



Department of Human Rights 2010 - 2012 Affirmative Action Plan

Table of Contents

Affirmative Action Plan.....	2
Statement of Commitment	3
Responsibilities for Affirmative Action.....	4
Methods for Communicating the Department of Human Rights Affirmative Action Plan	8
Policy Prohibiting Harassment/Discrimination.....	9
Policy: Ethical Behavior and Workplace Conduct.....	10
Goals and Timetables.....	14
Job Group Availability/Utilization/Underutilization Analysis & Goals	15
Programs and Program Objectives.....	20
Pre-Employment Review Process.....	22
Methods of Auditing, Evaluation, and Reporting Program Success.....	23
Policy: Management and Administration	24
Policy: Benefits of Employment	26
Recruitment Plan.....	32
Retention Plan.....	32

Affirmative Action Plan

Transmittal Form (submitted electronically)

Plan Years: 2010-2012

Review revealed no underutilization in the women, minorities and disabled protected groups.

Once approved, this plan will be available at the following central location so that every employee is aware of the Minnesota Department of Human Rights' (MDHR) commitments in affirmative action for the year. The plan will also be posted on the agency's SharePoint and internet sites.

This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as MDHR's affirmative action goals for the year.

Affirmative Action Officer (phone number)

Date:

This affirmative action plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

Human Resources Director

Date:

This affirmative action plan meets the statutes and rules governing affirmative action, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Commissioner

Date:

Statement of Commitment

As Commissioner of the Minnesota Department of Human Rights, I support the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action efforts to provide equal opportunity in employment to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, membership or activity in a local human rights commission. To ensure a diverse workforce representative of all protected groups, the department will ensure that positions are accessible to all qualified persons and will make every effort to affirmatively recruit, hire, retain and support qualified protected group members.

Managers and supervisors are the individuals who can ultimately make the most impact on this program, and they are accountable for ensuring that Affirmative Action Programs are implemented. Each manager and supervisor shall have (has) a statement in his/her position description describing their affirmative action responsibilities and will be trained on the content of the plan by September 1, 2010.

I have appointed Kristi Streff as the department's Affirmative Action Officer and ADA Coordinator. She is responsible for updating and maintaining the department's Affirmative Action Plan; for monitoring all equal employment opportunity activities within the department; and for reporting the effectiveness of the Affirmative Action program as is required by state law.

Any department employee who is found to have violated the department's equal employment opportunity policies and procedures as stated in this Affirmative Action plan will be subject to discipline.

Any department employee or applicant for employment who believes that he/she has been discriminated against may contact Kristi Streff. Her telephone number is 651.539.1088; TTY 651.296.1283. She may also be contacted by mail at the department's mailing address. Discrimination complaints may also be filed with the Equal Employment Opportunity Commission.

I am committed to the implementation of the agency's affirmative action plan, and I encourage employees of the Department to be involved in carrying out this policy and welcome comments and suggestions on improving our agency's policies and services to our customers.

James Kirkpatrick, Commissioner, Department of Human Rights

Date:

Responsibilities for Affirmative Action

Commissioner

Responsibilities

The Commissioner is responsible for the establishment of affirmative action programs, including goals and time tables and compliance with all federal and state laws and regulations relating to discrimination.

Duties

The duties of the Commissioner shall include, but not be limited to, the following:

- to designate an Affirmative Action Officer (AAO) and include accountability for affirmative action in his/her position description.
- to take action, if needed, on complaints of discrimination.
- and to ensure that such a statement is disseminated to all employees by July 31st of each year.
- to make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the department.
- to actively promote equal opportunity employment.
- to report annually to the Governor and the Legislature through the Commissioner of Minnesota Management and Budget the department's progress in affirmative action.
- to notify all contractors and sub-contractors with the department of their affirmative action responsibilities

Accountability

- The Commissioner is accountable directly to the Governor for affirmative action matters.
- The Commissioner is accountable for adhering to the affirmative action rules, regulations, and policies enforced by the Commissioner of Minnesota Management and Budget or his/her designee.

Affirmative Action Officer

Responsibilities

The Affirmative Action Officer (AAO) is responsible for the development, implementation and monitoring of the departmental affirmative action program.

Duties

The duties of the AAO shall include, but not be limited to, the following:

- to coordinate and monitor the day to day affirmative action activities.
- to investigate complaints of discrimination and submit findings to the Commissioner.
- to fulfill all affirmative action reporting requirements.
- to disseminate the Affirmative Action policy.
- to hold exit interviews with all employees to determine reasons for turnover.
- to act as the liaison between the department and Minnesota Management and Budget (MMB), Office of Diversity and Equal Opportunity (ODEO).
- to determine the need for affirmative action training within the department and to initiate the development of such training programs with the assistance of the Training and Development Coordinator, ODEO, Human Resource Development Services divisions at MMB and outside resources as necessary.
- to review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action.
- to support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- to notify the Commissioner of all formal written complaints when received.

