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STATE OF MINNESOTA

# STATE OF MINNESOTA STATEWIDE AFFIRMATIVE ACTION PLAN

(Standards for Development of Agency AAP)

Developed by the Minnesota Department of Personnel  
Equal Opportunity Division

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STATE OF MINNESOTA

February, 1978

Revised September, 1979

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## INTRODUCTION

Equal employment opportunity is the law. It is mandated by federal, state, and local legislation and executive orders as well as by definitive court decisions. The policy of the State of Minnesota is to promote and provide equal employment opportunity and affirmative action throughout state government. This Affirmative Action Plan outlines the programs through which the State's policy will be implemented.

It is essential that all employees of the State understand why and how equal employment opportunity usually requires positive, affirmative action beyond establishment of neutral "non-discriminatory" and "merit-hiring" policies,

Affirmative action does not mean the hiring of unqualified people. It does not mean that any group shall be deprived of its rights or be subjected to unfair treatment. It means positive action to utilize the large reservoir of untapped human resources and skills among the protected classes, together with those groups whose skills have been used in the past.

If done properly, the need for affirmative action eventually will not exist, as all barriers to equal employment opportunity will have been eliminated from the personnel process. An effective affirmative action program not only benefits those who have been denied equal employment opportunity in the past, but also will benefit the entire state system.

This Statewide Affirmative Action Plan has been developed to provide for a uniform management approach whereby all executive branch agencies have the guidance and support needed to develop their respective affirmative action plans and to set minimum standards for such plans.

## PURPOSE

The purpose of affirmative action is to correct the effects of past discrimination, whether intentional or unintentional, and to avoid present and future practices that may have an unfair, adverse effect on handicapped persons, minorities, women, and Vietnam era Veterans.

STATE OF MINNESOTA  
EQUAL EMPLOYMENT OPPORTUNITY POLICY

The policy of the State of Minnesota is to conduct all personnel activities within the State service without regard to race, creed, color, sex, national origin, age, marital status, disability or handicap, reliance on public assistance, religion or, in the state civil service, Vietnam era Veterans, political opinions or affiliations.

Personnel activities shall include, but are not limited to, all recruitment, selection, assignment, training, promotion, compensation, fringe benefits, leaves of absence, discipline and layoffs affecting all employees and applicants.

The State of Minnesota will implement and maintain a program of affirmative action to eliminate internal barriers to equal employment opportunity and to provide for the employment and advancement of qualified disabled persons, minorities, women and Vietnam era veterans in accordance with their occurrence in the labor area work force.



ALBERT H. QUIE  
GOVERNOR

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

August 15, 1979

To: All Employees and Agency Heads:

Each person must have the opportunity to achieve his or her fullest potential. The past inequities affecting handicapped persons, minorities, women and Vietnam era veterans require our attention. State government must serve as a model for non-discriminatory employment practices. I endorse the State Equal Employment Opportunity Policy and the revised Statewide Affirmative Action Plan.

All agency heads must provide effective leadership in equal opportunity within their agencies for affirmative action to succeed. I expect such leadership, in accordance with the Statewide Affirmative Action Plan.

Our efforts in achieving equality of employment in state government will benefit not only those who have been denied opportunity in the past, but all the people of Minnesota through the optimum use of our valuable human resources.

I ask you to join me in my commitment to the success of the State's Affirmative Action Program.

Sincerely,

A handwritten signature in cursive script, reading "Albert H. Quie".

ALBERT H. QUIE  
Governor

# State of Minnesota



## DEPARTMENT OF PERSONNEL

3rd Floor Space Center

444 Lafayette Road

St. Paul, Minnesota 55101

(612) 296-2616

September 15, 1979

TO: All Agency Heads  
All State Employees

FROM: Barbara L. Sundquist  
Commissioner

SUBJECT: Statewide Affirmative Action Plan

Affirmative action is necessary to ensure equal employment opportunity. We need to reach out so all persons have a chance on an equal basis to compete for jobs in the state service.

We have redrafted the Statewide Affirmative Action Plan to more clearly delineate the responsibilities of all parties involved -- staff of the Department of Personnel and the operating agencies, and to incorporate recent changes in federal and state laws and regulations. Commitment of managerial staff and all state employees to affirmative action is necessary for a successful program. The Department of Personnel has a division of Equal Opportunity, which is directed by Stanley A. Gardner. He and the rest of the division staff are available to assist you in your affirmative action efforts.

Affirmative action means taking positive action to eliminate unfair barriers and to use skills and abilities of protected group members. Affirmative action does not mean hiring unqualified persons, nor depriving any individuals of his/her rights. Affirmative action will benefit all of us through the fullest possible use of our human resources.

I urge the cooperation of all state agency staff in ensuring that the state's personnel system is free of barriers to equal employment opportunity.

Sincerely,

A handwritten signature in cursive script that reads "Barbara L. Sundquist".

Barbara L. Sundquist  
Commissioner

## THE LEGAL BASIS FOR AFFIRMATIVE ACTION

### THE HISTORY OF EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity has been characterized by two distinct trends for approximately the last twenty years. The first trend, in fact, dates back to 1866 when the first Civil Rights Act designed to provide equality in the employment market place between blacks and whites was passed by congress. This trend progressed over the years and led to what we know today as the Civil Rights Act of 1964, which set forth the concept of "nondiscrimination".

In the early '60's, the President of the United States issued Executive Orders 11246 and 11375 mandating "affirmative action" on the part of anyone doing business or asking to do business with the federal government. This was the start of the second trend affecting equal employment opportunity. No longer would it be acceptable for employers to have a more or less passive stance of nondiscrimination. Contractors and potential contractors were required to take active steps to assure equal opportunity to anyone seeking employment regardless of race, creed, color, national origin or sex.

Specific requirements of the Civil Rights Act of 1964 and the Executive Orders prohibited employment discrimination and detailed the methods through which equal employment opportunity may be achieved. The most comprehensive of these methods is the requirement for affirmative action programs. The State of Minnesota, subject to these requirements, enacted the Minnesota Human Rights Act and various Executive Orders were issued mandating affirmative action for all executive branch agencies.

These Executive Orders mandate the establishment of a statewide affirmative action program and created the Governor's Affirmative Action Office to administer and implement the program. Eventually, to conform with the direction of current thought, the Governor's Affirmative Action Office was replaced by the Equal Opportunity Division of the Department of Personnel under the leadership of the Director of Equal Opportunity. The concept behind this move is that affirmative action should be an integral part of the personnel process. In 1978, Minnesota Legislators passed a law (Chapter 708) amending Minnesota Statutes 43.15 (see page 3). This law requires a statewide affirmative action program and agency affirmative action plans covering all employees in the executive branch.

MAJOR LAWS AND ORDERS REQUIRING EQUAL

	<u>INSTITUTIONS COVERED</u>	<u>PROVISIONS</u>	<u>ENFORCING AGENCY</u>
M.S. 43.15	All state agencies of the executive branch.	Requires affirmative action for minorities, women, handicapped and Vietnam era Veterans. Prohibits discrimination based on race, sex, age disability, religion, & politics.	Equal Opportunity Division, Department of Personnel. Each agency has a complaint procedure.
MINNESOTA HUMAN RIGHTS ACT, M.S. 363	All institutions, including labor organizations.	Prohibits discrimination in employment, based on race, color, creed, religion, age, national origin, sex, marital status, disability and reliance on public assistance.	Minnesota Department of Human Rights.
TITLE VI, CIVIL RIGHTS ACT OF 1964	All institutions receiving federal financial assistance.	Prohibits discrimination in, exclusion from participation in, or denial of benefits of any program or activity receiving federal financial assistance, based on race, color or national origin.	Each federal agency which administers grants, loans, or contracts is responsible for the programs or activities funded through its assistance.
TITLE VII, CIVIL RIGHTS ACT OF 1964 (amended by Equal Employment Opportunity Act of 1972)	All institutions with 15 or more employees.	Prohibits discrimination in all terms and conditions of employment based on race, color, religion, national origin, or sex, and harassment of employees who file complaints.	U.S. Equal Employment Opportunity Commission (EEOC).
EQUAL PAY ACT OF 1963 (amended by Title IX Education Amendments Act of 1972)	All institutions, including labor organizations.	Prohibits discrimination in salaries (including almost all fringe benefits) based on sex.	U.S. Equal Employment Opportunity Commission (EEOC).
AGE DISCRIMINATION IN EMPLOYMENT ACT of 1967 (amended in 1974)	All institutions, including labor organizations.	Prohibits discrimination in compensation, terms, conditions and privileges of employment, and status of employee, based on age (covers ages 40-70).	U.S. Equal Employment Opportunity Commission (EEOC).
PRESIDENT'S EXECUTIVE ORDER #11246 (amended by Executive Order #11375)	All institutions with federal contracts in excess of \$10,000.	Prohibits discrimination in all terms and conditions of employment based on race, color, religion, national origin, and sex.	Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Dept. of Labor.
TITLE IX, EDUCATION AMENDMENTS OF 1972 (Higher Education Act)	All educational institutions receiving federal funds through grants, loans, or contracts.	Prohibits discrimination against students and employees on the basis of sex.	HEW Office for Civil Rights, Higher Education Division.
REHABILITATION ACT of 1973, Section 504.	All institutions receiving federal financial assistance.	Prohibits discrimination based on handicap in employment, in provision of services and in operation of programs.	HEW Office for Civil Rights. When fully promulgated, each federal agency will enforce own provisions.
REHABILITATION ACT of 1973, Section 503.	All institutions with federal contracts in excess of \$2500.	Requires affirmative action for qualified handicapped individuals.	Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Dept. of Labor.
GOVERNOR'S EXECUTIVE ORDER Number 79-15 Effective March 27, 1979	All state agencies.	Requires conduct of state business in barrier-free buildings as soon as feasible.	Equal Opportunity Division of the Minnesota Department of Personnel and the Minnesota Department of Administration.



EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Revised June, 1979

<u>FILING THE COMPLAINT</u>	<u>WHO CAN COMPLAIN</u>	<u>TIME LIMIT</u>	<u>SANCTIONS/PENALTIES</u>
Through agency Affirmative Action Officer	State employees	Each agency establishes its own time limit.	Compliance reviews, reports to Governor and Legislature, disciplinary action.
By a sworn complaint form obtainable from the Department of Human Rights.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	6 months	Injunction, back wages, costs, etc., and punitive damages up to \$500. Violation is a misdemeanor.
By letter to the Chief Official of the administering agency.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	Each agency establishes its own time limit.	Funds may be revoked, delayed or denied. Institutions may be declared ineligible for future awards.
By sworn complaint form available from EEOC or the Minnesota Department of Human Rights.	Any individual, organization, or member of EEOC on own behalf or on behalf of aggrieved parties.	180 days.	EEOC, U.S. Dept. of Justice can file a suit. Injunction, back wages, salary increases with interest, etc.
By letter, phone call, or in person to nearest EEOC office.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	Varies. 180 day limit to initiate suit.	Enforcing agency, or individuals after proper notice, may file suit. Injunction, back wages, salary increases with interest, etc.
By letter, phone call, or in person to nearest EEOC office.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Enforcing agency, or individuals after proper notice, may file suit. Injunctive relief, unpaid compensation, restoration of status, etc.
By letter to OFCCP.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Normally, no private right of suit. Affirmative Action plans with numerical goals and timetables are required. Contracts may be delayed or revoked, back pay awarded.
By letter to the Secretary of HEW.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	HEW may authorize Justice Dept. to bring suit. Awards may be delayed or revoked. Institutions may be declared ineligible for future awards.
By letter to the Secretary of enforcing agency.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Financial assistance may be delayed or revoked, institutions may be declared ineligible for assistance.
By letter to OFCCP.	Any handicapped individual.	180 days	Restoration of status, back pay, etc. Contracts may be delayed, suspended or revoked.
By letter to the Equal Opportunity Division.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	None	Leases may not be approved or renewed.

MINNESOTA STATUTES, 1978  
As Amended by Minn. Laws, 1979, Chapter 245  
and Minn. Laws 1979, Chapter 332

CHAPTER 43

STATE CIVIL SERVICE

43.15 AFFIRMATIVE ACTION; DISCRIMINATION FORBIDDEN. Subdivision 1. Statewide affirmative action program. In order to assure that positions in the state civil service are equally accessible to all qualified persons, and in order to eliminate the underutilization of qualified members of protected groups, the commissioner of personnel shall adopt and periodically revise as necessary a statewide affirmative action program covering all agencies in the executive branch. The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service and to whom may be delegated the preparation, revision and implementation of the program. The statewide program and any revisions thereto shall be adopted as rules and individual agency affirmative action plans adopted pursuant to the statewide program shall be in accordance with adopted rules. As used in this section, "protected group" means a group consisting of females, handicapped persons, and until 1989 veterans who served in the military service of this country during the period July 1, 1964, to December 31, 1976, and separated under honorable conditions from any branch of the armed forces of the United States: (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty, and who are permanent residents of the state of Minnesota, or members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.

Subd. 2. Content of statewide program. The statewide affirmative action program shall consist of at least the following:

(a) a statement of general goals and policies to be followed in the state civil service in respect to affirmative action;

(b) forms, procedures, standards and assumptions to be used by state agencies in the preparation of their agency affirmative action plans;

(c) goals and timetables which the state civil service as a whole will be expected to meet;

(d) periodic reporting requirements whereby the head of each agency will be required to report to the governor and the legislature on the implementation of his agency's plan.

Subd. 3. Agency affirmative action plans. The head of each agency in the executive branch shall prepare and implement an affirmative action plan consistent with subdivisions 1 and 2. Prior to implementation, the plan shall be submitted to the commissioner for approval or modification. Annually, or more often if necessary, the plan shall be updated and resubmitted to the commissioner.

Subd. 4. Affirmative action officers. Within each agency the agency head shall appoint an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. To the extent possible consistent with complement and budget restrictions, the affirmative action officer shall devote full time to affirmative action-related activities. The officer shall report directly to the agency head on affirmative action matters. The commissioner of personnel shall implement periodic training programs for affirmative action officers and shall provide the officers with necessary technical assistance.

Subd. 5. Expansion of eligible lists to meet affirmative action goals. When the commissioner of personnel determines that a disparity exists between the agency's work force and its approved affirmative action plan, the commissioner shall insure to the extent possible that members of the protected groups for which the disparity exists are included on that portion of the eligible list of persons to be considered for appointment, which list is hereinafter referred to as the "appointment list". Notwithstanding any contrary provision of this chapter, when a position is to be filled by open competitive examination and fewer than three individuals of all protected groups for which a disparity has been determined to exist appear on the appointment list, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist appear on the appointment list. Notwithstanding any contrary provision of this chapter, when a position is to be filled by examination other than open competitive examination and fewer than one-third of the individuals on an appointment list are members of the protected groups for which a disparity has been determined to exist, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that persons from all the protected groups for which a disparity has been determined to exist comprise one-third of the appointment list or until an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist appear on the appointment list, whichever comes first. However, the appointment list shall not be expanded when the position to be filled is covered by a collective bargaining agreement which provides for the filling of vacancies by seniority and the appointment list developed in accord with section 43.18 includes the names of one or more employees within the bargaining unit in which the vacancy exists. Notwithstanding any provision of this subdivision to the contrary, no person shall be added to an appointment list as a result of this subdivision if that person received a score of less than 70 on the applicable test.

Sub. 6. Discrimination prohibited. No discrimination shall be exercised, threatened, or promised by any person in the civil service against, or in favor of, any applicant, eligible, or employee in the civil service because of his political or religious opinions or affiliations, or age, race, sex, or disability. Implementation of subdivisions 1 to 5 shall not be deemed a violation of this subdivision or a violation of any provisions of chapters 43 or 363, nor shall this section be construed to deny a veteran a credit afforded him pursuant to section 43.30.

## ABBREVIATIONS AND DEFINITIONS

The following terms and abbreviations mean:

AA - Affirmative Action

AAC - Affirmative Action Committee

AAO - Affirmative Action Officer

AAP - Affirmative Action Plan

DOP - Minnesota Department of Personnel

EEO - Equal Employment Opportunity

EOD - Equal Opportunity Division of the Minnesota Department of Personnel

EOS - Equal Opportunity Specialists

Affirmative Action - A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of a personnel system with specific emphasis placed on improving initial employment and advancement opportunities for handicapped persons, minorities, women and Vietnam era veterans. (See Appendices C and D.)

Affirmative Action Plan (Agency) - The written document which describes an agency's program for achieving equal employment opportunity.

Affirmative Action Plan (Statewide) - The Affirmative Action Plan developed for the executive branch of state government by the Equal Opportunity Division.

Affirmative Action Program - Action steps taken by management to achieve the goals as specified in the Statewide and Agency Affirmative Action Plans.

Agency - A department, commission, board, institution or other entity in the executive branch in which all positions are under the same appointing authority.

Agency Administrator - Persons who are designated as the appointing authority for an agency subdivision, e.g., presidents of state colleges, hospital administrators, superintendent or warden of a correctional facility.

Agency Head - Commissioner, director, or other person designated as being the chief administrator of an agency in the executive branch.

Agency Subdivision - A state hospital/nursing home, state university, community college, correctional facility or regional or district office under the jurisdiction of a state agency, which is geographically separate and which has a designated appointing authority.

Barrier - Any factor, intentional or unintentional, be it policy, practice, action, omission, examination, physical facilities, negative attitudes, which results in unequal treatment of protected group(s) and/or which has an adverse effect on the employment or advancement opportunities for such groups.

Complainant - The person who files a complaint of discrimination.

Day - A working day, Monday through Friday.

Director - State Director of Equal Employment Opportunity.

Disability/Handicap - A functional limitation, condition or characteristic (mental, emotional or physical) which constitutes a barrier to employment. (See Appendix D.)

Discrimination - Unequal treatment, intentional or unintentional, based on protected characteristics.

Disparity/Underutilization - The employment of fewer handicapped persons, minorities, women and Vietnam era Veterans in the agency's work force than could reasonably be expected based on their availability in the labor area.

Employee - All classified and unclassified employees in the Executive Branch of state government.

Equal Employment Opportunity - The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to race, color, religion, sex, age, national origin, disability, political affiliation, or other nonmerit factors.

Goals - Good faith, quantitative objectives set by an agency head as the minimum requirement to be met within a certain time period.

Harassment - Any repeated behavior, or combination of behaviors, by one or more employees towards another employee or group of employees based on race, national origin, religion, sex, veteran's status, or age and which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance. (See Appendix E.)

Labor Area - The geographical area from which the agency or agency subdivision can reasonably expect to attract applicants.

Minorities - Persons of Black, Hispanic, Asian, American Indian, or Native Alaskan heritage (See Appendix C.)

Parity - A condition where the workforce is representative of all population groups in each job category, in proportion to their occurrence in the labor area workforce.

Policy - A written statement of commitment to equal employment opportunity and affirmative action.

