

**OFFICE OF THE  
ATTORNEY GENERAL**

**AFFIRMATIVE ACTION PLAN  
2006 - 2008**

*Mike Hatch  
Attorney General*

## STATEMENT OF COMMITMENT

The Office of the Attorney General is committed to the equal employment opportunity policy of the State of Minnesota. I am personally and officially committed to this policy, which guarantees that all persons will have the opportunity to work and advance based on their own abilities and potential, without regard to race, color, creed, religion, sex, sexual orientation, disability, national origin, age, marital status, membership or activity in a local civil rights enforcement agency, or status with regard to public assistance. Furthermore, I endorse and support the adopted Rules governing the Statewide Affirmative Action Program and the AGO Affirmative Action Plan for employment of minorities, women, and persons with disabilities.

Through affirmative action, the positive effort to apply the principle of equal opportunity and to comply with state and federal law, the Office will continue its efforts to recruit and retain minorities, women and people with disabilities and will encourage the self-improvement, enrichment and professional growth of all employees.

To accomplish the objectives of this Plan, all employees must promote and apply the principles of equal opportunity in their work and cooperate fully with our Office's plan of action for 2006 - 2008. The Director of Administration serves as the Office's Affirmative Action Officer. Her telephone numbers are 297-5969 (voice) and 282-2525 (TTY). The AGO Affirmative Action Plan is available for review in Room 102, State Capitol Building, at each Attorney General location (posted on bulletin boards) or in office managers' offices, and is posted on the Office's Intranet.

I strongly encourage all employees to be acquainted with this Plan. Affirmative Action is a positive effort to utilize the skills and resources, not only of those who have been denied opportunity in the past, but also of all present and potential employees. I urge you to join me in continuing our effort to make equal employment opportunity a reality.

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Mike Hatch  
Attorney General  
May 9, 2006

# I

## INTRODUCTION

### PURPOSE

The following Affirmative Action Plan is a compilation of affirmative action and diversity policies and procedures. It defines policies and outlines steps the Attorney General's Office (AGO) intends to take to ensure that 1) equal opportunity exists in all employment practices and 2) the Office acts affirmatively in occupational categories where minorities, women, and people with disabilities are under-represented.

### POLICY

The Office of the Attorney General guarantees that all persons will have the opportunity to work and advance based on their own abilities and potential without regard to race, creed, color, religion, sex, sexual orientation, national origin, marital status, disability, status with regard to public assistance, membership or activity in a local commission, or age.

The Minnesota Attorney General's Office is an equal opportunity employer and is committed to affirmative action in the recruitment, retention, and advancement of all individuals. Our Affirmative Action Plan identifies goals that will promote the recruitment of protected group members who are under-represented in our workforce. The Plan addresses retention and promotion of all individuals based on equal opportunity. This Plan's annual review transmittal form specifies those goals. To achieve equal employment opportunity, all personnel transactions covering both employees and potential employees will be based upon job-related considerations.

Through affirmative action, a positive effort to apply the principle of equal opportunity and in compliance with state and federal law, the Office will 1) place emphasis on the recruitment, retention and upward mobility of minorities, women, and people with disabilities where those groups are under-represented in the workforce, and 2) encourage the self-improvement, enrichment and professional growth of all employees.

## II

### COMMUNICATION AND DISSEMINATION

The Office of the Attorney General will ensure that all employees are advised of and understand its policy of nondiscrimination and its interest in actively and affirmatively providing equal employment opportunity by prominently displaying a copy of the Affirmative Action Plan on employee bulletin boards, and reviewing the Plan with all new employees during their orientation to the Office. A copy of the Plan may be obtained by contacting the AGO's Affirmative Action Officer at 296-6196 or 282-2525 (TTY).

The letterhead and stationery used by the Office bears the statement that the agency is an equal opportunity employer.

