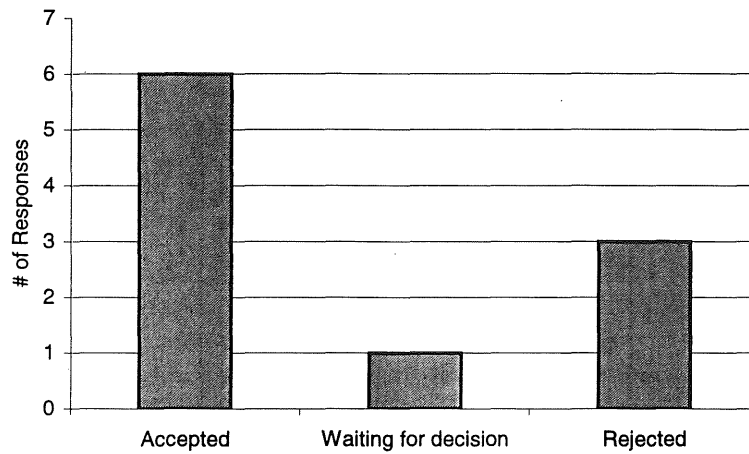
### 2. What shift did/do you work?



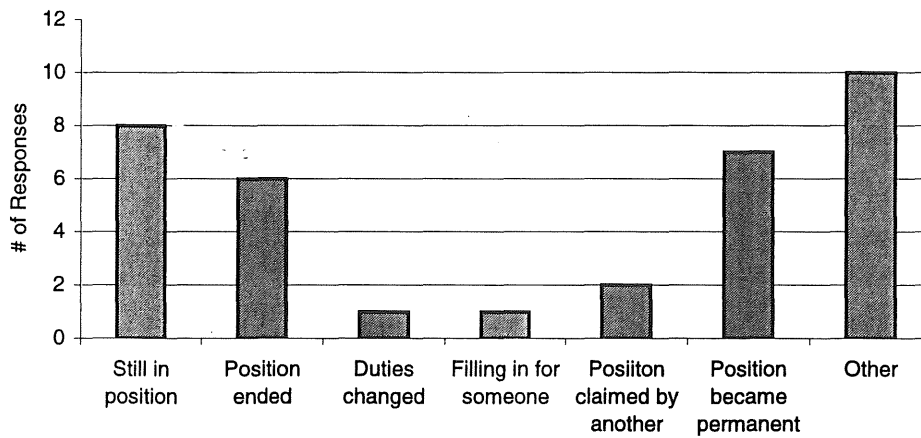
3. Did you/have you requested an accommodation directly related to your disability that would enable you to perform the essential functions of your job?



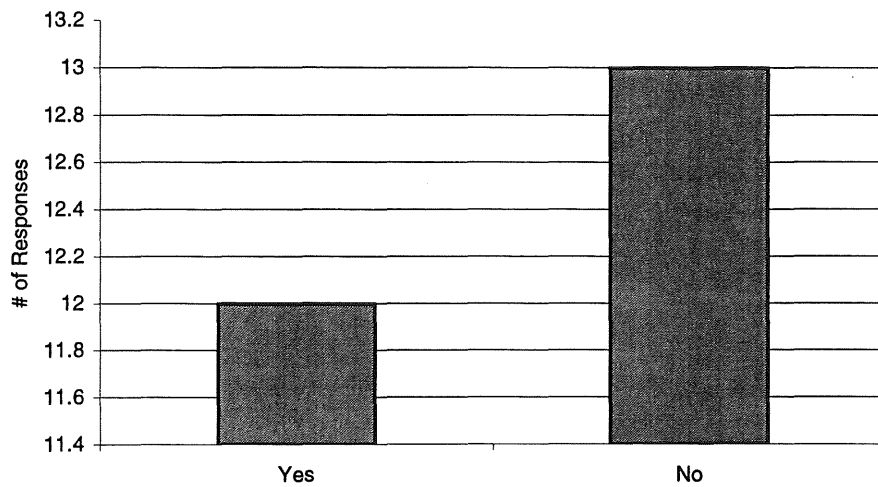
If yes, was your request:



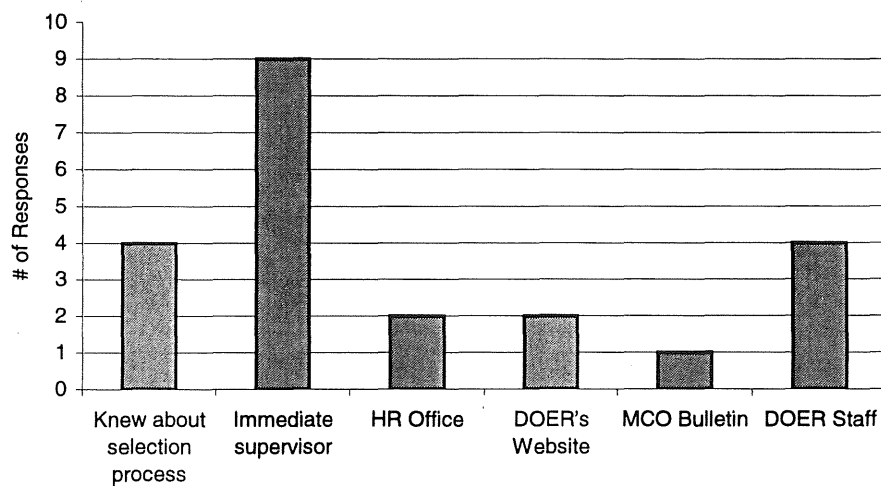
4. What happened to your original temporary position?



