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AFFIRMATIVE ACTION PLAN JULY 1999

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS
2829 UNIVERSITY AVENUE SE
SUITE 300
MINNEAPOLIS, MN 55414

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AFFIRMATIVE ACTION PLAN

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STATEMENT OF COMMITMENT


The Minnesota Board of Chiropractic Examiners (Board) is committed to 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 which provide:

- That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, membership or activity in a local commission, disability, marital or public assistance status.
- That the Board will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Board will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are under represented in the workforce.

I will be held accountable for ensuring that Affirmative Action Programs are implemented since I am the individual who can ultimately make the most impact on this program.

In order to administer the plan most effectively, I have delegated this responsibility to the Affirmative Action Designee, Teri Longstrom, who will act as the Board's Affirmative Action Officer, and who 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 or me. A copy of the plan will be located on the Board's official bulletin board.


Larry A. Spicer, D.C.
Executive Director

8/2/99
Date

INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

The Minnesota Board of Chiropractic Examiners (Board) has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer/Designee (AAO) for information and for access to data and records for the purpose of enabling the AAO to carry out responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the AAO shall be reported to the Executive Director.

Who May File

Any employee, applicant, or eligible of the Board who believes that they have been discriminated against by reason of race, creed, color, sex, sexual orientation, age, national origin, religion, reliance on public assistance, marital status, disability, political affiliation, membership or activity in a local commission may file a complaint. Employees who are terminated must file their complaint prior to their actual employment separation.

The Complaint Procedure

The complaint procedure provides two avenues for resolution of discrimination 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 the AAO 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 discriminatory harassment complaint, only the formal process may be used.

Informal Procedures

Employees, applicants, or eligibles must present their complaint to the AAO in an effort to reach an informal resolution. The AAO must give the complainant an oral or written answer within a timely manner in an effort to resolve the complaint. If the employee feels uncomfortable discussing the matter with the AAO, or the complaint is against the AAO, the employee may present the complaint to the Executive Director, who will attempt to resolve the matter informally. Employees also have the right to participate in the statewide Workplace Mediation Project, administered by the Office of Dispute Resolution at the Bureau of Mediation Services.

Formal Filing Procedures

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" (copy attached) provided by the AAO. Employees should file the formal complaint within 30 days of the occurrence of the event giving rise to the complaint. The AAO will, if requested, provide assistance in filling out the form.
2. The AAO determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complaint is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual

orientation, age, or political affiliation. The AAO shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.

- A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns, the AAO within ten (10) working days will inform the complainant.
 - B. If the complaint **is** related to discrimination, the AAO will contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The AAO shall investigate the complaint and provide a written answer within sixty (60) days after the formal complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
 4. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but not be limited to, the following types of data:
 - A. Interviews or written interrogatories with all parties involved in the complaint; complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
 - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
 5. At the conclusion of the investigation, the AAO shall review the findings of the investigation and, if sufficient evidence substantiates the complaint, appropriate action will be taken. The complainant(s) and the respondent(s) will be notified of the completion of the complaint investigation. Any other information released regarding the investigation will be pursuant to the Minnesota Government Data Practices Act.
 6. If the AAO believes insufficient evidence exists to support the complaint, a letter will be sent to complainant and the respondent(s) dismissing the complaint.
 7. Dispensation of the complaint will be filed with the Commission of the Department of Employee Relations within thirty (30) days of final determination.
 8. The AAO shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.
 9. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

HARASSMENT POLICY

Statement of Policy

It is the policy of the Minnesota Board of Chiropractic Examiners (Board) to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age or political affiliation. This prohibition with respect to harassment includes both serious acts and petty and annoying acts which create a negative work environment. Any employee subjected to such harassment should file a complaint with the agency's Affirmative Action Officer designee (AAO). Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

1. Notifying all employees, and orienting each new employee who is hired, of this policy; and
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment, including sexual harassment, to occur: 1) among peers or co-workers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the

matter to the attention of the Board's AAO or Executive Director. In fulfilling our obligation to maintain a positive and productive work environment, the AAO and all employees are expected to address or report any suspected harassment or retaliation.

Clearly, varying degrees of seriousness in discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions, including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors which do not rise to the level of discriminatory harassment, yet are annoying and perhaps insulting, should be corrected early and firmly in the interests of maintaining a barrier-free workplace. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant, or eligible of the Board who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, or political affiliation may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in the Board's Affirmative Action Plan.