Protected Characteristic - Any feature, aspect, condition, opinion, or the like, which has no relation to one's ability to perform a particular job, such as race, color, creed, sex, age, marital status, national origin, specific disability, reliance on public assistance, religious or political opinions or affiliations.

Protected Class/Protected Group - Those individuals identifiable as handicapped, minorities, women or Vietnam era veterans. (See Appendices C and D.)

Reasonable Accommodations - Architectural, equipment and other changes an employer must make to enable disabled persons to perform the jobs for which they are otherwise qualified. (See Appendix D.)

Respondent - A person or an entity against whom a discrimination complaint has been filed.

Timetables - Time periods during which the specific quantitative goals and other objectives are to be met.

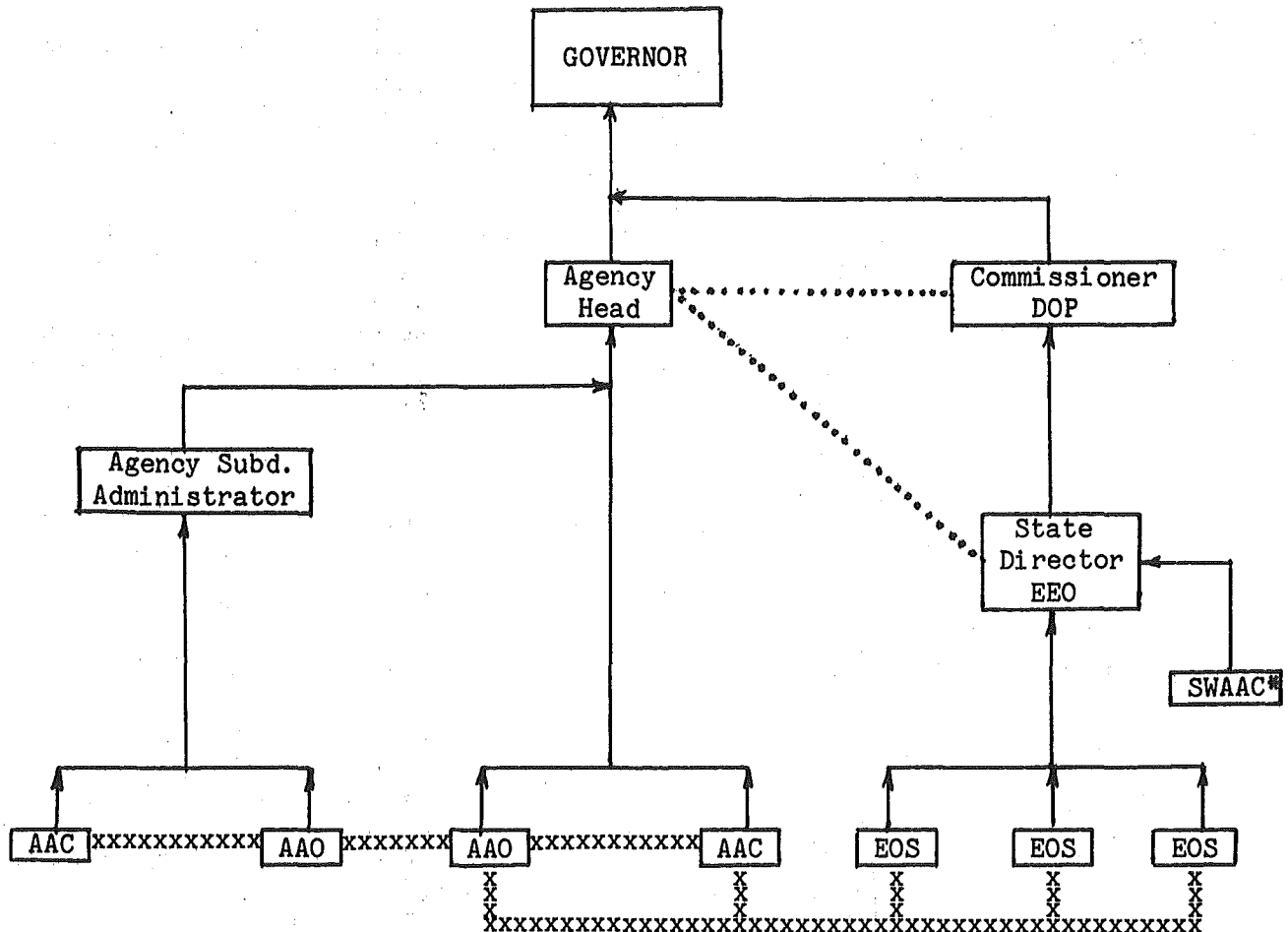
Vietnam era Veterans - Those persons who served in the military service of this country during the period July 1, 1964, to December 31, 1976, under honorable conditions. (See page 3.)

## DELEGATION OF AUTHORITY AND RESPONSIBILITY

The chart below outlines the relationships between the people primarily responsible for the many facets of the statewide and agency affirmative action programs. The narrative on the following pages will describe the functions of these individuals, as well as the activities required of various agencies and agency personnel.

### AFFIRMATIVE ACTION FUNCTIONAL ORGANIZATION CHART (arrows designate accountability)

Delegation of Authority and Responsibility



\_\_\_\_\_ Direct Accountability  
 ..... Indirect Accountability  
 xxxxxxxxxxxxxxxxxxxxxxxxxxxx Working Relationship/Liaison

\*Statewide Affirmative Action Committee

## OUTLINE OF RESPONSIBILITIES

### I. GOVERNOR

Responsibilities: To ensure the establishment, implementation, and success of the State's Equal Opportunity Policy and Affirmative Action Program.

Duties:

1. To hold all agency heads responsible for the affirmative action program within their agencies.
2. To take any appropriate action to ensure an agency's compliance with the Statewide Affirmative Action Plan and with all applicable state and federal equal opportunity laws and orders.

Accountability: The citizens of the State of Minnesota.

### II. COMMISSIONER OF PERSONNEL

Responsibilities: To oversee the administration of the State's Affirmative Action Program.

Duties:

1. To promulgate rules to establish and maintain a Statewide Affirmative Action Program.
2. To maintain a Division of Equal Opportunity for the development and implementation of a Statewide Affirmative Action Program.
3. To designate a Director of Equal Opportunity.
4. To take positive action to encourage the removal of all barriers to equal employment opportunity within the state service.
5. To report to the Governor and Legislature on the progress and implementation of the statewide and agency affirmative action plans.
6. To provide periodic training programs for affirmative action officers and to provide necessary technical assistance.
7. To expand the certification list of eligibles as provided by law.

Accountability: Governor.

### III. DIRECTOR OF EQUAL OPPORTUNITY

Responsibilities: To administer the State's Affirmative Action Program.

Duties:

1. To prepare, revise, implement and ensure the effectiveness of the State's Affirmative Action Program.
2. To ensure the reporting requirements of the federal Equal Employment Opportunity Commission are met.
3. To serve as liaison between the State and the Federal government in matters relating to equal employment opportunity and affirmative action.



4. To approve and monitor the affirmative action plans of each agency.
5. To inform AAO's of all applicable federal laws and regulations and to assist agencies in meeting the requirements.
6. To develop, conduct, or assist in affirmative action related training for AAO's and agency personnel.
7. To establish standards and timetables for statewide goals for the recruiting and hiring of protected class members.
8. To assist each agency in establishing its individual goals and timetables for hiring of protected group members and to approve and monitor the goals and timetables.
9. To design, implement and monitor internal audit and reporting systems and to submit quarterly and annual progress reports to the Commissioner of Personnel.
10. To review personnel policies, rules, and practices which have an impact on Equal Employment Opportunity.
11. To recommend to the Commissioner action needed to ensure equal employment opportunity in state service and compliance with existing laws, rules and regulations.
12. To develop equal employment opportunity policies and procedures in accordance with state and federal laws, rules, regulations and Executive Orders.
13. To communicate the State's equal employment opportunity policy to all employees, applicants, concerned organizations, and firms doing business with the state.
14. To recruit protected group members for state employment.
15. To appoint members to the Statewide Affirmative Action committee.

Accountability: Commissioner of Personnel.

#### IV. STATEWIDE AFFIRMATIVE ACTION COMMITTEE

Responsibilities: To advise and assist the Director of Equal Opportunity in the development of a statewide affirmative action program.

Duties: To review the statewide affirmative action program and make recommendations for modification and improvement.

Accountability: Director of Equal Opportunity.

## V. EQUAL OPPORTUNITY SPECIALISTS

Responsibilities: To serve as liaison between the Equal Opportunity Division and various state agencies as assigned.

Duties:

1. To recruit protected group members.
2. To monitor agencies for compliance with the Equal Employment Opportunity/Affirmative Action Program.
3. To provide technical assistance to assigned agencies.
4. To assist agencies in developing and implementing viable affirmative action programs.

Accountability: Director of Equal Opportunity.

## VI. AGENCY HEAD

Responsibilities: To oversee the agency's affirmative action program in compliance with existing federal and state laws, rules and regulations.

Duties:

1. To appoint or designate an Affirmative Action Officer.
2. To appoint the members of the Affirmative Action Committee.
3. To include accountability for the administration of the agency's affirmative action plan in his/her position description.
4. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
5. To take action on complaints of discrimination.
6. To issue a written statement to staff affirming support of the State's equal opportunity policy.
7. To make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective affirmative action.
8. To report annually to the Governor and the Legislature, through the Commissioner of Personnel, the agency's progress in affirmative action.

Accountability: Governor directly and indirectly to the Commissioner of Personnel and the Director of Equal Opportunity.

## VII. AFFIRMATIVE ACTION OFFICERS

Responsibilities: To administer the agency's affirmative action program.