Accountability

The AAO is accountable directly to the Commissioner.

Supervisors

Responsibilities

Supervisors are responsible for the implementation of affirmative action in their organizational unit and for equal treatment of all employees and applicants for employment.

- to assist the AAO in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- to communicate the department's affirmative action policy to assigned staff.
- to include responsibility statements for affirmative action/equal employment opportunity in their position descriptions.
- to carry out their supervisory responsibilities in accordance with affirmative action/equal employment policies embodied in this plan.
- to maintain a "single standard" principle within the work force so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis.
- to provide a positive environment in the work place.
- to refer complaints or complaints involving another supervisor to the respective division head.

Accountability

Supervisors are accountable directly to the Deputy Commissioner.

Managers, Directors, and Deputy Commissioner

Responsibilities

- Managers are responsible for the implementation of affirmative action in their division and for equal treatment of all employees.
- to assist in the identification of problem areas and eliminating barriers which inhibit equal employment opportunity.
- to communicate equal employment policy and affirmative action program to all employees assigned to their division.
- to assist the AAO in conducting periodic audits of training programs, hiring, and promotion patterns to remove impediments to the attainment of goals and objectives.
- to hold regular discussions with supervisors and employees to ascertain that the department's EEO policies are being followed.
- to inform and evaluate supervisors on the basis of their equal employment opportunity efforts and results in addition to other criteria.

Accountability

Managers are accountable directly to the Commissioner.

Methods for Communicating the Department of Human Rights Affirmative Action Plan

The Department of Human Rights Affirmative Action Officer (AAO) will ensure that all employees are advised of the policy of non-discrimination, the provision of reasonable accommodation, and the procedure for filing a complaint. The material can be provided in alternative formats such as large print, Braille or on tape.

Methods for Communicating the Affirmative Action Plan Internally

- The AAO will distribute to all supervisory staff a copy of the AA plan summary and a cover letter detailing their responsibility to read, understand, support and implement the plan. The full AA plan will be located on the department's shared website (SharePoint).
- The Human Resources Office will post the following documents on the department's bulletin board:
 - 1) the Department of Human Rights Affirmative Action Plan
 - 2) the Minnesota Equal Opportunity policy, and
 - 3) the name and phone number of the agency's Affirmative Action Officer.
- Additional copies of the AA plan will be available to employees, contractors and subcontractors upon request from the Human Resources Office.

Methods of Communicating the Affirmative Action Plan Externally

- The Department of Human Rights has included the statement, "an equal opportunity employer," on agency letterheads and other outgoing correspondence.
- A notice of the department's Statement of Commitment to Minnesota's Equal Employment Opportunity Policies and Statewide and agency Affirmative Action efforts will be posted in the main lobby, providing an opportunity for everyone doing business directly with the Department of Human Rights to be made aware of this commitment.
- The department's Internet Home Page will include the statement, "an equal opportunity employer."
- The AA Plan will be posted on the agency's website eliminating private data availability.

Policy Prohibiting Harassment/Discrimination

Definition

Harassment is any behavior which is not welcome, is personally offensive, and therefore, may adversely affect morale and interfere with the employee's ability to perform his/her job responsibilities.

According to the Minnesota Human Rights Act: "Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

It is the policy of the department to prohibit verbal and physical harassment of its employees based on race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability status, status with regard to public assistance, or membership or activity in a local commission. Any employee subjected to harassment on any of these bases should file a written complaint with his or her supervisor, the department's AAO, or their division director.

The department has posted this policy and will provide it to each employee upon hiring. In addition, the AAO will present the policy in orientation to all new employees. The following complaint procedure is part of the agency's online policies and procedures guide.

Policy: Ethical Behavior and Workplace Conduct

Procedure: Non-discrimination and Harassment

Sec/Num: 2.4

Unit Oversight: Commissioner's Office

Effective: 7/1/06

Supersedes: All Previous

Policy Statement

It is the policy of the Minnesota Department of Human Rights that all employees shall conduct themselves ethically and legally to reflect positively on the Department. The Department's guiding principles shall serve as the foundation for interactions with coworkers, other organizations and the public.

Purpose

To provide a work environment free from unlawful discriminatory harassment and to prohibit retaliation against those employees who report such conduct.

To prohibit any behavior of coworkers, supervisors, or managers that is unwelcome and reasonably offensive, insulting, or demeaning.