### **III**

#### **DELEGATION OF AUTHORITY AND RESPONSIBILITY**

The Attorney General, who is responsible for ensuring equal opportunity and affirmative action in his Office, has designated his Director of Administration as his Affirmative Action Officer. The Chief Deputy Attorney General will nominate staff members for the Attorney General to appoint to the Affirmative Action/Diversity Committee. In order to support, implement and enforce the policies stated above, the Attorney General, the Affirmative Action Officer, the Affirmative Action/Diversity Committee, and all supervisors and managers will be responsible and accountable to the Attorney General for dissemination and implementation of the policy. The Attorney General has ensured and will continue to ensure that adequate funds and staff time are available to guarantee implementation of his affirmative action commitment.

## **AFFIRMATIVE ACTION OFFICER**

### **Objective**

To ensure that the concepts of the Affirmative Action Plan are integrated into the conduct of the Office's operations on a continuing basis.

### **Responsibilities**

- A. To assist the Attorney General in administering the Office's Affirmative Action Plan.
- B. To direct the overall implementation of the Affirmative Action Plan.

### **Task Steps:**

- 1. To participate in the Affirmative Action/Diversity Committee's meetings (see Affirmative Action/Diversity Committee).
- 2. To make recommendations for implementing and improving the Office's Affirmative Action/Diversity Policy and programs.
- 3. To review statistical information generated by DOER's databases.
- 4. To investigate complaints, and recommend suggestions to resolve them.
- 5. To prepare reports as required by the Office's Affirmative Action Plan.

### **Responsibility**

- C. To provide hiring, retention, and workforce data. Review annually.

### **Task Steps**

- 1. To review Affirmative Action progress annually.
- 2. To provide annual analysis to the Attorney General and Chief Deputy Attorney General including the following data:
  - a. a break down of current workforce by race, sex, disability, division, location, job category and job classification;
  - b. an analysis of applicant flow and goal attainment;
  - c. a summary of reasons for separation as evidenced through exit interviews.
- 3. The Affirmative Action Officer reports to the Attorney General.

## **AFFIRMATIVE ACTION/DIVERSITY COMMITTEE**

### **Objective**

To develop policies, procedures, and training to further the goals of the Affirmative Action Plan.

### **Organization**

1. Appointments, Terms and Conditions - The Attorney General shall appoint an Affirmative Action/Diversity Committee which will consist of no fewer than five (5) and not more than fifteen (15) members.
2. Membership - Members shall be selected from all categories of employees and shall include representatives of protected classes.
3. Meetings and Procedures - Meetings shall be called at regularly scheduled times. The Committee's chairpersons may call special meetings.

### **Responsibility**

To recommend to the Attorney General policies, procedures, and training opportunities which will enhance the goals of the Office's Affirmative Action and Diversity policies.

### **Task Steps: On going**

1. To meet on a regular schedule.
2. To discuss relevant issues and recommend actions to the Office's Executive Committee.
3. To participate on designated subcommittees.
4. To review any discrimination/harassment complaints referred to the committee as provided in the Diversity Policy.

### **Accountability:**

The committee reports to the Attorney General.

## IV

### **INTERNAL PROCEDURES PROCESSING DISCRIMINATION/HARASSMENT COMPLAINTS DIVERSITY POLICY**

The AGO's Diversity Policy gives an overview of the commitment of the Office to diversity and its commitment to addressing any situation which makes the workplace a difficult one for an individual to function. This section of the Plan addresses procedures for dealing with issues involving discrimination or harassment.

The Office of the Attorney General values the richness that diversity brings to the workplace and to our central mission of public service. By appreciating and encouraging the diverse talents, strengths, backgrounds and ideas of each staff member, the Attorney General's Office promotes its goal of delivering the highest quality legal service to the public and to state government.

In order to serve the people well, it is our goal to recruit, retain, support and encourage staff with diverse talents, strengths, backgrounds and ideas. To do this, the Office will seek to maintain a working atmosphere in which the value of diversity is recognized, persons of all backgrounds feel welcome, and all persons are treated with dignity and respect regardless of their backgrounds, job assignments or functions.