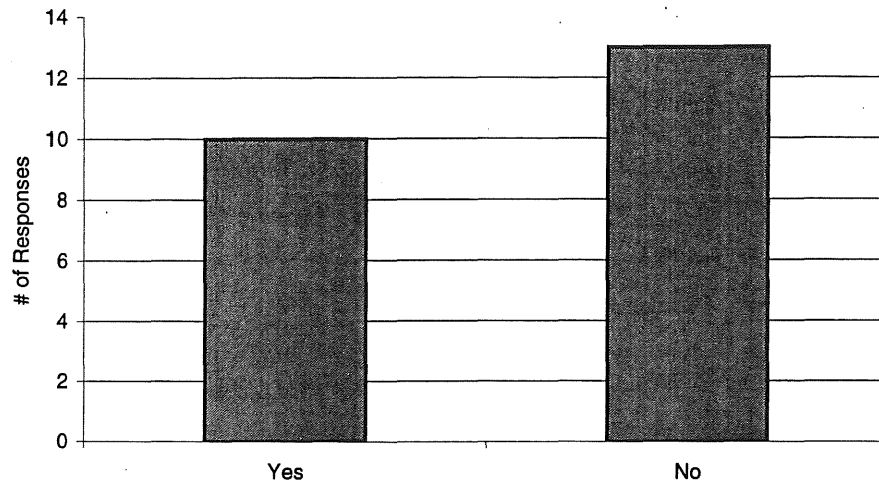
5. If the temporary position became permanent and you were interested in being considered for the position, did you receive any assistance or information about the application process?



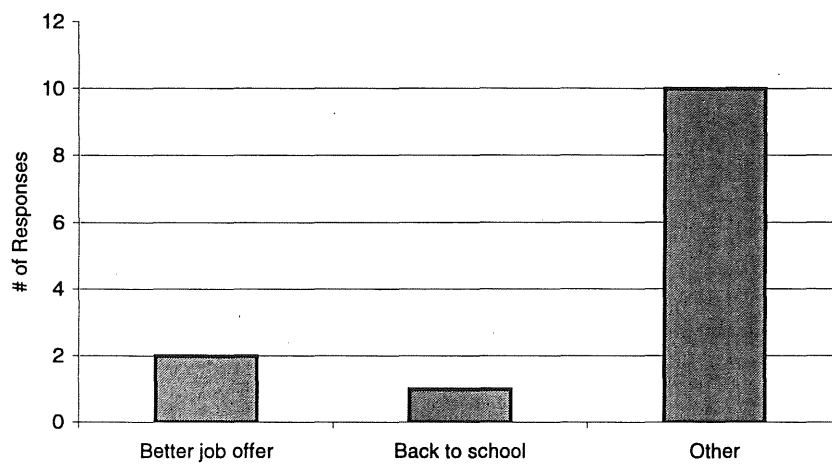
If yes, from where or by whom?



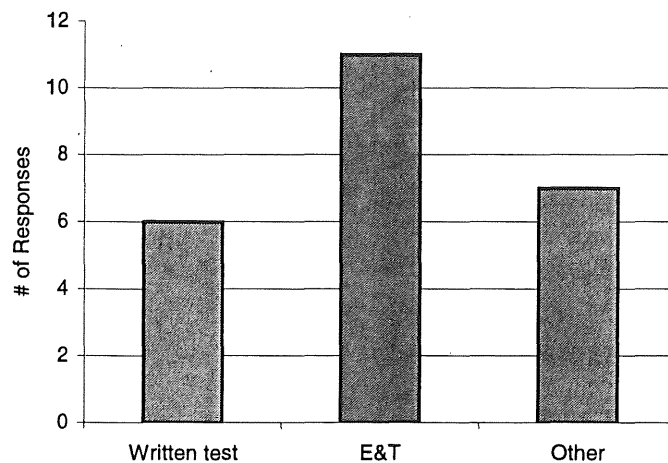
**6. If the position became permanent, did you apply for the position?**