Definitions

DISCRIMINATION

Unequal treatment, intentional or unintentional, based on protected characteristics (any feature, aspect, condition, opinion, or the like, which have no relation to one's ability to perform a particular job, such as race, color, creed, sex, age, marital status, sexual orientation, national origin, specific disability, reliance on public assistance, religion, or political opinions or affiliation).

DISCRIMINATORY HARASSMENT

Behavior of one or more employees toward another employee based on race, color, creed, sex, age, marital status, sexual orientation, national origin, specific disability, reliance on public assistance, religion, or political opinions or affiliation, which serves to trouble, worry, or torment that employee and which has a detrimental effect of the employee's work performance or which creates an intimidating, hostile, or oppressive working environment.

SEXUAL HARASSMENT

Unwelcome sexual advances; requests, demands, or subtle pressure for sexual favors from another employee; and other verbal or physical conduct of a sexual nature (e.g., lewd comments or gestures, unwanted, intentional physical contact of a sexual nature, and subjecting fellow employees to written or pictorial materials of a sexual nature) when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personnel action;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

GENERAL HARASSMENT

Acts of general harassment are behaviors that are unwelcome, personally offensive, insulting or demeaning. They include but are not limited to:

- Exclusion from orientation or teamwork;
- Repeated disparaging, belittling, demeaning, or insulting remarks;
- Repeatedly making the employee, or a characteristic unique to the employee, the butt of jokes;
- Repeated ridicule of an employee;
- Sabotage of an employee's character, reputation, work efforts or property;
- Unequal assignment of the "undesirable" work.

Procedures/Instructions

HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE

An employee or applicant may follow either the informal or formal procedure.

1. Informal

- a. An employee or applicant may present a discrimination complaint to the immediate supervisor or Affirmative Action Officer (AAO) and request resolution. The supervisor or AAO shall resolve the complaint within a reasonable period of time and report the results to the employee or applicant and the AAO or Supervisor. If, however, the supervisor is the subject of the complaint, the employee or applicant may bring the complaint to the division director or the AAO.
- b. The division director or the AAO determines whether the complaint is a discrimination complaint. If the division director or the AAO finds the matter relates to general personnel/human resource concerns, he/she shall inform the complainant of this fact within two working days of the date the complaint is received and advise the employee of available grievance procedures.

2. Formal

- a. The employee or applicant may file a written complaint with the AAO explaining the specifics of the complaint. The complaint should be submitted as soon as possible after the incident and must give details of the incident(s).
- b. If the complaint is a discrimination complaint, the AAO will, within two working days of the day the complaint is received, send a summary of the complaint to all parties named as respondents. The respondent must submit an answer to the complaint within seven days.
- c. The AAO shall investigate the complaint and submit a summary and recommendation to the Commissioner within twenty working days.
- d. The Commissioner shall accept, remand or modify the AAO's recommendations, take appropriate action and notify all parties to the issue within ten working days.
- e. If the complaint is not resolved internally, the AAO shall advise the complainant of the right to file a complaint with the EEOC, or other appropriate entity.
- f. The entire complaint process shall ideally be completed with a final written response within sixty working days of the filing of the complaint.
- g. The Commissioner shall notify the Commissioner of Minnesota Management and Budget of the disposition of any formal complaints within thirty days of determination.

- h. All documentation connected with a complaint shall be considered private information during the course of an investigation. Documentation related to the processing of a complaint will be handled in accordance with the Minnesota Government Data Practice Act.
- i. Sexual harassment complaints will be processed according to the Department's affirmative action complaint procedure. During a sexual harassment complaint, these four procedures shall apply:
 - 1) If an employee initiates a complaint of sexual harassment, the appointing authority/AAO/designee shall open the complaint procedures to union participation at the request of the employee. The department's authority/AAO/designee shall inform the employee of this right. Notice of a complaint in progress shall be sent by the appointing authority/AAO/designee to the union representative unless the complainant requests that the union not be notified.
 - 2) The appointing authority/designee shall conduct a preliminary investigation if the employee states that she/he is unable to function in the worksite. The appointing authority/designee shall take intervening action before the completion of a full investigation if the preliminary investigation establishes a reasonable basis for the employee's concern about continuing in the existing work situation. If the case involves an AFSCME represented employee, the investigation will be conducted and a report prepared within twenty-one calendar days.
 - 3) If the complainant has requested the union's involvement in the complaint, the union's representative as well as the complainant shall be provided a written summary of the findings and resolution.
 - 4) Appropriate action by the Commissioner shall include discipline of an employee found to be responsible for harassment of another employee.