In pursuit of these goals, the Office will provide training and education to its staff to enhance knowledge, understanding and appreciation of the diversity of our staff and of the people it serves. The Office will provide fair, prompt procedures for addressing complaints of discrimination either by our staff, or by persons outside our Office, including clients, attorneys, judges or other members of the public, which is directed at our staff. The Office will strive to create a work environment in which concerns about discriminatory treatment can be freely raised without fear of retaliation.

#### **POLICY AGAINST DISCRIMINATION/HARASSMENT**

In support of these principles, and in accordance with all applicable federal, state and local laws, the Governor's Executive Orders, and the Rules of Professional Conduct, the Office of the Attorney General will not discriminate against individuals in the access to and delivery of services or in employment on the basis of race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, disability, membership or activity in a local civil rights enforcement agency, or status with regard to public assistance.

Such discrimination is prohibited in all aspects of employment, including, but not limited to recruitment, hiring, training, work assignments, compensation, benefits (as determined by the Minnesota Department of Employee Relations), promotion, tenure and any other terms and conditions of employment.

The Office shall address and take action appropriately under the facts and in accordance with this policy's enforcement mechanism, in response to all complaints of discrimination or harassment based on the above characteristics, which involve one of our staff members in the performance of his or her job duties.

## **COMPLAINT PROCEDURE FOR INTERNAL COMPLAINTS**

The Attorney General's Office is committed to an Affirmative Action/Diversity Policy granting all employees, as well as applicants and eligibles, a right to a workplace free of discrimination or harassment.<sup>1</sup> The purpose of these procedures is to implement the Office's Affirmative Action/Diversity Policy as it relates to employment matters. They are not intended to be applicable to complaints of general harassment covered by other Office policies.

When an employee has a concern about alleged discriminatory or harassing conduct of the nature described in the Policy Against Discrimination in the Diversity Policy of the Office of the Attorney General from other persons within the Office, the employee is encouraged to take immediate and appropriate action to address the situation, including the filing of a complaint under these procedures. Reporting discrimination or harassment can be a difficult step to take. These procedures seek to make reporting as easy as possible. Consequently, any employee who believes that he/she or another employee has been discriminated against or harassed in employment matters within the scope of the Policy, may choose to report the matter in a variety of ways. Reporting is strongly encouraged and essential in order for the Office to take appropriate corrective action and to achieve the goals of the Policy. Reprisals against anyone reporting discrimination or harassment or serving as a witness, assisting, or participating in any way in an investigation, proceeding, or hearing are prohibited.

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<sup>1</sup> Discrimination, as it affects the terms or conditions of employment, is the failure of one employee to treat other employees equally where no reasonable distinction can be found for the difference in treatment; harassment, is the display of behavior by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work environment. Under the Office's Diversity Policy, no employee may be discriminated against or harassed because of the employee's race, color, creed, religion, national origin, sex, sexual orientation, marital status, disability, membership or activity in a local civil rights enforcement agency, or status with regard to public assistance.

Sexual harassment is a form of discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact or communication of a sexual nature when:

Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;

Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or

That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

## **1. Reporting Discrimination or Harassment**

If an employee, applicant or eligible, feels he/she is being subjected to discrimination or harassment and desires to report the matter, the individual can report a complaint and discuss the matter with any of the following:

- \* Any diversity liaison at the staff member's location or any other location,
- \* Any manager (office manager, division manager, deputy attorney general, etc.) at the staff member's location or any other location, or
- \* The Office's Affirmative Action Officer.

A person receiving the complaint must report the matter in writing to the Affirmative Action Officer and the section deputy of the person who is the subject of the complaint.

The employee may report a complaint orally or in writing and may use the complaint form that is attached to these procedures. If a complaint is made orally, persons receiving the complaint shall give the staff member the Tennessee Warning that is contained on the complaint form prior to making a request for information. If the person receiving the complaint is a manager and the complaint implicates the manager or presents a conflict, then that manager's supervisor shall process the complaint consistent with the requirements of Rule 5.1 of the Minnesota Rules of Professional Conduct. Persons receiving the complaint shall take any appropriate action within the scope of their authority; however, no disciplinary action shall be taken before completion of a full investigation.