Duties:

1. To monitor the day to day activities of the agency's affirmative action program.
2. To investigate alleged discrimination complaints and submit findings to the agency's affirmative action committee.
3. To complete all affirmative action reports as required.
4. To serve as an ex-officio member of the Affirmative Action Committee.
5. To ensure that the agency's EEO policy and affirmative action program is disseminated to agency staff.
6. To offer all protected group employees the opportunity to receive an exit interview.
7. To act as the liaison between the agency and the Equal Opportunity Division.

8. To advise agency management of the requirement to notify contractors and subcontractors of their affirmative action responsibility.
9. To determine the need for affirmative action training and to initiate the development of appropriate training programs.
10. To review policies, procedures, programs, and physical accommodations and to recommend changes to the agency head.
11. To participate in the recruitment of protected class persons for employment, promotion, and training opportunities.
12. To maintain contacts with protected class sources for recruitment purposes.

Accountability: Agency Head.

#### IX. AFFIRMATIVE ACTION COMMITTEES

Responsibilities: To monitor the agency activities and progress in affirmative action.

- Duties:
1. To review and to recommend changes in their agency's Affirmative Action Plan and programs and make recommendations to the agency head.
  2. To serve as a forum for transmitting employee concerns regarding affirmative action to management.
  3. To make advisory recommendations on formal complaints of discrimination in accordance with their agency's internal discrimination complaint procedure.
  4. To identify problem areas and to propose solutions.
  5. To perform such other activities as may be outlined in the agency's Affirmative Action Plans.

Accountability: Agency Head.

#### X. MANAGERS AND SUPERVISORS

Responsibilities: To ensure compliance with statewide and agency affirmative action programs and to ensure equal treatment of all employees.

- Duties:
1. To assist the agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
  2. To hire and promote qualified protected class members where a disparity exists.
  3. To communicate agency's affirmative action policy to assigned staff.
  4. To facilitate staff participation on agency Affirmative Action Committees.
  5. To include responsibility statements for Affirmative Action/Equal Employment Opportunity in their position descriptions.
  6. To perform such other specific duties as may be assigned in their agency's Affirmative Action Plan.

Accountability: Agency Head.

## OPTIONAL STRUCTURE FOR AGENCIES WITH SUBDIVISIONS

Some agencies, such as the Department of Public Welfare, the Community College System and the State University System, may need an additional administrative layer to carry out their affirmative action programs. A suggested structure, illustrated on the organizational chart, may be adopted for use. However, agencies may include a structure of its own design and submit to EOD for approval.

The following narrative describes the functions of those involved in the suggested optional structure.

### I. AGENCY SUBDIVISION ADMINISTRATOR(S)

Responsibilities: To oversee the planning, development and administration of the subdivision's Affirmative Action Plan to ensure compliance with existing state and federal laws, rules and regulations and to ensure compliance with the overall agency Affirmative Action Program.

Duties:

1. To appoint or designate an Affirmative Action Officer.
2. To appoint members for the Affirmative Action Committee.
3. To include in his/her position description accountability for the administration of the subdivision's Affirmative Action Plan.
4. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
5. To take action on complaints of discrimination.
6. To issue a written statement to staff affirming support of the State's equal opportunity policy.
7. To make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective affirmative action.
8. To make reports to the agency head as required.

Accountability: Agency Head.

### II. SUBDIVISION AFFIRMATIVE ACTION OFFICER

Responsibilities: To administer the subdivision's Affirmative Action Program.

Duties:

1. To monitor the day to day activities of the subdivision's Affirmative Action Program.
2. To investigate alleged discrimination complaints and submit findings to the subdivision's Affirmative Action Committee.
3. To complete all affirmative action reports as required.
4. To serve as an ex-officio member of the Affirmative Action Committee.
5. To ensure that the subdivision's EEO policy and Affirmative Action Program is disseminated to subdivision staff.

6. To offer all protected group employees the opportunity to receive an exit interview.
7. To act as the liaison between the subdivision and the Equal Opportunity Division.
8. To advise subdivision management of the requirement to notify contractors and subcontractors of their affirmative action responsibility.
9. To determine the need for affirmative action training and to initiate the development of appropriate training programs.
10. To review policies, procedures, programs, and physical accommodations and to recommend changes to the agency head.
11. To participate in the recruitment of protected class persons for employment, promotion, and training opportunities.
12. To maintain contacts with protected class sources for recruitment purposes.

Accountability: Subdivision Administrator

### III. SUBDIVISION AFFIRMATIVE ACTION COMMITTEE

Responsibilities: To monitor the subdivision's activities and progress in affirmative action.

- Duties:
1. To review and recommend changes in their subdivision's Affirmative Action Plan and programs and to make recommendations to the subdivision administrator.
  2. To serve as a forum for transmitting employee concerns regarding affirmative action to management.
  3. To make advisory recommendations on formal complaints of discrimination in accordance with their subdivision's internal discrimination complaint procedure.
  4. To identify problem areas and to propose solutions.
  5. To perform such other activities as may be outlined in the subdivision's Affirmative Action Plan.

Accountability: Subdivision Administrator

## AGENCY AFFIRMATIVE ACTION PLANS

Each agency is required to develop and establish its own Affirmative Action Plan. These plans must be submitted to the Director for approval before the programs are implemented. This section outlines the basic components of the agency plan.

### WHO MUST SUBMIT AN AGENCY AFFIRMATIVE ACTION PLAN?

- A. Agency Heads of agencies with twenty-five or more employees must submit a plan in conformance with the Statewide Affirmative Action Plan.

*NOTE: Agencies with subdivisions may want to develop separate Affirmative Action Plans for each of their subdivisions. In such cases, each subdivision plan must be submitted as part of the total agency plan.*

- B. Agency Heads of agencies with fewer than twenty-five employees may choose not to submit a Departmental Affirmative Action Plan. In such cases, the Agency Head must:

1. Issue a written statement of commitment to the State Equal Employment Opportunity Policy and Statewide Affirmative Action Plan. This statement must contain all the information required on page 17 under B and must indicate that in lieu of developing its own Affirmative Action Plan, the agency will abide by all relevant provisions of the Statewide Affirmative Action Plan;
2. Permanently post a copy of such statement on at least one official bulletin board in each of the agency's work locations;
3. Send a copy of such statement to the Equal Opportunity Division;
4. Submit required semi-annual reports on employees who are minority, female, handicapped persons and Vietnam era veterans to the Equal Opportunity Division.

- C. Boards, commissions, or councils whose members are all statutorily designated are exempt from these requirements.

### WHEN MUST THE AGENCY AFFIRMATIVE ACTION PLANS BE SUBMITTED?

Agency Heads of agencies with approved Affirmative Action Plans are required to review such plans annually, and to submit revisions to the Director as scheduled, approximately one year from the date of original approval.

Agency Heads are required to submit an Affirmative Action Plan to the Director of Equal Opportunity within three months from the time they become so obliged (e.g., from the time of creation of a new agency or from the time the agency's staff exceeds 25 persons).

Agency Heads of agencies with fewer than 25 employees, which elect not to submit an Affirmative Action Plan, must submit their statement of commitment within one month of publication of the 1979 revision of the Statewide Affirmative Action Plan or other such notification as may be issued by the Director.

## STATEWIDE STANDARDS FOR AGENCY AFFIRMATIVE ACTION PLANS

Some components of an agency's Affirmative Action Plan are required and some are optional.

Agency Affirmative Action Programs must be consistent with the Statewide Affirmative Action Plan as outlined in the following sections.

The adoption and/or development of some additional measures beyond the minimum requirements stated below also may be required. Such additional requirements will be dictated by a particular agency's circumstances and cannot be anticipated here. Authors of agency plans should seek assistance from their assigned Equal Opportunity Specialist in developing viable program components to be sure their plans are complete.

### A. TRANSMITTAL LETTER

Required: A letter signed by the Agency Head and the Affirmative Action Officer or designee requesting the Director of Equal Opportunity to approve the Agency's Affirmative Action Plan.

### B. STATEMENT OF COMMITMENT

Required: A statement signed by the agency head committing the agency to the State's Equal Employment Opportunity Policy and the successful implementation of the statewide and agency affirmative action programs (see pages i-iv).

Such a statement must:

1. Convey the Agency Head's approval and support of the statewide and the agency's affirmative action programs for the employment and advancement of protected group individuals.
2. Identify by name the Affirmative Action Officer, or designee.
3. Indicate where the Statewide and Agency Affirmative Action Plans are available for inspection by interested persons.
4. Emphasize the responsibility of all managers and supervisors for affirmative action in their program areas and stress that performance appraisals will include an evaluation of their progress in this area.
5. Reference the positive benefits of affirmative action to the agency, e.g., fuller utilization of human resources, equality of employment conditions for all employees.

Required: A copy of the State Equal Employment Opportunity Policy must be included in the agency's Affirmative Action Plan.

Optional: The statement of commitment may include such other information as may be desired. Examples:

1. Assurance that no person will be deprived of their rights under the Affirmative Action Plan.
2. Reference to the obligations of employees under the plan.
3. Statement that any employee harassing another will be subject to disciplinary action (see Appendix E).
4. Statement that documented actions which impede the Affirmative Action Program will be cause for disciplinary action.

C. GENERAL STATEMENT OF PURPOSES AND OBJECTIVES

Required: A brief narrative of the general purposes and major objectives of the agency's plan, similar to "Introduction" and "General Purposes" on page i. Such a narrative must contain:

1. Statement of what affirmative action is.
2. Reference to inequalities in employment for protected groups.
3. Statement that affirmative action covers women, minorities, handicapped and Vietnam era Veterans (see Appendices C and D).
4. Assurance that other groups will not be deprived of their rights nor subjected to unfair treatment because of affirmative action.