Goals and Timetables

The utilization analyses for the Department of Human Rights were based on a two factor analysis of internal availability and Statewide EEO Job Group Availability Percentages from the 2000 Census data. This analysis demonstrates that the agency is not underutilized for women, minorities, or persons with disabilities in any of the Job Groups in which we currently have employees (Officials & Administrators, Supervisors, Professionals, and Office/Clerical/Technicians). As a result, there is no need to establish specific affirmative action goals or related timelines. However, our annual goal is to maintain full utilization of women, minorities, and persons with disabilities and to continue affirmative recruiting efforts.

The AAO and the Commissioner review vacancies and anticipated turnover for the fiscal year. This information, combined with the information on any existing disparities within units, is the basis for goals for the fiscal year.

Given the current projections and anticipated staffing, the department foresees hiring will be on a replacement only basis as business necessity and fiscal constraints permit.

The State of Minnesota and the Minnesota Department of Human Rights have a commitment to recruiting and hiring individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation.

Job Group Availability/Utilization/Underutilization Analysis & Goals

Job Group	Total Employees in Job Group	Women					
		Utilization		Availability		Number Under-utilized	Annual % Goal
		#	%	%	#		
Officials and Administrators	4	2	50.0	40.02	2	0	
Supervisors	3	2	66.7	58.57	2	0	
Professionals*	22	13	59.1	58.95	13	0	
Office/Clerical/Tech	8	7	87.5	77.60	6	0	
Totals	37	24	65%		23	0	

Job Group	Total Employees in Job Group	Minorities					
		Utilization		Availability		Number Under-utilized	Annual % Goal
		#	%	%	#		
Officials and Administrators	4	3	75.0	7.39	0	0	
Supervisors	3	1	33.3	25.37	1	0	
Professionals*	22	6	27.3	16.80	4	0	
Office/Clerical/Tech	8	3	37.5	22.85	2	0	
Totals	37	13	35%		7	0	

Job Group	Total Employees in Job Group	People with Disabilities					
		Utilization		Availability		Number Under-utilized	Annual % Goal
		#	%	%	#		
Officials and Administrators	4	1	25.0	12.18	0	0	
Supervisors	3	1	33.3	17.47	1	0	
Professionals*	22	4	18.2	13.20	3	0	
Office/Clerical/Tech	8	1	12.5	12.03	1	0	
Totals	37	7	19%		5	0	

*Includes MAPE and non-Clerical Commissioner's Plan employees

Two Factor Availability Analysis: Officials & Administrators

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	10	60.00	6.00	28.00	2.80	20.00	2.00
External Availability	90	37.80	34.02	5.10	4.59	11.31	10.18
Final Job Group Availability %			40.02		7.39		12.18

	Source of Initial Statistics
Internal Availability	MDHR Supervisors & Professionals
External Availability	MMB Extranet, Census 2000 data (Officials & Administrators)

Two Factor Availability Analysis: Supervisors

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	90	59.10	53.19	27.30	24.57	18.20	16.38
External Availability	10	53.80	5.38	8.00	0.80	10.88	1.09
Final Job Group Availability %			58.57		25.37		17.47

	Source of Initial Statistics
Internal Availability	MDHR Professionals
External Availability	MMB Extranet, Census 2000 data (Professionals)

Two Factor Availability Analysis: Professionals

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	40	66.67	26.67	30.00	12.00	16.67	6.67
External Availability	60	53.80	32.28	8.00	4.80	10.88	6.53
Final Job Group Availability %			58.95		16.80		13.20

	Source of Initial Statistics
Internal Availability	MDHR Professionals & Office/Clerical/Technical
External Availability	MMB Extranet, Census 2000 data (Professionals)

Two Factor Availability Analysis: Office/Clerical/Technical

	Assigned Weight (%)	Women		Minorities		People with Disabilities	
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics
Internal Availability	50	87.50	43.75	37.50	18.75	12.50	6.25
External Availability	50	67.70	33.85	8.20	4.10	11.56	5.78
Final Job Group Availability %			77.60		22.85		12.03

	Source of Initial Statistics
Internal Availability	MDHR Office/Clerical/Technical
External Availability	MMB Extranet, Census 2000 data (Office/Clerical)

Programs and Program Objectives

Program: Affirmative Action Education

Objective

Continue to provide education to department supervisors and managers about Affirmative Action and about responsibilities in implementing the Affirmative Action Plan.

Responsibility: Affirmative Action Officer and Human Resources Office

Completion Date: Annually

ACTION STEPS

Educate/refresh supervisors and managers about their role in implementing the Affirmative Action Plan, creating and maintaining a healthy and humane workplace and specific supervisory responsibilities that contribute to retention of protected group members.

Objective

The Affirmative Action Officer will keep herself informed, updated and aware of Affirmative Action and Equal Opportunity policies, news, training, and events.