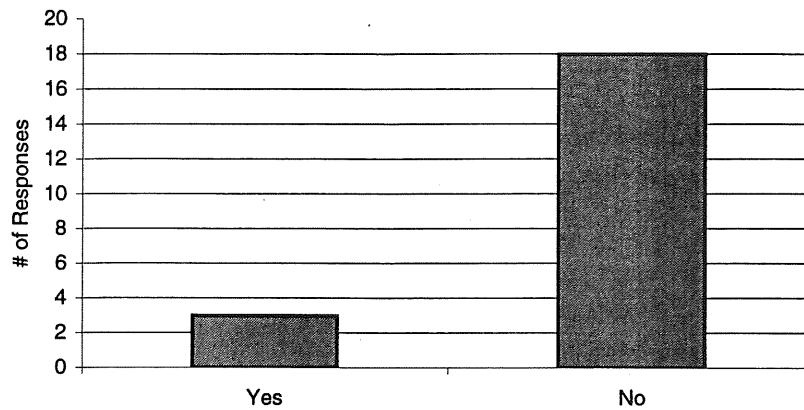
**If no, why?**



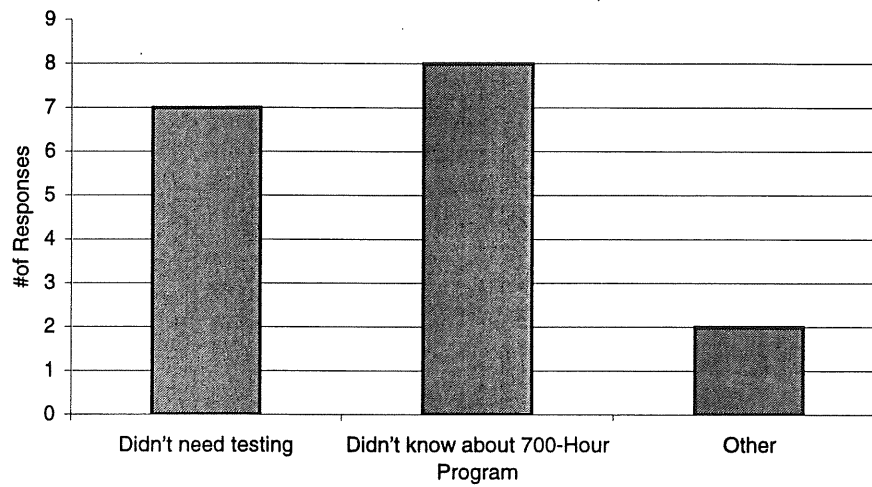
**7. If you did apply for the position when it became permanent, what was the selection process?**



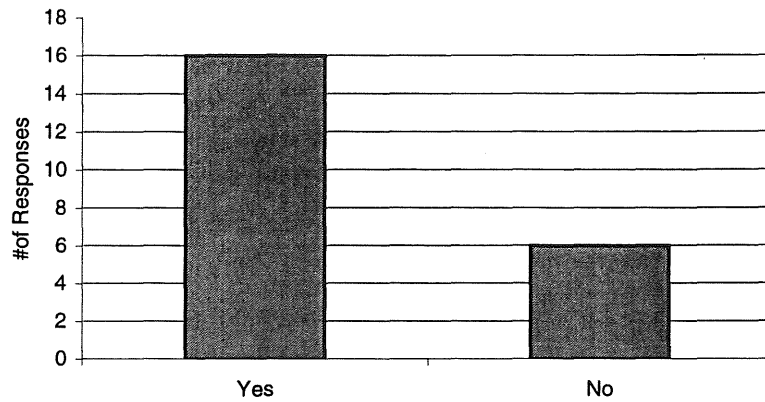
8. If you took a written test, did you request any testing accommodations, such as a reader, sign language interpreter, testing materials in alternative formats or participation in the 700 Hour Program?



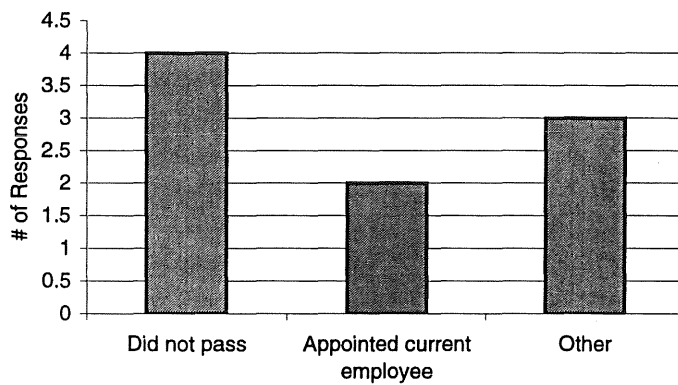
If no, why?



