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# Board of Podiatric Medicine

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## 1998 - 2000 AFFIRMATIVE ACTION PLAN


## STATEMENT OF COMMITMENT

The Minnesota Board of Podiatric Medicine is committed to the State of Minnesota's Non-Discrimination and Equal Employment Opportunity Policies and to 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, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age or membership or activity in a local commission.
- The Board and associated enterprises will further strive to ensure equal access and opportunity in the services it provides to the public, to licensees and to other organizations.
- When the Board of Podiatric Medicine has a vacancy, staff will make an effort to recruit protected group members if an underutilization exists.
- The Board and associated enterprises will continue to actively promote a program of affirmative action whenever minorities, women and persons with disabilities are underrepresented 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. The Board of Podiatric Medicine is a small board with only one half-time employee.

Anyone interested in reviewing the Board's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues may contact me. A copy of the plan will be easily accessible to employees, applicants and eligibles by being located in the Board office.

  
\_\_\_\_\_  
Joann Benesh, Executive Director

10-15-99  
\_\_\_\_\_  
Date

## **INTERNAL DISCRIMINATION COMPLAINT PROCEDURE**

For processing complaints of alleged discrimination

The Board of Podiatric Medicine (hereinafter referred to as the Board) has established the following discrimination complaint procedure to be used by all employees, applicants and eligibles. This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. We encourage employees, applicants and eligibles to use this internal procedure before filing a charge with the Department of Human Rights or other agencies. 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 to any and all requests from the ED/AAO for information and for access to data and records for the purpose of enabling the ED/AAO to carry out her responsibilities under this complaint procedure.

### **Who May File**

Any employee of the Board, applicant or eligible who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age or membership or activity in a local commission may file a complaint.

### **The Complaint Procedure**

The ED/AAO determines immediately (within two working days) if the complaint is an equal employment opportunity or discrimination complaint rather than a general personnel concern. If determined by the ED/AAO that it is not an EEO/discrimination complaint, the individual will be referred immediately to any other appropriate complaint or grievance procedure by the ED/AAO. If determined by the ED/AAO to be an EEO/discrimination complaint, the procedure will be as follows:

Employees, applicants and eligibles must present their complaint to the ED/AAO. The ED/AAO must attempt to achieve a resolution and give an oral or written answer within ten working days after receipt of the complaint unless the deadline is extended by mutual agreement of the complainant and the ED/AAO. In the event that the respondent is the ED/AAO, the complaint may be filed with the Director of the DOER Office of Diversity and Equal Opportunity who may be asked to mediate a resolution. The Director of the DOER Office of Diversity and Equal Opportunity may not, however, render a decision binding upon the board.

### **Filing Procedures**

1. The employee, applicant or eligible completes the "Complaint of Discrimination Form" provided by the ED/AAO. The ED/AAO will, if requested, provide assistance in filling out the form.
2. The ED/AAO determines if the complaint regards a matter of EEO/discrimination, i.e., the complainant is alleging a violation of his/her right to equal employment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age or membership or activity in a local commission.
  - a. If it is determined that the complaint is not related to EEO/discrimination but rather to general personnel concerns, the ED/AAO, within two working days will inform the complainant, and handle the complaint as appropriate.
  - b. If the complaint is related to EEO/discrimination, the ED/AAO will, within five working days of the receipt of the complaint, send a copy of the complaint to all parties named as respondents or otherwise contact them as determined appropriate by the ED/AAO. The communication shall outline the basic facts of the complaint and request a response to the allegations from the respondent(s) within a specific period of time.

3. The respondent(s) shall report to the ED/AAO, within the time period specified, setting forth his/her understanding of the situation or causes giving rise to the complaint. If the respondent(s) fail to answer within the specified time period, the allegations contained in the complaint will be considered to be denied by the respondent(s) and the ED/AAO shall proceed to investigate the case.
4. The ED/AAO shall investigate the complaint and provide a written answer within sixty days after the formal complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within sixty days.
5. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. A thorough 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.
6. At the conclusion of the investigation, the ED/AAO shall review the findings and:
  - a. if sufficient evidence substantiates the complaint, require that appropriate action be taken and notify the complainant(s) and respondent(s) of the completion of the complaint investigation. Any other information released regarding the investigation will be pursuant to the Minnesota Government Data Practices Act.
  - b. If insufficient evidence is found to substantiate the complaint, dismiss the complaint and send a letter to the complainant(s) and the respondent(s) notifying them of the dismissal of the complaint.
7. At the conclusion of the investigations the ED/AAO shall file the final determination with the Commissioner of the Department of Employee Relations within thirty days of the determination.
8. The complaint investigation procedure should be completed within sixty days of the filing of a formal complaint. Should extenuating circumstances prevent completion of the investigation within that time, the complainant(s) will be notified and provided information about when the investigation should be expected to be completed.
9. The ED/AAO shall maintain records of all complaints and any pertinent information or data for three years after the case is closed.
10. All documentation associated with a complaint shall be considered confidential information during the course of an investigation. The status of the complaint, however, will be provided to the complainant(s) and respondent(s). After an investigation is completed, all documentation will be classified as public or private in accordance with the Data Privacy Act.