Required: One or two broadly-stated, practical objectives the agency desires to achieve as a result of its affirmative action program. (Example: "to increase employment participation of protected classes at all levels consistent with their availability in the work force").

D. DELEGATION OF AUTHORITY AND RESPONSIBILITIES

*NOTE: Refer to the outline of responsibilities contained in the Statewide Affirmative Action Plan, page 9.*

Required:

1. The name and official title of those persons and groups designated to be responsible for directing and implementing the affirmative action program; and the specific responsibilities, duties and accountability for each of those persons and groups.
2. Such individuals and groups shall include, but not be limited to, the following:
  - a. Agency Head
  - b. The Affirmative Action Officer/Designee
  - c. Managers and Supervisors
  - d. If applicable, Agency Subdivision Administrator



3. A notation that the responsibilities, duties and accountability of the Affirmative Action Committee may be found in the section entitled "Affirmative Action Committee".

Optional: Other responsibilities and duties as may be desired and appropriate for the above.

E. COMMUNICATIONS/DISSEMINATION (INTERNAL AND EXTERNAL)

All communications must be approved by top management, including any governing boards or commissions (e.g., Board of Education for the Education Department). Significant interim changes must be disseminated to employees, the EOD Director, and other interested parties.

Required: A subsection on internal and external communications.

1. Internal Dissemination (communication intended for employees, unions, and employee associations).

Required:

- a. Communicate annually to each employee, and to each new employee during orientation, the State's EEO policy and the Agency Head's statement of commitment.
  - b. Conduct annual training sessions for managers and supervisors on the Affirmative Action Plan and their responsibilities.
  - c. Post on each official bulletin board: 1) the EEO policy; 2) list of Affirmative Action Committee members, work phone numbers; 3) dates, times and places of Affirmative Action Committee meetings; 4) meeting minutes and agendas; and 5) statement that employees may attend Affirmative Action Committee meetings. Numbers 1, 2 and 5 are to be permanently posted.
  - d. Include EEO policy in annual report, supervisors' and employee handbooks, and policy and procedures manuals.
  - e. Include EEO policy in newsletter and other appropriate publications.
  - f. Conduct orientation sessions for new and current employees to discuss the Affirmative Action Plan.
  - h. Send EEO policy to employees, unions and employee associations at least once during the year.
2. External Dissemination (communications directed to sources of recruitment, potential protected-group applicants, and the community at large)

Required:

- a. Include the phrase "An Equal Opportunity Employer" on agency letterhead and in all advertisements for positions.
- b. Advertise positions in appropriate protected group publications.
- c. Identify the Affirmative Action Officer or designee in the agency section of the State Telephone Directory.
- d. Inform all persons and organizations doing business with the agency of the EEO policy.

Optional:

- a. Send copies of the EEO policy to community organizations, recruitment sources and to agencies specializing in services or programs related to minorities, women, handicapped persons and Vietnam era Veterans.

F. GOALS AND TIMETABLES

Required: Goals and timetables to improve utilization of minorities, handicapped, females and Vietnam era Veterans in each area where underutilization has been identified. (Refer to Goals and Timetables page 32.)

G. INTERNAL AUDIT AND REPORTING SYSTEMS

Required: A description of applicable reporting and auditing functions contained in this plan. (See pages 29-31.)

Required: A description of any other monitoring and evaluation procedures the agency intends to use.

H. DISCRIMINATION COMPLAINT PROCEDURE

Required:

1. An internal procedure for processing complaints by employees alleging discrimination. The procedure must describe the informal and formal steps which the individual and the agency will follow.
2. A procedure must be consistent with the duties and responsibilities outlined in this Statewide Affirmative Action Plan (see pages 9-14) and with the agency Affirmative Action Plan.
3. Initial procedures must be completed within a specific time and allow the complainant to file a timely formal grievance through Department of Personnel Rules 2 MCAR section 2.177(B), and/or through applicable collective bargaining agreements.
4. The entire complaint procedure must be concluded within 60 days of filing a formal complaint.

5. All documentation relative to a complaint is private information during the course of an investigation. The status of the complaint, however, is public information. After an investigation is completed, all documentation is public information.
6. A copy of the final disposition (conciliation agreement, dismissal of complaint, etc.) of each discrimination complaint must be sent to the Director of Equal Opportunity within 30 days after the final determination has been made.

Optional: Agencies may develop their own procedures, which must be consistent with the above requirements. Agencies may also adopt the model procedure found in Appendix A of this Plan, starting on page A-1.

#### I. AFFIRMATIVE ACTION COMMITTEE

The Affirmative Action Committee composition should be as diverse as its agency's staffing will allow. Committee members must be committed to the successful implementation of equal employment opportunity and affirmative action programs. (See page 12 for specific responsibilities, duties, and accountability of the AAC.)

Required:

1. A description of the AAC composition. Membership will be representative of the agency's workforce and will, to the extent possible, include females and males of all racial and ethnic groups, (including white males), handicapped, and Vietnam era Veterans, and diverse job categories.
2. The process by which prospective members will be suggested to the Agency Head (or Sub Division) for appointment. Prospective members may volunteer, be nominated by peers or supervisors, be selected by management, or such other procedure as may be desired. Members must be officially appointed by the Agency Head.
3. The size of the AAC (preferably up to 15 official members, unless exceptions have been approved by the Director).
4. The duration of committee appointments.
5. The frequency and location of regular meetings.
6. A description of method to keep employees informed. (Refer to Internal Dissemination, item c, page 18).
7. A listing of the members including name, classification, work phone number, race, sex, and indicating which members are handicapped and Vietnam era Veterans and which member is the chairperson.

## J. SPECIFIC PROGRAMS

The specific actions designed to implement the State's policy of equal employment opportunity and to meet the agency's goals and timetables are the heart of an affirmative action program and require a close working relationship with Personnel Directors and Affirmative Action Officers.

In order to effectively prepare this section, Personnel Directors in conjunction with the Affirmative Action Officer should carefully review the agency's personnel system and practices with assistance as needed from the Equal Opportunity Division, Department of Personnel.

Personnel Directors and Affirmative Action Officers must take every opportunity to inform the EOD Director of those areas in the personnel system which create barriers to the agency's affirmative action efforts and to suggest possible remedies.

The following areas must be considered for review:

1. Recruitment: advertising, resources, contacts, internal postings, and EOD's resume bank.
2. Selection process: job requirements and descriptions, standards and procedures, pre-employment inquiries, application forms, testing, and interviewing practices.
3. Reasonable accommodations: physical access, equipment modification, and auxiliary aids, etc.
4. Upward Mobility System: assignments, job progressions, transfers, seniority, promotions, interviewing, and training.
5. Wage and Salary Structure.
6. Benefits and Conditions of Employment.
7. Layoff, Recall, Termination, Demotion, Discharge, Disciplinary Action, etc.
8. Union Contract Provisions affecting above procedures.

Observed conditions will become the basis for the individual agency affirmative action programs.

### Required:

The specific programs developed must each include:

1. Objective(s).
2. Specific action steps, (i.e., methods for achieving the objectives).
3. Assignment of responsibility for each action step to individuals or to groups (e.g., Personnel Director, AAO, AAC Training Coordinator, etc.).

4. Target date of each action step.
5. An evaluation procedure. Where appropriate, include evaluation procedures in the section on "Internal Audit and Reporting".

*NOTE: For a suggested format, see pages 25-28.*

Optional:

Some examples of programs that could be adopted, if deemed necessary, are:

1. Recruitment:

- a. Develop specific plans to recruit where underutilization has been demonstrated, based upon a review of positions, turnover rates, patterns of vacancies, etc.
- b. Develop and maintain contacts with all sources of qualified protected class applicants.
- c. Ensure that recruitment literature is relevant to women, minorities, handicapped and Vietnam era Veterans.
- d. Use Governor's Internship Program and Pre-Service Training Programs to introduce members of protected groups to state service.

2. Selection Process:

- a. Review qualification requirements periodically to ensure that they are job-related.
- b. Review position descriptions to ensure proper classification.
- c. Review Experience and Training scales, written tests, and other selection devices.
- d. Provide training in proper interviewing techniques for those employees who conduct oral exams or selection interviews.
- e. Develop an applicant tracking system to disclose possible barriers in the selection process.
- f. Ensure careful job analysis for examination preparation and validation purposes.

3. Reasonable Accommodations (see Appendix D, item H):

- a. Review job duties to see what modifications can be made to accommodate disabled workers with specific abilities and disabilities (e.g.: assign deaf typist to do filing instead of answering phones).
- b. Tailor work schedules to coincide with availability of public transportation or arrange for car pooling.
- c. Provide convenient parking facilities for disabled drivers.
- d. Examine building design for architectural barriers. Consult with Department of Administration on necessary alterations.

- e. Provide equipment modifications and auxiliary aids to accommodate specific disabilities (e.g.: visual signals, teletypewriters and interpreters for deaf employees; braille writers and readers for the blind).