**9. If you applied for the permanent position, were you considered for it?**

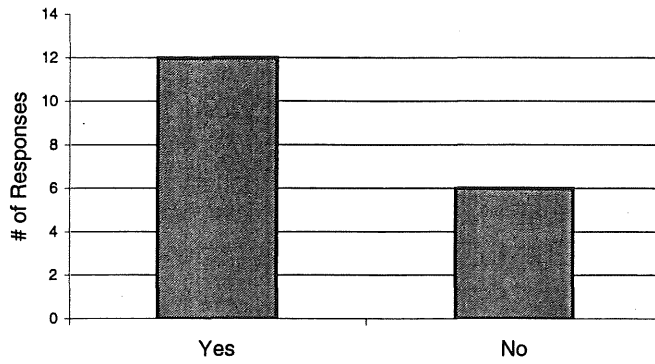


**If no, why?**

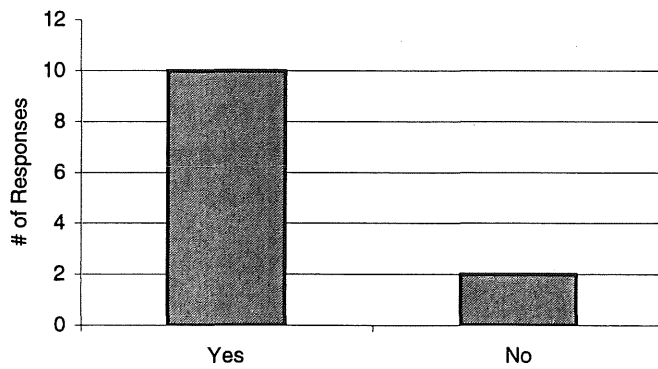




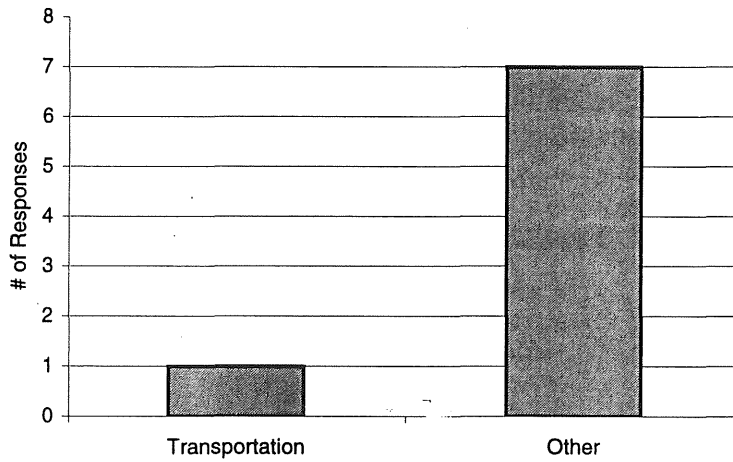
**10. If you were considered for the permanent position, was it offered to you?**



**If yes, did you accept the position?**



**If no, why?**



Many of the respondents indicated that they are still in their temporary positions. Approximately half of those who indicated they were interested in the position when it became permanent received assistance or information about the application process. They primarily received assistance from their immediate supervisor. Interestingly, more than half the respondents indicated that when the position became permanent, they did not apply for it. Some of the reasons cited included "retired, does not apply, both were temporary jobs, human resource director/supervisor told me I did not need to apply or take tests, claimed by another employee, and was told the supervisor didn't have a problem with my work but other people didn't want me called back." A small number of the temporary appointments ended and in some cases the individual holding the original position came back. Many, but not all, respondents stated that they were not kept informed about the position and what was going to happen to its status.

Most of those respondents interested in the position when it became permanent were considered for the job and in most cases were offered the position. Several reported that they were not considered for the position because they did not receive a passing score in the testing process. Respondents indicated that the most frequently used assessment tool was the experience and training rating, where scores are based on an evaluation of the job-related experience and training described on one's application. For the written test, the majority of respondents indicated that they didn't need accommodations for the testing process, while a small number indicated that they did. Over half of the respondents indicated that they were not aware of the 700-hour program. Of the 33 responses received, only 10 requested accommodations to enable them to perform the essential functions of their jobs. Of those, six were accepted and one was waiting for a decision. Three indicated there was no accommodation available or that they were not eligible for the 700-Hour Program.

Due to the small number of responses received, we cannot guarantee the results are an accurate portrayal of the experiences of all employees with disabilities. However, the information does provide us with some insight about where some of the state's strengths and weaknesses may lie. Clearly, individuals with disabilities are being considered for, and offered, permanent positions as they become available. However, a number of individuals were not clear what the application process was to be considered for permanent positions in state agencies, nor did they feel they received any assistance in obtaining permanent positions. In addition, even though most respondents indicated they did not need accommodations in the testing process, they were unaware of the State of Minnesota's 700-Hour Program. Ideally, applicants should be aware of all of the options available to them in the application and assessment process.

In order to increase applicants' knowledge about the 700-Hour Program, the ODEO has posted the 700-Hour Program informational booklet on its website and has included information about it in the Career Opportunities Bulletin. In addition, meetings have been held with vocational rehabilitation professionals and agency Human Resource staff to educate them about the program.

## Section 6 - Statewide Employee Data

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The Statewide Employee Management System (SEMA4) is the database used for human resources processing, payroll processing, and reporting and interfacing with other systems data on State employees.

SEMA4 also contains a record of whether an individual claims disability status. Disability status is defined as a physical or mental impairment that substantially limits one or more major life activities. Information contained in this record is based on an individual's self-disclosure of disability.

An employee's employment history with the State of Minnesota and their employment status can be tracked using the SEMA4 system, unlike the history of a specific position. Typically, when an individual's appointment status to a position changes, for example from temporary to permanent, the position that the individual held on a temporary basis is abolished and a new position is created. Consequently, the history of the individual is tracked rather than the position.