Responsibility: Affirmative Action Officer

Completion date: Ongoing

ACTION STEPS

The Affirmative Action Officer is an active member of the Alliance for Cooperation & Collaboration in Employment & State Services (ACCESS), which is geared toward creating and maintaining a statewide diversity/affirmative action system to ensure that diversity, equal opportunity and affirmative action best practices are designed and implemented to achieve the goal of attracting, recruiting, hiring, developing and retaining a diverse workforce that is truly representative of Minnesota's diversity. As an active member of this group, the Affirmative Action Officer partners with other Affirmative Action Officers and Human Resource Directors on issues that affect diversity, affirmative action and equal opportunity.

Objective

The Affirmative Action Officer will keep the staff informed, updated and aware of Affirmative Action and Equal Opportunity policies, news, training and events.

Responsibility: Affirmative Action Officer

Completion Date: Weekly/biweekly/monthly/quarterly

ACTION STEPS

1. Post Affirmative Action Plan on staff bulletin board and internal shared website.
2. Distribute weekly/biweekly/monthly/quarterly publications announcing training, conferences, events, etc.

Program: Affirmative Action Improvements

Objective

Individual Development Plan assessments are being used to determine specific training and/or development opportunities to assist with retaining employees.

Responsibility: Human Resources Manager/Training Coordinator, Managers and Supervisors.

Completion Date: Annually

ACTION STEPS

1. Individual Development Plan assessments are completed at the time of employees' annual performance evaluations.
2. The Human Resources Manager/Training Coordinator reviews the Individual Development Plan assessments.
3. The Human Resources Manager/Training Coordinator consults with individual supervisors and employees to determine how to most effectively address their needs.

Pre-Employment Review Process

The Department of Human Rights will make a good-faith effort to reach the goals of the Affirmative Action Plan; the procedure laid out below will be followed when hiring.

Consultation with Managers

Managers will be kept advised of the goals and disparities for the various occupational categories under their supervision by the AAO.

Selection Process: Pre-employment Review

1. When a decision is made to fill a vacancy, the AAO/Human Resources Manager will be notified in writing.
2. Once notified of the effort to fill a vacancy where a disparity exists, the AAO/Human Resources Manager will work closely with the hiring manager, monitoring and collecting data at each step of the hiring or promotional process.
3. The Human Resources Manager and the supervisor/manager will develop a position description and determine the necessary job-related criteria: knowledge, skills, and abilities.
4. The Human Resources Manager determines whether any bargaining unit employees are to bid on the position. If so, the job will be posted for the required length of time. If an employee bidding on the job is successful, the job will be filled in accordance with the union contract.
5. The Human Resources Manager ascertains whether a job announcement is necessary.
6. If a job announcement is necessary, management, with assistance from AAO/Human Resources Manager, will recruit affirmatively for the position. The Human Resources Manager will maintain complete documentation of the recruiting to monitor the Department's progress.
7. The AAO/Human Resources Manager will ascertain whether the applicant pool contains candidates who will help the agency reduce any disparity and will insure that the selection procedures used will not result in discrimination against protected groups.
8. The manager will devise a list of uniform job-related questions. The AAO/Human Resources Manager will make sure that they are uniform, appropriate and job-related. However, if the AAO/Human Resources Manager is a potential candidate for the vacancy, the Commissioner will review the questions.
9. The résumés of all candidates will be reviewed by the manager and compared to the qualifications stated in the job announcement. Those candidates who most closely match the qualifications stated in the job announcements will be selected as the pool of candidates to be interviewed.
10. Prior to offering a position to a candidate, the manager will discuss the anticipated selection the AAO to ascertain that the selection is consistent with the Department's Affirmative Action Plan goals.

These two parties will discuss who will be and who will not be hired by considering candidates on the basis of their knowledge, skills and abilities.

11. If the AAO is dissatisfied with the manager's decision to reject a protected group member, the manager will explain in writing why the protected group person was not selected. The AAO and the Deputy Commissioner will review copies of the written rejection. No selection will be made until such written reasons have been reviewed if the AAO and the Deputy Commissioner believe that the reasons for rejection are insufficient, the selection will be referred to the Commissioner, whose decision is final.
12. The AAO/Human Resources Manager will keep documentation on the selection process for all appointments. Data on every appointment, where there is a disparity, will indicate how much opportunity the department had to act affirmatively and what was actually done.
13. Protected group status is not identified as public data according to the Minnesota Government Data Practices Act. Therefore, information pertaining to the protected group status of applicants and employees will not be disclosed.

Methods of Auditing, Evaluation, and Reporting Program Success

To ensure that progress in implementing the agency's affirmative action plan can be monitored and evaluated, the following methods will be used:

The following documentation will be maintained by the agency's Affirmative Action Officer and retained for at least five years. (All documentation will contain, at a minimum, information regarding an individual's job classification, race, sex, and disability.)