*NOTE: In most cases, the best resource for advice on necessary accommodations will be the disabled employee or applicant. Additional assistance can be obtained from organizations which serve persons with specific disabilities and the disabled in general, such as: Division of Vocational Rehabilitation, Minnesota State Council for the Handicapped, Veterans Administration Counseling and Rehabilitation Section, Services for the Blind, United Cerebral Palsy, etc. Additional sources also may be found in the State-wide Resource and Recruitment Directory.*

#### 4. Upward Mobility:

- a. Survey the work force to locate protected class persons who are trainable for prospective job openings.
- b. Develop in-service training programs for employees who demonstrate potential for advancement.
- c. Publicize upward mobility programs and opportunities within each subdivision and throughout the agency.
- d. Develop a "skill bank" to match underutilized employees with available job opportunities.
- e. Encourage innovative job assignments such as job rotation and mobility assignments, where feasible.
- f. Conduct sensitivity/awareness seminars for all employees to encourage acceptance of upward mobility programs for the protected classes.
- g. Provide career counseling on a one-to-one basis and in seminars.
- h. When assigning tasks, ensure that protected class employees share in those which will enhance their skills and opportunities for advancement.

#### 5. Wage and Salary Structure:

- a. Ensure that employees are not working out of classification.
- b. Ensure that employees are compensated on an equal basis according to their qualifications.

#### 6. Benefits and Conditions of Employment:

- a. Review agency organization to determine if conditions exist which create problems for protected group members.
- b. Make it clear to all employees that harassment of any person in retaliation for filing a complaint, will not be tolerated and will be cause for disciplinary action (see Appendix E).
- c. Sponsor sensitivity awareness seminars for all employees on the problems of handicapped and their capabilities for functioning in a work situation.
- d. Encourage employees to attend DOP workshops to help them understand the disadvantages that affect employment opportunities of protected groups.

7. Layoff, Recall, Termination, Demotion, Discharge, Disciplinary Action, etc.:

- a. Document the reasons for taking any of the above actions.
- b. Participate in exit interviews upon request of employees.

The assigned E.E.O. Specialists are available to assist agencies in developing their programs, AAP, and provide other services as needed.

*NOTE: Any proposed change in an Agency's AAP must be approved by the State EEO Director.*

## SPECIFIC STATEWIDE PROGRAM OBJECTIVES

The most essential part of an affirmative action plan is the identification of barriers to equal employment opportunity and the development of specific programs to eliminate those barriers. The Equal Opportunity Division has evaluated the State's personnel process and has identified several areas which present barriers on a statewide basis. These areas and the programs developed to remedy the problems are described in this section.

### RECRUITING

PROBLEM: For many occupations, the state is not attracting adequate numbers of qualified applicants from protected groups.

A. OBJECTIVE: To improve services provided to applicants and community agencies.

<u>Actions</u>	<u>Responsibility</u>	<u>Target Date</u>
1. Counsel individual protected group applicants to provide information and assistance in directing their employment interests within state service.	EOD/AAO's	Ongoing
2. Meet with representatives of community agencies to provide information on state jobs and placement procedures, and to encourage their interest in making referrals.	EOD/AAO's	Ongoing

### Evaluation Procedures

AAO's will be asked to assess the responsiveness of community agencies, and the speed and suitability of referrals.

B. OBJECTIVE: To improve technical assistance provided to agency AAO's in recruiting members of protected classes.

<u>Actions</u>	<u>Responsibility</u>	<u>Target Date</u>
1. Update the <u>Directory of Statewide Recruitment Resources</u> .	EOD	October 1979 and biennially thereafter
2. Explore the feasibility of of computerizing resume bank retrieval.	EOD and Data Services Divisions of DOP	Mid-1980

### Evaluation Procedures

AAO's will be asked to assess the usefulness of the Directory and resume bank.



### SELECTION

PROBLEM: Expanded certifications are inadequate without appropriate goals.

C. OBJECTIVE: To ensure that goals are established in order to use expanded certification procedures effectively.

<u>Actions</u>	<u>Responsibility</u>	<u>Target Date</u>
1. Complete the <u>Goals and Timetables manual</u> and provide training to AAO's in establishing departmental hiring goals.	EOD	December, 1979
2. Provide assistance to departments in setting goals according to methods established in the manual.	EOD	January, 1980

#### Evaluation Procedures

1. EOD will verify that appropriate goal-setting procedures have been implemented.
2. Agencies will be asked to report on the effectiveness of expanded certification reports based on newly established goals.

### PROGRAM DEVELOPMENT

PROBLEM: Current programs do not address the special needs of handicapped persons.

D. OBJECTIVE: To establish affirmative action programs which address the needs of handicapped persons.

<u>Actions</u>	<u>Responsibility</u>	<u>Target Date</u>
1. Tabulate results of survey of state employees for handicap identification.	EOD	September, 1979
2. Provide technical assistance to agencies in implementing programs to facilitate employment of handicapped persons.	EOD	Ongoing
3. Develop goals and timetables for employment of handicapped persons.	EOD	January, 1980

#### Evaluation Procedures

AAO's will be asked to assess the suitability and adequacy of EOD assistance and programs.

## UPWARD MOBILITY

PROBLEM: Members of many protected classes frequently occupy low paying jobs.

E. OBJECTIVE: To facilitate career development and advancement of protected classes.

<u>Actions</u>	<u>Responsibility</u>	<u>Target Date</u>
1. Produce an informational handbook identifying avenues and techniques for advancement.	EOD	December, 1979 for preparation
	EOD	February, 1980 for printing & distribution
2. Study methods and ways to "bridge" classes between occupational levels (e.g.,: clerical - bridging - class professional).	DOP Classification & Compensation Division, EOD, AAO's Examining and Referral Divisions	Ongoing
3. Where feasible, credit experience gained in lower levels on exam ratings for entry-level professional classes.	DOP Examining & Referral Division, Agency Personnel, Officers.	Ongoing
4. Develop and deliver workshops for managers to eliminate sex-stereotyping and increase upward-mobility opportunities for women.	DOP Training Division	September, 1979

### Evaluation Procedures

1. AAO's, training coordinators and employees will be asked to report on use and value of handbook.
2. AAO's in agencies using bridging classes will report on its effectiveness.
3. AAO's will report on the performance and success of incumbents who qualified based on experience in lower level positions.
4. a. The names and agencies of participating managers will be reported.  
b. AAO's, trainers and participants will report on effectiveness of training.

## TRAINING

PROBLEM: Many AAO's lack sufficient technical knowledge of Personnel Department procedures to perform at maximum efficiency.

F. OBJECTIVE: To provide technical training to AAO's.

<u>Action</u>	<u>Responsibility</u>	<u>Target Date</u>
Conduct workshops for AAO's on Personnel Department practices.	DOP	Ongoing

### Evaluation Procedures

1. The names and agencies of AAO's completing training will be maintained in the files of EOD.
2. Participants will evaluate the usefulness of training.

PROBLEM: Capable members of protected groups often lack "nuts and bolts" job experience.

G. OBJECTIVE: To provide opportunities for skill development and employment for members of protected groups where underutilization prevails.

<u>Actions</u>	<u>Responsibility</u>	<u>Target Date</u>
1. Where feasible, develop pre-service training programs	EOD, AAO's, Training Coordinators	Ongoing
2. Collect data on pre-service trainees.	DOP Training Division	Annually

### Evaluation Procedure

EOD will evaluate data on participants to determine the effectiveness in placing members of protected groups via pre-service training programs.

These objectives will be reviewed annually. Completed objectives will be deleted; new objectives will be added; and current objectives may be modified. Agency Heads are encouraged to submit additional objectives in writing to the Director.

## INTERNAL AUDIT AND REPORTING SYSTEM

The State of Minnesota is required by the U.S. Equal Employment Opportunity Commission to maintain personnel records for the preparation of State and Local Government Information Report (EEO-4). The EEO-4 report is completed by the EOD and consists of a breakdown of state employees by race and ethnic group, sex, job category and salary range. Educational institutions under the State's jurisdiction, must instead complete the EEO-6 report.

M.S. § 43.15, Subdivision 2(d), requires the Commissioner of Personnel to establish requirements for reporting to the Governor and the Legislature on implementation of agency affirmative action plans.

The Director has established a centralized reporting system and has computerized the statistics. The system includes quarterly, annual and such other reports as may be later requested, which will allow the Director to monitor and evaluate the State's efforts in affirmative action. All reports have been submitted on a fiscal year basis since July, 1978. All reports shall be submitted to the Director as follows:

### Quarterly Reports (agencies with twenty-five or more employees)

Quarterly reports shall be submitted no later than the end of the last full week in October (1st Quarter), January (2nd Quarter), April (3rd Quarter), and July (4th Quarter) in the format established by the Director. Cutoff dates will be supplied in advance.

### Semi-Annual Reports (agencies with fewer than twenty-five employees)

Semi-annual reports shall be submitted no later than the last full week in January (2nd Quarter) and July (4th Quarter), in accordance with established cutoff dates and in the format established by the Director.

### Annual Reports (agencies with twenty-five or more employees)

1. Annual reports shall be submitted no later than the end of the last full week in August.
2. Annual reports shall consist of a narrative, statistics and charts as necessary, describing the agency's progress in meeting their affirmative action goals and objectives.

The reports will be used by the Director to assess each agency's progress and to determine if "good faith effort" is being made to achieve equal employment opportunity. In the event that an agency is placed in a status of "noncompliance" by the Director of Equal Opportunity, the Director may require monthly status reports and any other information which may be deemed necessary. EOD will work closely with the agency in order to rectify the noncompliance status.