Therefore, the information collected for this study pertains to the number of individuals with disabilities who were hired on a temporary basis between July 1, 1997 and June 30, 1999, and of those, the number of individuals who have been appointed to permanent state positions. For the purposes of this study, the following four types of statutorily defined "temporary" appointments were reviewed: temporary, emergency, temporary unclassified, and student worker.

During the two-year period of July 1, 1997 to June 30, 1999 there were 7,209 temporary appointments made on a statewide basis. Of those appointments, 196 were identified as individuals with disabilities.

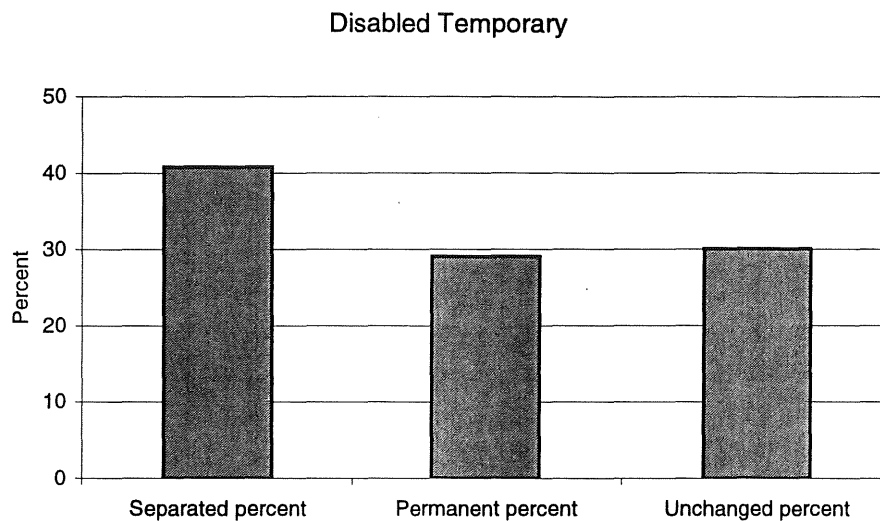
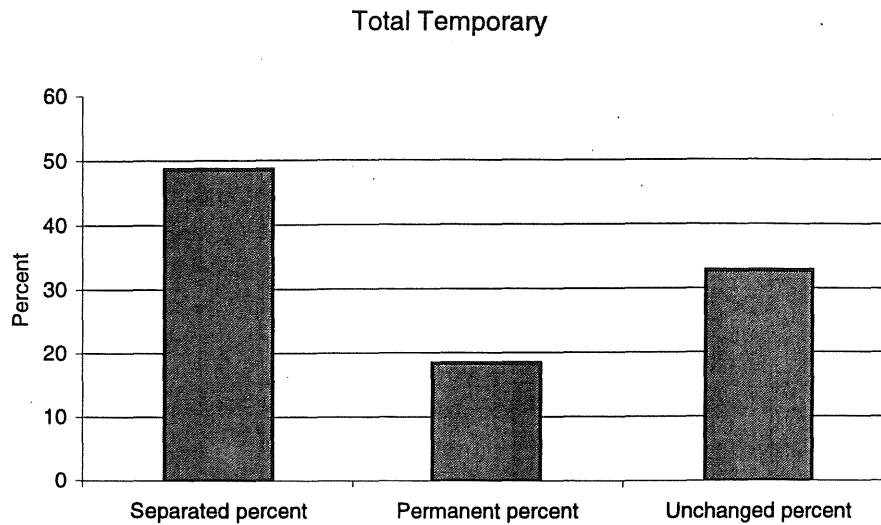
During the time period reviewed 48.69% of individuals serving in temporary positions separated from state employment, compared with 40.82 % of individuals with disabilities. Keep in mind that temporary appointments are just that - temporary - and, therefore, have a specific end date. It does not necessarily indicate that those employees who separated from state employment were dissatisfied with their positions or that their employers were dissatisfied with their work.

Of the total number of temporary appointments made during this time period, 32.86% remain unchanged in their employment status, meaning they are still working in a temporary position. The unchanged count for individuals with disabilities is 30.10%.

Lastly, the total number of individuals obtaining permanent positions during this time period is 18.45% compared to the total number of individuals with disabilities who were appointed to permanent positions, which is 29.08%.

It is evident that temporary appointments are an excellent way to introduce individuals with disabilities to state employment, that agencies are pleased with their work and are actively hiring them for permanent positions.

## Totals from 7/1/97 - 6/30/99



**Separated** - The percent of temporary employees who have left state employment.

**Permanent** - The percent of temporary employees who have obtained permanent positions and who have satisfactorily served their probationary period.

**Unchanged** - The percent of temporary employees whose employment status remains the same.

## **Section 7 - Assistance to State Agencies**

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In order for the Department of Employee Relations to facilitate the monitoring of agency compliance with the ADA, each state agency, board, council and campus must submit an ADA annual report to the state ADA/Disability program coordinator. The ADA Annual Reports are reviewed by the state ADA/disability program coordinator within the Department of Employee Relations' Office of Diversity and Equal Opportunity (ODEO). The ADA/disability program coordinator is then able to identify areas that agencies are in need of assistance in, and provide them with key training, resources and support.