#### **OBJECTIVE TO HIRE AND RETAIN PROTECTED GROUP MEMBERS**

When the Board of Podiatric Medicine has a vacancy, staff will make an effort to recruit protected group members. Such efforts shall include reviewing job duties to determine if changes in job structure may be possible so that the position or some part of it might be filled by employment of a person with severe disabilities through the supported employment program as defined in section 268A.01 subd. 13.

The Board may request that 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.

## REASONABLE ACCOMMODATION POLICY

The Board of Podiatric Medicine is committed to encouraging the employment of persons with disabilities. The Board will make reasonable accommodations to the physical or mental limitations of a qualified applicant, current employee with a disability, or employees seeking promotions 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 completing 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 service. Services such as interpreters for individuals who are deaf or hard of hearing, 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 ED/AAO of the request and submit a Request for Accommodation form (copy can be obtained from ED/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 ED/AAO will assist the supervisor by providing the necessary resources and information.
3. The ED/AAO may request documentation of the individual's functional limitations to support the request.

4. Upon approval, the supervisor will forward the request form and supporting information to the ED/AAO within seven working days after receiving the request.
5. The ED/AAO will review the request and assist the supervisor in making the accommodation or determine that the accommodation must be denied as imposing undue hardship on the Board.
6. The decision is provided in writing to the supervisor and employee within five working days after the determination is made by the ED/AAO.
7. The ED/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 accommodations must be approved by the ED/AAO. 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 supervisor 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 supervisor shall contact the ED/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 ED/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 ED/AAO shall take the necessary steps to see that the accommodation is provided.

#### **Denial of Accommodation**

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

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

## **WEATHER EMERGENCIES**

All employees will be notified of weather emergencies as outlined in the Commissioner of Employee Relations weather emergency memorandum. When a weather emergency is declared, all employees who are deaf or hard of hearing 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 an emergency is called, the supervisor will contact the employee via whatever method has been worked out with the employee or via the Minnesota Relay Service at 1-800-627-3526 to inform the employee of the weather 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. When a building evacuation occurs, all employees with hearing impairments will receive notification by the supervisor or designated back up staff. All employees with mobility disabilities are instructed to go to the north stairwell where building and emergency staff have been notified to make themselves available to provide assistance in leaving the building.

## HARRASSMENT POLICY

### Statement of Policy

It is the policy of the Board of Podiatric Medicine to prohibit verbal and physical harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age or membership or activity in a local commission. This prohibition with respect to sexual harassment includes both serious acts as defined by the Equal Employment Opportunity Commission and petty and annoying acts, which create a negative work environment. Any employee subjected to such harassment should file a complaint with the ED/AAO. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

The ED/AAO 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, and the ED/AAO will be responsible for orienting his staff to the Board policy. The ED/AAO will be expected to keep the organization apprised of any changes in the law or its interpretation, regarding this form of discrimination. More specifically, the ED/AAO will be responsible for:

1. Making certain that each individual who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy.
2. Notifying all employees within the agency and orienting each new employee of the policy.
3. Informing all employees in the agency of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

### Definitions

Harassment is any behavior based on a protected class status, which is not welcome, that is personally offensive and may affect morale and interfere with the employee's ability to perform his or her job. For example, harassment based on national origin has been defined by the U.S. Equal 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 Equal Employment Opportunity Commission as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexually nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment may include:

1. Verbal: unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.



2. Non-verbal: unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

Finally, it is possible for sexual harassment to occur within three different levels of employee relationships: 1) among peers or co-workers, 2) between supervisors and subordinates or 3) between an employee and a member of the public. Employees who experience sexual harassment from co-workers should either make it clear that such behavior is offensive to them or bring the matter to the attention of a supervisor or the Board's ED/AAO. In fulfilling the obligation to maintain a positive and productive work environment, the ED/AAO is expected to address such harassment between co-workers through appropriate disciplinary action, based on the seriousness of the incident. Reprisal taken against any employee who initiates a complaint is prohibited.

Another form of sexual harassment occurs when people offer or threaten to use the power of their position to control, influence, or affect the career, salary, or job of another employee, or prospective employee, in exchange for sexual favors. Individuals who instigate this type of harassment are subject to serious disciplinary actions, including suspension, demotion, transfer, or termination. Complaints of sexual harassment involving misuse of an individual's official position should be made to the ED/AAO.

Employees who experience sexual harassment from members of the public should either make it clear that such behavior is offensive to them or bring the matter to the attention of a supervisor or the Board's ED/AAO. In fulfilling the obligation to maintain a positive and productive work environment, the ED/AAO is expected to address such harassment. She is also expected to address any reprisal against any employee who initiates a complaint.

#### **Procedure**

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

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