The Director and/or a Federal enforcement agency periodically will do an intensive on-site audit and evaluation of an agency's efforts to comply with the laws, regulations and orders mandating affirmative action. The agency head must have the following information available for the investigating team:

1. Copy of the agency's Affirmative Action Plan.
2. Copies of any work force and/or utilization analyses which may have been done within the past two years.
3. Copies of any certification lists used during the past twelve months.
4. List of all provisional employees including: job classification, minority status, sex, handicap, and Vietnam era Veteran status, if any.
5. List of all seasonal and temporary hires for the past twelve months by: job classification, minority status, sex, handicap, and Vietnam era Veteran status, if any.
6. List of all promotions, transfers, new hires, terminations, and exit interviews for the past twelve months: including the job classification, minority status, sex, handicap, and Vietnam era Veteran status, if any, for each employee concerned.
7. List of all disciplinary actions taken during the past twelve months including: the job classification, minority status, sex, handicap, and Vietnam era Veteran status, if any, of each employee involved; as well as the dates of such action and the reasons for the actions.
8. List of all training courses taken by agency employees during the past twelve months including: the name, job classification, minority status, sex, disability, and Vietnam era Veteran status if any. The list must include the hours required to complete each course; the hours completed by each participant; and the results, if any, of the training (e.g., promotion, improved job performance).
9. List of all recruitment resources utilized during the past twelve months; the minority status, sex, handicap, and Vietnam era Veteran status; if any, of any job applicants recruited from each source, and the result of the recruitment effort.
10. Copies of any personnel policies or procedures that are unique to the agency, including those relating specifically to affirmative action.
11. List of all discrimination complaints filed during the past twelve months; basis for each complaint; result or current status of each; and job title, minority status, sex, handicap, and Vietnam era Veteran status, if any, of each complainant.
12. Copies of the minutes of Affirmative Action Committee meetings.

The investigating team may require such other information as it may deem necessary in order to make a complete evaluation of the agency's efforts to achieve equal employment opportunity. The investigating team may interview a sampling of employees from all job categories or may use survey questionnaires to elicit additional information.

*NOTE: Any of the audit and reporting procedures may be waived, augmented, or changed by the Director at any time. Agencies, in designing their own internal audit and reporting systems, are free to adopt such procedures as may be desired.*

## GOALS AND TIMETABLES

### WHY GOALS AND TIMETABLES ARE NEEDED

When a disparity exists in one or more job categories, State Law requires setting goals for employing members of underutilized, protected groups, along with reasonable time frames for the achievement of these goals.

Goals and timetables are needed to measure progress toward parity and to determine when certification may be expanded to include members of protected groups. Goals are useful in developing appropriate and feasible affirmative action programs, and to assess its effectiveness.

Affirmative action goals must not be confused with quotas. "Quotas" are rigid and inflexible - they are a minimum which must be met. Goals, on the other hand, are reasonable, flexible and attainable standards against which affirmative action programs can be measured.

### HOW GOALS AND TIMETABLES WILL BE SET

The Equal Opportunity and Data Services Divisions of the Department of Personnel have developed a method for state agencies to set appropriate goals and timetables.

This method involves comparing an agency's internal workforce with the availability of workers in the relevant external labor area to arrive at a utilization rate. If disparity is found in the number of minority or female employees, a formula is applied, taking into consideration the agency's recent staffing changes (new positions, replacements, staff cut-backs, etc.), and the time period in which the goals are to be met. The result will be the agency's hiring goal for the stated time period, expressed as the percent of hires necessary to achieve parity for the particular group under consideration.

Factors which will influence a particular agency's goals will be:

1. The number and types of occupations found in each agency;
2. The external availability of members of protected groups with the requisite qualifications;
3. The applicable geographical labor areas;
4. The agency's rate of staffing changes in each occupational group.

Two agencies will not necessarily have the same goals.

A manual delineating the specific steps to be followed in setting goals for state agencies is available from the Equal Opportunity Division, Department of Personnel. The Department of Personnel EEO specialists will provide training in implementing these procedures.

### Requirements of Agencies who submit AAP:

1. Completion of goal setting procedures by deadline set by the EEO Director.
2. Separate goals and timetables must be set for minorities, women, handicapped persons and Vietnam era Veterans where their presence in an agency or occupational group is below parity.
3. Each agency's current goals and timetables must become part of their Agency Affirmative Action Plan.

## APPENDIX A

### INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

To ensure equality of opportunity in state service, EOD has established a discrimination complaint procedure for agencies that do not have such a procedure as an approved part of their Affirmative Action Program. All employees have access to this procedure or the procedure used in their agency. This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. We urge employees to use the internal procedure before filing with the Department of Human Rights or other agencies. Anyone filing a complaint, or serving as a witness, under this procedure shall do so without fear of coercion, reprisal or intimidation.

#### RESPONSIBILITY OF AGENCY EMPLOYEES

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

#### WHO MAY FILE

Any employee of an agency of state government who believes that he/she has been discriminated against by reason of race, creed, color, sex, age, national origin, religion, reliance on public assistance, marital status, handicap, Vietnam era Veteran status or political opinion or affiliation may file a complaint. Employees who are terminated must file their complaint prior to separation from the agency involved.

#### THE COMPLAINT PROCEDURE

The discrimination complaint procedure consists of two parts: informal and formal. The informal procedure is similar to the Grievance Procedure of the Personnel Rules, 2 MCAR section 2.177(A). The formal procedure differs from in 2 MCAR section 2.177(B) while still allowing the complainant to revert to the formal step in that rule, or to applicable collective bargaining provisions, if the Affirmative Action Officer determines that the complaint is not an equal opportunity complaint, but rather a personnel concern.

##### Informal

Employees must present their grievance to their immediate supervisor within 5 days after the occurrence. The supervisor must give an oral or written answer within 5 days and thereafter the parties shall have 5 days to pursue resolution by mutual agreement.

##### Formal

The complaint must be filed within 7 days of the receipt of an answer from the supervisor with the AAO or AAO designee in the individual agency against which a complaint is being filed. In the event that the respondent is the AAO or the designee, the complaint may be filed with the EOD Director.



## Filing Procedures

1. Employee completes the "Complaint of Discrimination Form" provided by the AAO. The AAO may provide assistance in filling out the form.
2. The AAO determines if the complaint falls within the area of equal employment opportunity, i.e., the complainant is alleging a violation of his/her right to equal employment on the basis of race, creed, color, etc.
  - a. If it is determined that the complaint is not related to equal employment opportunity but rather to general personnel concerns, the AAO immediately will inform the complainant, who may pursue the formal steps of the grievance procedure as outlined in 2 MCAR section 2.177(B) or in any applicable union contract within the time limit specified.
  - b. If the complaint is not EEO related, the AAO shall inform the complainant by certified letter, stating that the complaint has been dismissed, including the reasons for the dismissal, and referring the complainant to the proper authority, if any, to handle the grievance. The letter should be sent within 2 days of the receipt of the complaint.
  - c. If the complaint is related to equal employment opportunity, the AAO will, within 2 days of the receipt of the complaint, send a copy of the complaint by certified mail to all parties named as respondents. The copy shall be accompanied by a letter outlining the basic facts of the complaint and requesting a response to the allegations from the respondent(s) within a specified period of time.
3. The respondent(s) shall report to the AAO in writing, within the time period specified by the letter, setting forth his/her understanding of the situation or causes giving rise to the complaint. If the respondent(s) fail to provide the answer within the specified time period, the allegations contained in the complaint will be considered to be denied by the respondent(s) and the AAO shall proceed to investigate the case.
4. All data collected may at some point become evidence in civil or criminal legal proceedings against the respondent pursuant to Minnesota Statutes Chapter 363 or the appropriate 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.
5. At the conclusion of the investigation, the AAO shall review the findings and shall submit a summary to the Affirmative Action Committee (AAC).

6. The AAC shall review the summary provided by the AAO and shall make a determination on the complaint or shall do so after referring the case back to the AAO if further investigation is deemed necessary.  
*(NOTE: any member of the AAC who is involved in the complaint as the complainant, as a respondent, or as a witness of either shall not be present during the review or the discussion of the case by the AAC.)*
7. If the AAC believes that there is sufficient evidence supporting the complaint, it shall prepare a recommendation for corrective action along with a timetable for such action.
  - a. The AAC shall send copies of its determination and recommendations by certified mail to the complainant, the respondent(s) and furnish the AAO with a copy.
  - b. The AAO shall hold a meeting between the complainant and the respondent(s) in an attempt to settle the complaint through conciliation.
  - c. If the conciliation attempt is unsuccessful, the AAO will notify the AAC in writing. The AAC will send a letter by certified mail to the Agency Head (or Sub Division) which shall include the AAO's summary of the complaint, the AAC's determination and recommendations, and the AAO's notice that the conciliation attempt was unsuccessful. The letter will request that the necessary action be taken to carry out their recommendations. The Agency Head shall accept, reject or modify the Affirmative Action Committee's recommendations and shall take such actions as deemed appropriate, and notify all parties (e.g.: complainant, respondent, the AAO, the AAC and the Director).
  - d. If the conciliation attempt is successful, a conciliation agreement shall be prepared and signed by the complainant, the respondent(s), and the AAO. The AAC, the Agency Head, the Director and each signatory, shall receive a copy of the agreement.
8. If the AAC believes there is insufficient evidence to support the complaint, a letter will be sent by certified mail to complainant, the respondent(s), the AAO, the Agency Head and the Director dismissing the complaint.
9. In the event that the complaint procedure has been carried through on the Sub Division level (e.g., an outstate institution within the Department of Public Welfare) a complainant who is dissatisfied with the determination, or with the results of the determination, may appeal the case to the AAO in the central office of the agency.
  - a. The central office AAO shall review the determination and action taken to resolve the complaint and shall recommend to the Central office AAC either reversal or support of same.