Agencies are provided with assistance in a number of different ways and on an ongoing basis. Several of these methods are outlined below.

### **One-on-one Consultation**

The Office of Diversity and Equal Opportunity regularly provides one-on-one assistance to agencies through phone contacts, e-mail messages and/or in small group meetings, on issues related to compliance with Titles 1 and 2.

### **ODEO Visions and the ADA Bulletin Publications**

The ODEO publishes and distributes *ODEO Visions*, a quarterly newsletter which includes information on statewide ADA related issues and resources. Included in ODEO Visions is the *ADA Bulletin*, which includes information about recent ADA decisions, notices about new guidance issued by the Equal Employment Opportunity Commission (EEOC), ADA and disability awareness training opportunities, available resources and information about best practices. These publications are sent statewide to agency ADA coordinators, affirmative action officers, and human resource directors.

### **Monthly ADA Coordinator Meetings**

Every month, ADA coordinators throughout the state are invited to participate in monthly meetings. These meetings provide ADA coordinators a forum to discuss new topics and issues that agencies are facing. Speakers are also scheduled to present on topics related to disability and effective implementation of the ADA. Some of the topics covered include: mental health issues in the workplace, the EEOC's reasonable accommodation guidance, the Minnesota Workplace Mediation Project, the State of Minnesota's Non-visual Access Standards, and a demonstration of remote sign language interpreting services.

### **ADA Coordinator's E-Mail Group**

In an effort to share information in an efficient and timely manner, a statewide ADA coordinator E-mail group was created. This E-mail group is used to provide periodic updates about upcoming workshops, recent ADA court decisions, and other pertinent information of interest to people with ADA responsibilities.

## **ADA Network**

A network of ADA professionals from public and private employers who meet monthly to stimulate ideas and share expertise related to the ADA, accommodations and policies and procedures in the workplace.

## **Minnesota Disability Employment Awareness Month**

Staff from the ODEO are active members of the Minnesota's Disability Employment Awareness Month Committee. This committee develops and distributes a disability awareness month education kit, which is distributed employers throughout Minnesota, including all state agencies. Agencies also received the Governor's proclamation designating October to be Disability Employment Awareness Month and a list of statewide events that were held in celebration of this month.

## **Resources and Training**

ADA materials, resources, and sample documents are made accessible to state agencies via the Department of Employee Relations web site. Information about state programs for people with disabilities is located with information about the Office of Diversity and Equal Opportunity, as well as with information about how to apply for state jobs.

On April 27<sup>th</sup> and 28<sup>th</sup> a statewide training event, Making Connections, was offered to state agency ADA coordinators, affirmative action officers and human resource directors. One day focused on the Americans with Disabilities Act and employment related issues. Topics included defining disability and determining eligibility, identifying essential job functions and the principles of reasonable accommodation and psychiatric disabilities and asymptomatic HIV.

The state ADA/disability program coordinator is responsible for the development and provision of the Supervisory Development Core Training module "Integrating the ADA and Employment Practices." All new state agency supervisors must complete this training.

The ODEO has been hosting monthly teleconferences sponsored by the Great Lakes Disability Business and Technical Assistance Center. State agency ADA coordinators and other interested staff are invited to attend these sessions. Topics have included discussion about the recently issued EEOC guidance on reasonable accommodations and a session highlighting the current rulemaking activity by the US Access Board.

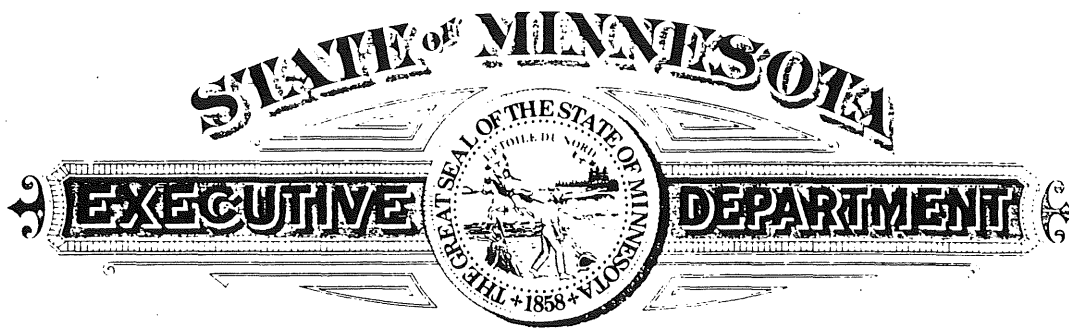
## **Section 8 - Conclusion**

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Every effort is made to provide state agencies with accurate information and technical assistance about equal employment opportunities for individuals with disabilities. While current efforts will continue unabated, the Office of Diversity and Equal Opportunity is committed to seeking out new and innovative ways of assisting agencies in dealing with ADA compliance issues within the workplace.