OBJECTIVE TO HIRE PROTECTED GROUP MEMBERS

When the Board of Chiropractic Examiners (Board) has a vacancy and is under represented for females, minorities, or persons with disabilities, the Board will make an effort to recruit protected group members. However, it must be noted that with a small staff, it is not only statistically, but practically difficult to maintain a well-balanced workforce. Nonetheless, when the Board has a vacancy, the Board will make an effort to recruit protected group members.

The Board may request that the Staffing Division of the Department of Employee Relations approve expansion of the eligible list to include protected group members, so that the Board may have the opportunity to hire affirmatively.

The Board will make every effort possible to retain protected group staff members, along with non-protected group staff members.

The Board will review vacant positions and assess the current workload and needs of the office to determine if job tasks might be performed by a supported worker or workers. If appropriate, a list of supported worker candidates will be requested from DOER. The Board will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

REASONABLE ACCOMMODATION POLICY

The Minnesota Board of Chiropractic Examiners (Board) is committed to encouraging the employment of people with disabilities. The Board will make reasonable accommodations to the physical or mental limitations of a qualified applicant, current employee, or employee seeking a promotion unless the accommodation would impose an undue hardship on the Board.

Accommodations will be provided to qualified individuals, whether an employee or job applicant, when such accommodations are directly related to performing a job or competing for a job. Accommodations will not be provided for non job-related personal needs, such as transportation to and from work.

An individual with a disability is defined as:

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

Examples of Reasonable Accommodation May Include, But Are Not Limited To:

1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring. This may include modification of work hours and/or changing job duties while retaining the basic job functions.
4. Support services. Services such as interpreters for individuals with hearing impairments, readers for the blind or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

Requests for Reasonable Accommodations for Employees

The steps to request a reasonable accommodation are:

1. The supervisor and the individual with the disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job site modification and accessible devices.
2. The supervisor must inform the Affirmative Action Officer (AAO) of the request and submit a Request for Accommodation form (copy can be obtained from AAO). The request will include a justification for the request including a statement of the limitations, the suggested accommodation, approximate cost, and any other pertinent information. The AAO will assist the supervisor by providing the necessary resources and

information. If necessary, the ADA Coordinator will obtain documentation of the individual's functional limitations to determine eligibility under the ADA.

3. Upon approval, the supervisor will forward the request form and supporting information to the AAO within seven working days after receiving the request.
4. The AAO will review the request and assist the supervisor in making the accommodation. If the accommodation will cost a significant amount (an amount already determined by each agency head), the AAO will forward it along with her recommendation to the agency head within three working days.
5. The decision is provided in writing to the supervisor and employee within five working days after the determination is made by the Executive Director.
6. The AAO will maintain all documents pertaining to the accommodation.

Funding for Reasonable Accommodation

Funding will be provided for reasonable accommodations. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the Executive Director. When determining whether or not to make the accommodation without imposing undue hardship on the Board, the following factors must be considered:

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

Request for Reasonable Accommodations for Job Applicants

1. All initial communication between a job applicant and the Executive Director regarding a position at the Board shall indicate the willingness of the Board to make a reasonable accommodation upon request, prior to the job interview.
2. The Executive Director shall contact the AAO immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
3. The AAO shall contact the applicant to discuss the needed accommodation and discuss possible alternatives if necessary.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the Board.
5. If approved, the AAO shall take the necessary steps to see that the accommodation is provided.

Denial for Accommodation

All denials of requests for accommodation will be documented and kept on file by the AAO. The AAO shall notify the employee of their right to file a complaint of discrimination under the Affirmative Action Plan Complaint Procedure and advise the employee of the right to file a complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, or other legal channels.

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

WEATHER EMERGENCIES

A copy of Acting Commissioner Carpenter's weather emergency memorandum is included in this plan.

All employees will be notified as outlined in this memorandum.

All employees with hearing impairments will receive notification, if at work, by the supervisor or designated backup staff in the case of an emergency. If the employee is not at work and uses a TTY for telephone communication and an emergency is called, the supervisor will contact the employee via the Minnesota Relay Service (MRS) at 1-800-627-3526 to inform the employee of the emergency.

BUILDING EVACUATION

All Board employees have received a copy of the University Park Plaza tenant Handbook which contains the building evacuation procedure. University Park Plaza holds yearly fire and severe weather drills. The Tenant Handbook advises that "The east stairwell is for emergency and handicapped personnel only."

The Board has no mobility impaired employees at this time. However, in the event a mobility impaired person is hired by the Board, then all employees will be made aware of the procedures for assuring the safe and proper evacuation of the mobility impaired employee. Moreover, in a hierarchical manner, employees will be specifically assigned responsibility for assuring the safe evacuation of the employee, which will include the responsibility to notify an emergency official of the employee's evacuation and location following the evacuation.