- \* A diversity liaison has the authority to receive and discuss the complaint with the complainant.
- \* A manager or section deputy has the authority to receive and discuss the complaint and render disciplinary or remedial action after an investigation is conducted by the Affirmative Action Officer and after consultation with the Attorney General
- \* The Affirmative Action Officer has the authority to receive and discuss the complaint, conduct a preliminary inquiry, and, after approval of the Attorney General, may take remedial measures including, but not limited to, an investigatory suspension or temporary reassignment pending the outcome of the preliminary inquiry or investigation.

## **2. Inquiry/Investigation**

### **a. Preliminary Inquiry**

The Affirmative Action Officer, in consultation with the manager of the subject of the complaint shall, if possible, initiate a preliminary inquiry within three (3) business days of receipt of the written complaint. If the preliminary inquiry establishes that a reasonable basis for the complainant's concern exists, the Affirmative Action Officer shall take appropriate intervening action to deal with the situation until such time as the complaint is investigated fully,

there is a finding, and corrective action, if required, is implemented. If the Affirmative Action Officer determines that the complaint is meritless, it shall be so noted on the complaint and no further action shall be required. A complaint shall be deemed meritless either because it cannot be substantiated or it falls outside the scope of this Policy.

**b. Full Investigation**

If a full investigation is required, the Affirmative Action Officer shall initiate it, if possible, within ten (10) business days of receipt of the complaint. The investigation shall include an interview with the subject of the complaint. At the time of the interview, the Affirmative Action Officer shall give a summary of the complaint to the subject of the complaint. The complaint summary shall include the substance of the allegation(s) contained in the complaint. If the matter is resolved informally prior to the completion of a full investigation, the Affirmative Action Officer need not issue a written report. However, if the Affirmative Action Officer determines that the complaint is meritless, the Affirmative Action Officer shall prepare a written report indicating that the complaint is meritless.

If the subject of the complaint is a member of a bargaining unit, the Affirmative Action Officer shall notify the member's exclusive representative when a complaint has been filed and the subsequent procedure shall be open to the exclusive representative's participation if requested by the member.

Upon completion of the full investigation, the Affirmative Action Officer shall prepare a written report to the Attorney General. A copy shall be sent to the manager and section deputy of the subject of the complaint. If the investigation will take more than ten (10) days, the Affirmative Action Officer will inform the complaining employee and the subject of the complaint of when the Officer expects to complete the investigation. The report shall include recommendations for designated actions to be taken to remedy the complaint. In making the recommendations, the Affirmative Action Officer shall consult with the manager of the subject of the complaint.

If possible, within ten (10) business days of receiving the report the Attorney General shall take final action to remedy the complaint. If disciplinary or remedial action is taken pursuant to this procedure, it may consist of, but need not be limited to, training, an oral or written reprimand, suspension, or termination. The subject of the complaint shall be provided a written summary of the report and notice of the proposed action.

The Affirmative Action Officer shall notify the complainant when final action has been taken, subject to the terms of the Data Practices Act. A final written answer will be provided within 60 days after the complaint is filed. A disposition of the complaint will be filed with the Commissioner of the Department of Employee Relations within 30 days of this determination.

If at any time during the inquiry or investigation, the Affirmative Action Officer establishes that a complainant made a false report in bad faith, the Office reserves the right to take employment or disciplinary action against the complainant.

### **3. Records Retention**

The Attorney General's Office shall maintain the privacy of all records to the extent required by the Data Practices Act. All complaints (and related material) determined to be meritless shall be destroyed after two years, unless it is established that they need to be retained for any anticipated or ongoing legal proceedings. All other complaints (and related material) shall be retained in accordance with applicable office record retention policies.