- b. The Central office AAC shall approve or reject the AAO's recommendation and shall then transmit the recommendation and the statement of approval or rejection to the Agency Head.
  - c. The Agency Head shall either accept, reject or modify the recommendation and direct the Sub-division administrator to take such action as may be deemed appropriate. The Agency Head shall notify all parties of the decision and/or action (e.g., complainant, respondent(s), the AAO, the AAC and the Director).
- 10. The AAO shall maintain records of all complaints and any pertinent information or data.
  - 11. The entire complaint procedure should be completed within 60 days of the filing of the complaint.
  - 12. All documentation associated with a complaint shall be considered private information during the course of an investigation. The status of the complaint, however, is public. After an investigation is completed, all documentation becomes public information, in accordance with the Data Privacy Act.

COMPLAINT OF DISCRIMINATION

Information on the Complainant (You)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Agency: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Information on the Respondent (Person who discriminated against you)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Agency: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Others who discriminated against you: \_\_\_\_\_

Information on the Complaint

Basis (check all that apply):

Race \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_ Creed \_\_\_\_\_ Religion \_\_\_\_\_ Handicap \_\_\_\_\_ Veterans Status \_\_\_\_\_  
Marital Status \_\_\_\_\_ National Origin \_\_\_\_\_ Age \_\_\_\_\_  
Reliance on Public Assistance \_\_\_\_\_ Political Affiliation \_\_\_\_\_

Date most recent act of discrimination took place: \_\_\_\_\_

If you filed this complaint with another agency, please give name of that agency: \_\_\_\_\_

Describe how you have been discriminated against, giving names, dates, places, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Additional information on your complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Information on Witnesses Who Can Support Your Case

	<u>Names</u>	<u>Addresses</u>	<u>Phone Numbers</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

## APPENDIX B

### USE OF THE RESUME BANK

Resumes of handicapped persons, minorities, Vietnam era Veterans, and women are gathered from many sources including individual applicants, referral agencies, agency Personnel Officers, and agency Affirmative Action Officers. All resumes are assigned to one or more of the 46 occupational categories listed below and are then filed in the resume bank. Facility in a language other than English (including signing for the deaf) is denoted by the suffix "A".

The resume bank can be used in the following ways:

1. The Equal Opportunity Specialist notifies individuals whose resumes are in the bank of competitive job openings for which they appear to be qualified.
2. Agencies contact EOD to request referrals from the resume bank for positions available within the agency.
3. EOD contacts the agencies to offer referrals from the resume bank upon receiving notification of an unclassified position or a provisional appointment.
4. Agency AAO's and Personnel Officers visit EOD and personally review resumes in the bank.

The AAO should notify EOD as to the status of applicants referred from the resume bank.

#### Occupational Categories

Accounting & Auditing. . . . .	001
Agriculture. . . . .	002
Architecture . . . . .	003
Automotive Equipment - Maintenance . . . . .	004
Automotive Equipment - Operation . . . . .	005
Bench Work Occupations & Handcrafts. . . . .	006
Building & Construction Trades . . . . .	007
Clerical - General . . . . .	008
Clerical - Specialties . . . . .	009
Clerical - Stock . . . . .	010
Data Processing. . . . .	011
Education. . . . .	012
Electronic Communications. . . . .	013
Engineering. . . . .	014
Entry Level Professional . . . . .	015
Equal Opportunity. . . . .	016
External Employment Service. . . . .	017
Food Preparation & Service . . . . .	018
General Office Administration. . . . .	019
Grounds Maintenance & Janitorial Services. . . . .	020
Guidance & Counseling. . . . .	021
Health . . . . .	022

Occupational Categories Continued

Information/AV/Graphic Arts. . . . .	023
Insurance/Investment . . . . .	024
Law. . . . .	025
Law Enforcement/Security . . . . .	026
Machinery & Equipment Manufacturing & Repair . . . . .	027
Miscellaneous. . . . .	028
Natural & Physical Sciences. . . . .	029
Office Machine & Equipment Operation . . . . .	030
Personnel. . . . .	031
Planning . . . . .	032
Public & Business Administration . . . . .	033
Purchasing, Inventory, Retailing . . . . .	034
Real Estate/Appraisal. . . . .	035
Rehabilitation Therapy . . . . .	036
Social Work. . . . .	037
Sociology & Psychology . . . . .	038
Stationary Engineering . . . . .	039
Statistics . . . . .	040
Student. . . . .	041
Sub-Professional Entry Level . . . . .	042
Summer . . . . .	043
Traffic Safety & Motor Vehicle Licensing . . . . .	044
Transportation, Trade & Utility Regulation . . . . .	045
Workplace Regulation . . . . .	046

Language Skill . . . . . suffix - A

## APPENDIX C

### REVISED RACE/ETHNIC CATEGORIES

The U.S. Equal Employment Opportunity Commission recently has revised its race/ethnic categories for the purposes of reporting employment statistics on the EEO-4 form (for state and local governments) and on the EEO-6 form (for educational institutions). The revised categories are defined as follows:

1. White, not of Hispanic Origin. -- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. Black, not of Hispanic Origin. -- Persons having origins in any of the Black racial groups of Africa.
3. Hispanic. -- Persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish Culture or origin, regardless of race.
4. American Indian or Alaskan Native. -- Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
5. Asian or Pacific Islander. -- Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands. This area includes, for example, China, Japan, the Philippine Islands, and Samoa.

With regard to the Statewide Affirmative Action Plan, the term "minority" includes all of the aforementioned categories except the first, "White." Agencies must use these categories when preparing employment status by race or ethnic origin.



## APPENDIX D

### DEFINITIONS RELATING TO DISABILITY AND HANDICAP

- A. Functional Disability - same as "Disability".
- B. Disabled (Handicapped) Person - any person who:
  - 1. has a physical or mental impairment which substantially limits one or more major life activities, or
  - 2. has a record of such an impairment, or
  - 3. is regarded as having such an impairment.
- C. Physical or mental impairment:
  - 1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
  - 2. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- D. Major life activity: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- E. Has a record of such impairment: has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
- F. Is regarded as having an impairment:
  - 1. has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation; or
  - 2. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
  - 3. has none of the impairments defined in C, above, but is treated as having such an impairment.
- G. Qualified disabled person: with respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.

- H. Reasonable accommodation: architectural, equipment and other changes an employer must make to enable disabled persons to perform the job for which they are otherwise qualified. The test of "reasonableness" is based on whether or not a given change would impose undue hardship on the employer's operation. The burden for showing undue hardship rests with the employer.

Reasonable accommodations include, but are not limited to, the following:

1. Making facilities, which are used by employees, readily accessible to and usable by disabled persons.
2. Acquiring auxiliary aids and devices, and modifying equipment to be used by employees with specific disabilities.
3. Restructuring jobs and modifying work schedules to accommodate specific abilities and disabilities.

## APPENDIX E

### HARASSMENT

Under Title VII of the Civil Rights Act of 1964, employers are responsible for maintaining a working atmosphere free of discrimination including, but not limited to, discriminatory insult, intimidation and other forms of harassment. Employers are obligated to take reasonable measures to rid the work setting of expressions of bias. They may be liable for failure to investigate allegations of harassment, or for failure to take prompt and appropriate remedial action against workers or supervisors who harass or otherwise discriminate against employees.

#### Responsibilities

The responsibility for eliminating harassment in the workplace rests with the employer. However, acts of harassment are often informal and unofficial. Therefore, persons who find themselves the target of harassment should notify their employer in order to protect their rights. The following procedures are recommended:

1. Harassed employee:

- a. Clearly explain to the person/s harassing you what behavior you find objectionable and ask that it cease.
- b. Keep a written record of the instances of harassment and the names of any witnesses.
- c. If the harassment continues, follow the discrimination procedures in your agency's Affirmative Action Plan.

2. Employers:

- a. Process and investigate each complaint of harassment.
- b. Take prompt and appropriate action to eliminate harassment. Such action may include, but need not be limited to, reprimand, warning, and other disciplinary action up to and including discharge.

APPENDIX F

STATEWIDE AFFIRMATIVE ACTION COMMITTEE (SWAAC)

Voting Members

Annette Alston	BF	Administration, AAO	612-296-7911
Charles Breese	BM	Transportation, AAO	612-296-1365
Kay Burt	WF	Economic Security, AAO	612-296-9222
Leanne Phinney	WF	Corrections, PO-AAO	612-296-3520
Thomas Crowe	WM	Veterans Home, PO-AAO	612-729-9324 Ext. 271
Cathy Johnson	WF	Oak Terrace Nursing Home, PO-AAO	612-938-7621
Ann Nelson	WF	Public Safety, AAO	612-296-2923
Richard Ramberg	WM-Dis.	Handicapped Council, Director	612-296-6785
Gene Reddemann	WM	Higher Educ. Coord. Board, PO-AAO	612-296-9691

Ex-Officio

Stanley A. Gardner	Equal Opportunity Division	612-296-4600
Director		

Rafael Esparza	Equal Opportunity Division	612-296-8932
Coordinator		

Minutes of SWAAC meetings are sent to all agency central office and sub-division Affirmative Action Officers and designees.

The Statewide Affirmative Action Committee meets monthly at the Department of Personnel. For information, meeting times and agendas, call 612-296-4600.

APPENDIX G

EQUAL OPPORTUNITY DIVISION PROFESSIONAL STAFF

Stanley A. Gardner	Director of Equal Opportunity	612-296-4600
James Collins	Training Coordinator*	612-296-8931
Alice Barrie	Women's Liaison*	612-296-8307
Rafael Esparza	Hispanic Affairs Coordinator*	612-296-8932
Taum Ulrich	Handicap Program Coordinator*	612-296-8930

\*In addition to the special functions shown, all professional staff members assume similar responsibilities for recruiting and counseling applicants of all protected groups and for providing assistance to assigned agencies.