Based on the survey results, agencies will be provided with additional information about the State of Minnesota's Supported Employment Program and the 700-Hour Program, and how they can be effectively implemented within their agencies. Agencies will also be encouraged to inform individuals about the State's hiring procedures.

The Office of Diversity and Equal Opportunity will continue to review the data collected from the state's SEMA4 system to determine if individuals with disabilities hired into temporary positions continue to obtain permanent positions within state agencies at a rate comparable to individuals without disabilities. In addition, the Office of Diversity and Equal Opportunity will continue to monitor agency compliance by the review of agency Affirmative Action Plans, Quarterly Monitoring the Hiring Process Reports, ADA Annual Reports and through ODEO's audit process.



**EXECUTIVE ORDER 96-9  
PROVIDING FOR STATE AGENCY COORDINATION  
OF THE AMERICANS WITH DISABILITIES ACT**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Americans with Disabilities Act and the Minnesota Human Rights Act require employers to make reasonable accommodations for known disabilities of qualified applicants or employees; and

WHEREAS, the Americans with Disabilities Act requires public entities to ensure that all programs, services, and activities are readily accessible to and usable by persons with disabilities;

NOW, THEREFORE, I hereby order that:

1. State agencies strive to eliminate barriers to employment, programs, services, and activities for persons with disabilities, and charge all staff members with the same objective.



2. Each state agency distribute to its managers and supervisors the policies and procedures designed to comply with the Americans with Disabilities Act and the Minnesota Human Rights Act, including the following from the Department of Employee Relations, and others that may from time to time become available from the department:

- Notice to the Public
- External Grievance Policy and Procedures
- Internal Grievance Policy and Procedures
- Reasonable Accommodation Policy and Procedures
- Auxiliary Aid Policy and Procedures


3. State agencies conduct all public meetings in physically accessible sites, provided such space is available, and auxiliary aids be provided upon request to ensure fair and equal access to all attendees.
4. Each agency perform a self-evaluation of all programs, services, and activities and develop a plan to correct all items identified in the self-evaluation that do not comply with the Americans with Disabilities Act.
5. State agencies allocate funds to provide reasonable accommodations for employees and modifications for the public, and report these amounts as part of the agency's affirmative action plan, in accordance with Minnesota Statutes, section 43A.191.
6. Each agency head appoint an ADA coordinator and communicate that appointment to the state ADA/Disability Coordinator. The agency coordinator shall assume the following responsibilities:
  - A. Direct and coordinate agency compliance with Title I of the Americans with Disabilities Act. The coordinator's duties under Title I are to:
    1. Review agency employment practices; report to the agency head and state ADA coordinator on any which discriminate or tend to discriminate against qualified individuals with disabilities; and propose necessary changes to statutes, rules, or administrative procedures to remove identified barriers.
    2. Post the Internal Grievance Procedures to provide prompt and equitable resolution of complaints, and investigate complaints alleging noncompliance.

3. Deliver training and provide technical assistance to agency managers and supervisors on interviewing, providing reasonable accommodations, completing job analyses, identifying essential functions, and writing position descriptions that do not have the effect of discriminating on the basis of disability.
  4. Complete an annual report that documents compliance with Title I and submit the report to the state ADA coordinator by September 1 each year.
  5. Act as the designated agency resource for information and technical assistance regarding compliance with Title I, including case-by-case interventions as required.
  6. Assist employees with disabilities, who because of undue hardship cannot be accommodated within their current position, to relocate to a vacant position within the designated agency. When reassignment within the current employing agency is not possible, the agency ADA coordinator shall refer the employee to the Department of Employee Relations in accordance with Administrative Procedure 13.1.
  7. Distribute the bi-monthly ADA Bulletin and the ADA Tool Box to managers and supervisors. Managers and supervisors shall post the ADA Bulletin on the employee bulletin board where other state and federal postings are currently required to be posted.
- B. Direct and coordinate agency compliance with Title II of the Americans with Disabilities Act. The coordinator's duties under Title II are to:
1. Review agency procedures on program, activity, and service delivery accessibility; report to the agency head and state ADA coordinator any which discriminate or tend to discriminate against individuals with disabilities; and propose necessary changes in statutes, rules, administrative procedures, or other agency procedures to remove identified barriers.
  2. Post the Notice to the Public and Grievance Procedures to provide prompt and equitable resolution of complaints and investigate complaints alleging noncompliance.
  3. Utilize the Procedures Template, developed by the Department of Employee Relations and contained in the ADA Tool Box, to develop processes to provide reasonable modifications to programs, services, and activities. Distribute the completed Procedures Template to managers and supervisors.

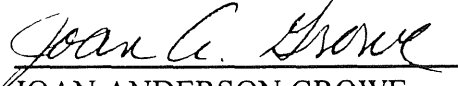
4. Provide training and technical assistance to agency managers and supervisors on the requirements of Title II compliance.
5. Complete an annual report to document agency compliance with Title II, and submit the report to the agency head and state ADA coordinator by September 1 each year.
7. Agency heads and their designated ADA coordinators may call upon the state ADA coordinator within the Department of Employee Relations to receive assistance in compliance with the provisions of Title I and Title II of the Americans with Disabilities Act.