Where it has been established that a complaint is false and was made in bad faith, the Office may retain documentation in the complainant's personnel record.

### **4. Alternatives**

A complainant may also choose to file a complaint within the scope of Minn. Stat. ch. 363 with the Minnesota Department of Human Rights. A complaint must be filed within one year of the occurrence of the alleged discrimination. Minn. Stat. § 363.06, subd. 3. A complainant may also choose to file a charge within the scope of 42 U.S.C. §§ 2000e-2 and 2000e-3 (unlawful employment practices) with the Equal Employment Opportunity Commission. A charge must be filed within 300 days after the alleged unlawful employment practice occurred if proceedings have not been instituted with a state or local agency. 42 U.S.C. § 2000e-5(e). This timeframe conforms to the Minnesota Department of Human Rights Work Share Agreement. There may be other legal remedies available to a complainant which are not listed here.

**COMPLAINT OF DISCRIMINATION/HARASSMENT**

The information on this form is collected so that the Attorney General's Office may review your complaint under the Office Diversity Policy and to administer that Policy and monitor compliance with it. You are not legally required to provide this information, but the Attorney General's Office may not be able to review your complaint if you do not provide sufficient information. The information collected is private personnel data on you. It will, however, be disclosed, as needed, within the agency to the Affirmative Action Officer, appropriate managers or deputies, and the Attorney General. During any investigation the data remains personnel data on you, but it may also be disclosed subject to the limitations imposed by Minn. Stat. § 13.43, subd. 8, to any individual who may have information on the matter, the employee against whom or on whose behalf the complaint is made or to the Minnesota Department of Human Rights or the Equal Employment Opportunity Commission.

NAME/TITLE:

PHONE:

Who is (are) the subject(s) of your complaint?

NAME(S)

TYPE OF DISCRIMINATION:

Race \_\_\_ Sex \_\_\_ Color \_\_\_ Creed \_\_\_ Religion \_\_\_ Age

National Origin \_\_\_ Sexual Orientation \_\_\_ Marital Status \_\_\_ Status with Regard to Public Assistance \_\_\_

Disability \_\_\_ Membership or activity in a local commission

Other (Specify)

When did the incident occur? Date: \_\_\_\_\_ Time:

Place:

Describe the incident in detail. If you are reporting an incident on behalf of another, please include that person's name and division in the Office (attach additional sheet(s) if needed):

Were there any witnesses to the incident?

NAME(s)

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I certify that the information I provided is true and correct to the best of my ability.

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

Received by:

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

## **COMPLAINT PROCEDURE FOR COMPLAINTS BY STAFF MEMBERS AGAINST NON-STAFF MEMBERS**

This procedure applies to situations in which an employee has a concern about alleged behavior by persons outside the Office which, if it occurred in an employment context, would be discriminatory or harassing, as described in the Policy Against Discrimination in the Diversity Policy of the Office of the Attorney General. "Persons outside the Office" include members of the public, clients, legislators, opposing counsel and judges. The employee is encouraged to take immediate and appropriate action to address the situation. However, if the employee believes that the matter requires the attention and response of the Attorney General's Office, the employee may use the following procedure.

1. An employee who has a concern about discriminatory or harassing conduct by a person outside the Office may report the concern to his or her manager or to a deputy or a member of the Affirmative Action/Diversity Committee.
2. The party receiving the complaint shall immediately report it to the Chief Deputy Attorney General. If the Chief Deputy, in consultation with the employee and his/her manager, believes that the conduct merits no further action, the matter shall be dropped. However, if, the matter merits further attention, the Chief Deputy may within ten (10) business days, if practicable, determine the appropriate response to the concern or refer the matter to the Affirmative Action/Diversity Committee for a recommendation as to how the matter should be handled.
3. The Chair(s) of the Affirmative Action/Diversity Committee shall schedule a meeting with members of the Committee within ten (10) business days after receiving a request from the Chief Deputy. If requested, the employee shall present the concern to the Affirmative Action/Diversity Committee. The employee and the Committee shall discuss possible appropriate responses to the concern and may submit a recommendation to the Attorney General and the Chief Deputy Attorney General no later than ten (10) business days after the meeting or may make recommendations to the employee regarding how to handle the matter. Appropriate responses may include, but shall not be limited to, sending a letter outlining the nature of the complaint to the party's employer, reporting the party to the appropriate board of professional conduct, or reporting the matter to the party's Affirmative Action Officer.