- Copy of the affirmative action plan.
- Copies of tracked résumés used to fill positions during the preceding twelve month period.
- A record of all promotions, transfers, new hires, and terminations, along with a record of all temporary, seasonal, or provisional hires.
- A record of any disciplinary actions taken.
- A record of all discrimination complaints filed.

The Affirmative Action Officer will annually review and analyze the above documentation to determine compliance with affirmative action goals and prepare a summary of hiring practices and disciplinary action to be included in the agency's annual affirmative action report to Minnesota Management and Budget if disparities exist.

The Affirmative Action Officer will report any internal complaints to the Commissioner of Minnesota Management and Budget within 30 days of final determination.

Any layoff decisions will be reviewed by the Deputy Commissioner and the Human Resources Manager/Affirmative Action Officer prior to implementation to determine their effect on agency affirmative action goals and timetables.

Policy: Management and Administration

Procedure: Emergencies

Sec/Num: 1.2

Unit Oversight: Commissioner's Office

Effective: 6/30/2011

Supersedes: All Previous

Policy Statement

It is the policy of the Minnesota Department of Human Rights (Department) to conduct our work in a manner consistent with our guiding principles of service, quality, efficiency, timeliness, neutrality and respect. It is the policy of the Department to secure its property to prevent theft, vandalism or unauthorized use. Further, it is the policy of the Department to protect staff, visitors, and property from the effects of a major natural or man-made disaster to the extent possible with available resources. The Department will develop procedures to ensure the safety of its employees and assets and to direct employees on their responsibilities in the event of an emergency.

Purpose of Procedure

To provide an action plan that MDHR staff will follow in the event of an emergency.

A. EMERGENCY PROCEDURES FOR THE FREEMAN BUILDING ARE DEFINED IN THE [FREEMAN EMERGENCY PROCEDURES DOCUMENT \(PDF 185KB\)](#)

(http://www.humanrights.state.mn.us/about/PDF/freeman_emergency.pdf)

B. TIME OFF IN EMERGENCIES

Employees who report to work and are then sent home because of an emergency shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of the emergency situation.

Any employees required by the Commissioner or Deputy Commissioner to remain at work during an emergency shall not be paid for more than their regularly scheduled hours or actual hours worked.

Employees on approved sick or vacation leave shall not have such leave restored to their balances.

An employee's absence with pay for emergency situations shall not exceed sixteen hours during an emergency unless the Commissioner of Minnesota Management and Budget authorizes a longer time period.

C. CLOSING THE OFFICE IN AN EMERGENCY

As a general rule, staff are not authorized to leave work for the day unless they are specifically instructed to do so by the Commissioner or Safety Officer. Many emergencies that may require an evacuation of the office are temporary and may not require closing the office and sending staff home. Unless staff are authorized to leave work, they must return to the office once the emergency situation has been resolved and it is appropriate to do so.

If an emergency is declared during the business day, the Commissioner or deputy Commissioner will be notified by telephone and fax prior to the declaration. The Commissioner of Minnesota Management and Budget will also notify the media of the declaration. Once notification is received, the Commissioner or deputy Commissioner will relay the information to staff and allow them to leave immediately. If offices are closed during the workday, the remainder of the day, up to the end of the employee's normally scheduled workday, is considered emergency leave.

Employees will not receive pay for emergency leave, including weather emergency leave, unless the Commissioner of Minnesota Management and Budget declares the emergency and authorizes payment. An employee who chooses not to report to work or who leaves early because of inclement weather, absent an emergency declaration, must use annual leave or leave without pay as appropriate.

An employee's absence with pay for emergency situations shall not exceed sixteen hours during an emergency unless the Commissioner of Minnesota Management and Budget authorizes a longer time period.

Policy: Benefits of Employment

Procedure: Reasonable Accommodation

Sec/Num: 4.3

Unit Oversight: Administration

Effective: 7/1/06

Supersedes: All Previous

Policy Statement:

It is the policy of the Minnesota Department of Human Rights (Department) to provide employees with access to benefits as allowed under applicable collective bargaining agreements and compensation plans. Additionally, it is the policy of the Department to manage an employee's use of benefits so that the individual's performance provides for the achievement of organizational objectives.

Purpose of Procedure

To encourage the employment and promotion of qualified people, including individuals with disabilities. The Department's reasonable accommodations policy applies to all departmental employees and any job applicant requesting accommodation prior to an employment interview.

To develop a process for providing reasonable accommodations to qualified employees or job applicants with disabilities when such accommodations are directly related to performing a job, utilizing a privilege or benefit of employment, or competing for a job on an equal basis. The primary factors in evaluating an accommodation are: 1) whether the accommodation will enable the person to perform the essential functions of the job safely and efficiently; 2) whether the accommodation will enable the person to compete for the job on an equal basis, and 3) whether the accommodation is the most cost effective.