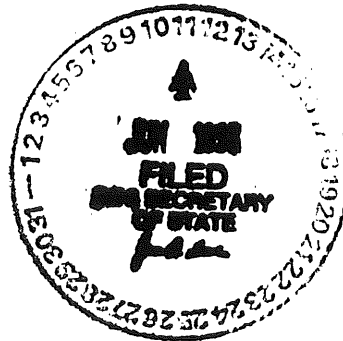
Pursuant to Minnesota Statutes 1994, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1994, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twelfth day of June, 1996.

  
ARNE H. CARLSON  
Governor

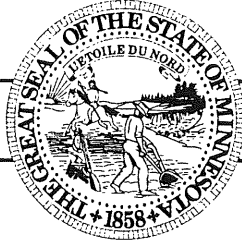
Filed According to Law:

  
JOAN ANDERSON GROWE  
Secretary of State



# STATE of MINNESOTA

EXECUTIVE



DEPARTMENT

JESSE VENTURA  
GOVERNOR

## EXECUTIVE ORDER 99-3 PROVIDING FOR THE CONTINUATION OF CERTAIN EXECUTIVE ORDERS

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, according to Minnesota Statutes 1998, section 4.035, subdivision 3, all executive orders expire 90 days after the date that the governor who issued the orders vacates office; and

WHEREAS, it is critical to the operation of state government to continue certain executive orders;

NOW, THEREFORE, I hereby order that the following executive orders remain in effect:

83-15 PROVIDING FOR THE DELINEATION OF DEVELOPMENT REGION BOUNDARIES;  
REPEALING EXECUTIVE ORDER 79-29

84-1 CREATING THE UPPER MISSISSIPPI RIVER BASIN ASSOCIATION, SUCCESSOR OF  
THE UPPER MISSISSIPPI RIVER BASIN COMMISSION

- 87-17 PRESCRIBING THE MANUAL FOR MILITARY JUSTICE STATE OF MINNESOTA, 1987; RESCINDING EXECUTIVE ORDER 83-28
- 88-10 PROVIDING FOR THE ESTABLISHMENT OF THE GOVERNOR'S COUNCIL ON FIRE PREVENTION AND CONTROL; RESCINDING EXECUTIVE ORDER 85-13
- 91-3 DIRECTING STATE DEPARTMENTS AND AGENCIES TO FOLLOW A "NO-NET LOSS" POLICY IN REGARD TO WETLANDS
- 91-14 PROVIDING FOR A STATE AFFIRMATIVE ACTION COUNCIL
- 92-5 PROVIDING FOR ADMINISTRATION OF TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES
- 92-11 DESIGNATING THE DEPARTMENT OF CHILDREN, FAMILIES AND LEARNING AS THE LEAD AGENCY IN DEVELOPING COMPREHENSIVE INTERAGENCY EARLY INTERVENTION SERVICES FOR YOUNG CHILDREN WITH DISABILITIES AND THEIR FAMILIES IN ACCORDANCE WITH P.L. 99-457
- 93-13 PROVIDING FOR THE ASSIGNMENT OF DUTIES TO STATE AGENCIES UNDER THE LAND AND WATER CONSERVATION FUND ACT OF 1965 (P.L. 94-422); RESCINDING EXECUTIVE ORDER 93-3
- 93-20 PROVIDING FOR THE RE-ESTABLISHMENT OF THE GOVERNOR'S COUNCIL ON THE MARTIN LUTHER KING, JR. HOLIDAY
- 94-9 PROVIDING THE COMMISSIONER OF TRANSPORTATION WITH THE AUTHORITY TO COOPERATE AND ACT AS AGENT IN RECEIVING FEDERAL FUNDS UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

96-9 PROVIDING FOR STATE AGENCY COORDINATION OF THE AMERICANS WITH  
DISABILITIES ACT

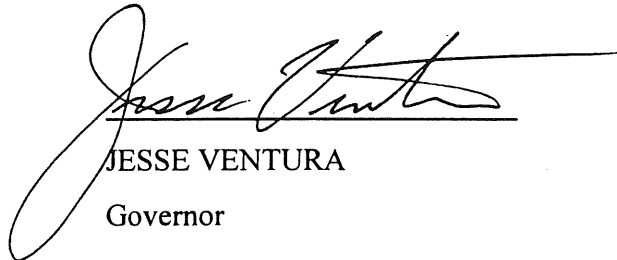
96-16 ASSIGNING EMERGENCY RESPONSIBILITIES TO STATE AGENCIES;  
RESCINDING EXECUTIVE ORDER 93-27

97-16 PROVIDING FOR HUMAN SERVICES DEPARTMENT APPOINTING AUTHORITY

The Orders listed above shall be reviewed by the Governor, in consultation with the affected agency or agencies, every two years in order to assess their reasonableness and need.

Pursuant to Minnesota Statutes 1998, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1998, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this second day of April, 1999.

  
JESSE VENTURA  
Governor

Filed According to Law:

  
MARY KIFFMEYER

Secretary of State