If action cannot be taken within ten (10) business days, the Chair(s) shall inform the employee of the amount of time necessary to take action.

4. In consultation with the Attorney General, the Chief Deputy Attorney General shall consider the recommendation(s) of the Affirmative Action/Diversity Committee and shall make a decision within ten (10) business days after receiving the recommendation(s) of the Committee. If additional time is necessary, the Chief Deputy shall inform the concerned employee. In making the decision, the Attorney General and the Chief Deputy may consult with the Chair(s) of the Committee, the affected employee, or anyone else whose input is necessary to make a decision.

5. In all cases the Chief Deputy Attorney General shall inform the affected employee of the action the Office took in response to the concern. If a matter is one which has been referred to the Affirmative Action/Diversity Committee, the Chief Deputy Attorney General shall also inform the Affirmative Action/Diversity Committee of the action the Office took in response to the concern.
6. If at any time during the inquiry, the Chief Deputy establishes that the employee made a false report in bad faith, the Office reserves the right to take appropriate employment or disciplinary action against the employee.
7. The Attorney General's Office shall maintain the privacy of all records to the extent required by the Data Practices Act. All complaints (and related materials) determined to be meritless shall be destroyed after two years, unless it is established that they need to be retained for any anticipated or ongoing legal proceedings. All other complaints (and related materials) shall be retained in accordance with applicable Office record retention policies.

Where it has been established that a complaint is false and was made in bad faith, the Office may retain documentation in the complainant's personnel record.

## **COMPLAINT PROCEDURE FOR COMPLAINTS AGAINST STAFF MEMBERS FROM NON-STAFF MEMBERS**

This procedure applies to situations in which a person outside the Office has a concern about alleged behavior by an employee which, if it occurred in an employment context, would be discriminatory or harassing, as described in the Policy Against Discrimination in the Diversity Policy of the Office of the Attorney General. "A person outside the Office" includes members of the public (including applicants), clients, legislators, opposing counsel and judges. Complaints shall be handled as outlined in this procedure.

### **1. Processing the Complaint**

**a.** Any employee who receives a complaint alleging that another employee has discriminated against or harassed a person outside the Office shall refer the matter to the employee's manager and shall provide the manager with the name of the person making the complaint, that person's address and telephone number, and the identity of the employee who is the subject of the complaint. No complaint shall be processed under this procedure if the complaining party refuses to divulge his/her identity and how he/she can be contacted to verify the nature of the complaint. If the complaint implicates the manager or presents a conflict of interest, then that manager shall refer the complaint to his or her supervisor who will process the complaint pursuant to the procedures outlined in this Complaint Procedure. All complaints shall be processed in a manner consistent with the requirements of Rule 5.1 of the Minnesota Rules of Professional Conduct.

**b.** The manager shall contact the complaining party and request that the complaining party make a written statement outlining the basis for the complaint. If the complaining party is unwilling to submit a written complaint, the manager shall make a written account of the complaint based on his/her conversation with the complainant. If the manager makes a written account of the complaint, a copy of the written account shall be sent to the complaining party with instructions that the complaining party should verify the accuracy of the account and return a signed copy of the account to the manager. Failure of a complainant to verify the accuracy of the written complaint within a reasonable time period may be a factor considered by the manager in making a recommendation as to whether to proceed with the complaint pursuant to Paragraph 1.d of these procedures.

**c.** The manager shall advise the employee against whom the complaint was made of the substance of the allegations contained in the complaint and shall discuss the complaint with the employee. The manager may also have further discussions with the complaining party regarding the complaint. The employee shall be given an opportunity to respond to the complaint.