Procedure /Instructions

Disability: A "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment."

Qualified Individual With A Disability: A qualified individual with a disability is an individual with a disability who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job.

Undue Hardship: Is defined by the ADA as an action that is "excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business."

In determining whether or not the making of a reasonable accommodation would impose an "undue hardship" on the operation of the department, factors to be considered must include the nature and cost of the accommodation in relation to:

- the overall size of the employer;
- the nature and structure of the employer's operation including the composition and structure of the employer's workforce;
- the financial resources of the employer and its reasonable ability to finance the accommodation;
- the impact of the accommodation on the employer's facilities; and
- documented good faith efforts to explore less restrictive or less expensive alternatives including consultation with the disabled person or with knowledgeable disabled persons or organizations.

Request for a Reasonable Accommodation by a Current Employee

1. The employee will inform her/his supervisor of the need for an accommodation. The employee or the supervisor must complete the Request for Reasonable Accommodation form. If necessary, the supervisor will work with the ADA Coordinator to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor will, in consultation with the employee:
 - discuss the purpose of the job and the essential functions (it may be necessary to complete a step-by-step job analysis);
 - determine the precise job-related limitation(s);
 - identify potential accommodations and assess the effectiveness of each; and select and implement an appropriate accommodation. The employer need not provide the accommodation of the employee's choice as long as the accommodation provided is reasonable.
3. The supervisor and/or employee may seek technical assistance from the agency ADA coordinator as needed.
4. If the supervisor is unable to make a decision about a requested accommodation, s/he will forward the written request for accommodation along with her/his recommendation to the division director within five working days of the employee's request. If the division director is unable to make a decision, the request will be forwarded along with her/his recommendation to the commissioner within 10 days of the employee's initial request. The commissioner, working with the agency's ADA Coordinator, will make the decision and provide the response to the division director and the employee within 10 working days after receiving the request.

5. If the proposed accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of the agency, the employee and ADA coordinator will work together to determine whether reassignment to a vacant position may be an appropriate accommodation.
 - Look for a vacant position that is equivalent to the one held by the employee.
 - If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.
 - Look for transfer, mobility, and noncompetitive and competitive opportunities

Request for a Reasonable Accommodation by a Job Applicant

All initial communication with job applicants regarding job vacancies shall indicate the willingness of the agency to make reasonable accommodation to the known physical or mental disability and shall invite applicants to contact the agency for the needed accommodation in the application process.

1. The individual contacted with the request shall contact the Affirmative Action Officer immediately. In order to ensure that reasonable accommodation is provided at the interview, requests shall be handled in a timely manner.
2. The Affirmative Action Officer shall contact the job applicant and/or appropriate technical experts to discuss the needed accommodation and possible alternatives.
 - a. If the accommodation is reasonable, the Affirmative Action Officer will take the necessary steps to see that the accommodation is provided.
 - b. If the accommodation is deemed to be unreasonable, the Affirmative Action Officer shall so advise the applicant and inform the applicant of his/her right to file a complaint with a federal enforcement agency.

Providing a Reasonable Accommodation for Employees

METHODS OF PROVIDING A REASONABLE ACCOMMODATION

Reasonable accommodations may be provided in a number of ways. These include, but are not limited to, the following:

- making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- modifying equipment or purchasing assistive devices;
- modifying work schedules;
- restructuring the job;
- providing support services;
- reassigning the employee to a vacant, more appropriate position; or
- adjusting or modifying examinations, training materials or policies.

The Department is not required to lower quality or quantity standards to make an accommodation. Nor is the Department required to provide personal use items, such as glasses or hearing aids, as accommodations.

FUNDING FOR REASONABLE ACCOMMODATIONS

The Department will make funds available in order to provide reasonable accommodations to employees/job applicants with disabilities. The commissioner will determine the amount. Funds will be used only when a reasonable accommodation request has been approved and signed by the commissioner.

PURCHASE AND MAINTENANCE OF ACCOMMODATIONS

- While the person requesting the reasonable accommodation may suggest an appropriate accommodation, the department is free to choose the specific accommodation to be provided. The department may provide another accommodation equal or superior to the one suggested in practicality, usefulness or cost effectiveness.
- All tangible accommodations purchased by the department will be the property of the State of Minnesota and shall be used only for job related functions. The maintenance of equipment will be the responsibility of the Department and projected maintenance costs will be a factor in the initial decision to provide accommodations.

Determining Whether a Requested Accommodation is an Undue Hardship

1. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor and AAO/ADA Coordinator will meet with the deputy commissioner to review the requested accommodation(s), and will consider:
 - the nature and cost of the accommodation in relation to the size and financial resources of the Department as an employer; and
 - the impact of the accommodation on the nature or operation of the department.
2. If the deputy commissioner determines that the accommodation will impose an undue hardship, he AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the commissioner within 10 working days following the employee's request or within three working days following an applicant's request.
3. The commissioner will provide a decision in writing to the AAO, supervisor, deputy commissioner, and the employee or applicant within 3 working days after receipt of the analysis and recommendation.

APPROVED ACCOMMODATIONS

1. The Affirmative Action Officer shall complete the "Reasonable Accommodations Agreement Form" and obtain necessary signatures
2. The Affirmative Action Officer submits appropriate purchasing documents to the deputy commissioner if equipment, furniture, or other assistive devices must be purchased.

Denial of a Requested Accommodation

All denials of requests for reasonable accommodation will be documented and kept on file by the Affirmative Action Officer. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. Medical information related to accommodation requests shall be maintained, along with all other medical information, in a confidential file separate from the employee's general personnel files. The Affirmative Action Officer will notify the employee of the denial and inform the employee of his/her right to appeal and to file with other government agencies such as the United States Equal Employment Opportunity Commission.

Appeal

An employee who is dissatisfied with the reasonable accommodation decision can appeal directly to the commissioner within fifteen (15) working days of the decision. The commissioner will review pertinent material and steps leading to the decision according to the following criteria:

- job relatedness
- effectiveness
- necessity
- the relationship between the accommodation and essential job functions
- cost
- other claims of undue hardship

The commissioner will make a final determination within ten working days of the appeal. The Affirmative Action Officer will then convey written copies of the decision to the employee and supervisor. If the employee is still dissatisfied with the decision, s/he may file with a federal enforcement agency. The department's Affirmative Action Officer will provide employees and compliance agencies with information on assistance needed in the appeals process. Information will be provided in compliance with the Minnesota Government Data Privacy Act. Compliance agencies that are investigating complaints or request information from the agency head will be provided documentation relating to the denial of a request for reasonable accommodation.

Assistance with Reasonable Accommodation Compliance

All requests for information or assistance in determining reasonable accommodation for qualified disabled employees/job applicants may be directed to the department's Affirmative Action Officer, the Minnesota State Council on Disability, or Minnesota Management and Budget. These resources may also assist in locating other resources or interpreting reasonable accommodation requirements.

Recruitment Plan

Recruitment Activities: 2008 – 2010

This information was submitted electronically. A copy of the electronic submission is attached.

General Comments on Recruitment

The Human Resources Manager is responsible for recruitment efforts, such as overseeing the recruitment of qualified candidates. In regard to recruitment of persons with disabilities, the agency is currently complying with the requirements of the Americans with Disabilities Act in our recruitment activities by making materials available in alternate formats and meeting in locations that are accessible.

Retention Plan

(Submitted electronically)

The Human Resources Manager/Affirmative Action Officer, Kristi Streff, is responsible for overseeing the retention activities for the Department of Human Rights.

The department is making every effort to retain protected group employees. The Affirmative Action Officer will continue to conduct exit interviews of all staff leaving the department. Information from the exit interviews, along with statistical data from SEMA4 regarding turnover and retention will be compiled, analyzed, and presented to management with the intent of retaining specific groups.

The department will continue to create and maintain a respectful environment for all employees by offering annual training to all employees and requiring training for new employees. Such training may include, but shall not be limited to, information on the following topics: Migrant Farm Community; Aged Community; Gay/Lesbian/Transsexual Community; Sexual Harassment; Somali Community; African-American Community; Individuals with Disabilities; Hate Crimes; Equal Employment Opportunity Commission (significant case law); Attorney General's Office (definition of disability and significant case law pertaining to Human Rights). Supervisors and managers are trained in the necessary skills, and are expected to know their roles and responsibilities to create and maintain a healthy and humane workplace that contributes to retention of protected group members.

Mentoring is provided for new staff. Assignments are made upon completion of the trainee period or within two weeks of hire, whichever is applicable.

Separation Analysis

Fiscal years 2009 and 2010 Separation Analysis data has been collected. Findings conclude that 8 employees separated from the Department of Human Rights. Two of these employees resigned for other employment opportunities and six employees retired. Fiscal year 2010 data states that 5 employees separated from the Department of Human Rights. Three of these employees resigned for other employment opportunities, one employee was dismissed, and one employee's temporary appointment ended.

Mobility and Career Advancement

Employees receive information regarding mobility and career advancement through the regular posting of vacancies, posting of training opportunities (state and non-state programs), the ability to access the state opportunities via the Minnesota Management and Budget's website, and the posting of career opportunities with other governmental and non-governmental entities.