If the employee who is the subject of the complaint is a member of a bargaining unit, the Affirmative Action Officer or manager shall notify the employee's exclusive representative that a complaint has been filed and the subsequent procedure shall be open to the exclusive representative's participation if requested by the employee.

**d.** After meeting or conferring with the complaining party and the employee about whom the complaint was made, the manager shall make a written report within fifteen (15) business days after receiving the complaint. This report shall include the identity of the employee against whom the complaint has been made, the identity of the party bringing the complaint, the nature of the complaint, and the manager's recommendation as to how the

complaint should be handled. A manager shall recommend either that no further action be taken or recommend that the matter be subject to a preliminary inquiry. If the manager has consulted with the Affirmative Action Officer, a full investigation may be recommended rather than a preliminary inquiry. However, a manager shall not recommend that the matter shall be subject to further investigation until he/she has discussed the complaint with the individual employee. The manager's recommendation shall contain the employee's response to the complaint. A copy of the report shall be provided to the individual employee, the Affirmative Action Officer and the employee's section deputy.

The employee shall have ten (10) business days after receipt of the report in which to provide a written response to the report before any investigation commences.

## **2. Inquiry/Investigation**

### **a. Preliminary Inquiry**

The Affirmative Action Officer, in consultation with the manager of the subject of the complaint, shall conduct a preliminary inquiry within twelve (12) business days of receipt of the written report. If this preliminary inquiry establishes that a reasonable basis for the complaint exists, a full investigation will be conducted. If the Affirmative Action Officer determines that the complaint is meritless, it shall be so noted on the complaint and the report. A complaint shall be deemed meritless either because it cannot be substantiated or it falls outside the scope of this policy.

### **b. Full Investigation**

If possible, within ten (10) business days after a determination to conduct a full investigation the Affirmative Action Officer shall conduct a full investigation that shall include an interview with the subject of the complaint. If the investigation will take more than ten (10) business days, the Affirmative Action Officer will inform the subject of the complaint when the Officer expects to complete the investigation. Upon completion of the full investigation the Affirmative Action Officer shall prepare and submit a report to the Attorney General together with any other related materials. A copy shall be sent to the employee's manager and section deputy. The report shall include recommendations for designated actions to be taken to remedy the complaint. In making the recommendations, the Affirmative Action Officer shall consult with the appropriate manager.

If possible, within ten (10) business days of receiving the report the Attorney General shall take final action to remedy the complaint. If disciplinary or remedial action is warranted, it may consist of, but need not be limited to, training, an oral or written reprimand, suspension, or termination. The subject of the complaint shall be provided a written summary of the report and notice of the proposed action.

The Affirmative Action Officer shall notify the complainant when final action has been taken, subject to the terms of the Data Practices Act.

### **3. Record Retention**

The Attorney General's Office shall maintain the privacy of all records to the extent required by the Data Practices Act. All complaints (and related materials) determined to be meritless shall be destroyed after two years, unless it is established that they need to be retained for any anticipated or ongoing legal proceedings. All other complaints shall be retained in accordance with applicable Office record retention policies.

## V

### **PROGRAM OBJECTIVES 2006 - 2008**

#### **PURPOSE**

In order to implement the AGO Affirmative Action Policy, it is necessary to conduct a thorough self-analysis, establish measurable goals, strive to attain them and evaluate the degree to which they are accomplished.

#### I. Maintenance of the AGO Affirmative Action Plan.

- A. The Plan is reviewed annually by the AGO Affirmative Action/Diversity Committee and suggested changes are made. The chair(s) of the Committee and the Affirmative Action Officer will ensure that the changes are made by June 30th of each year.

Annually, the Chief Deputy Attorney General and the Affirmative Action Officer shall review the Affirmative Action Plan and re-evaluate/identify priorities. They will report these recommendations to the Attorney General. New or continuing action objectives shall be established for the remainder of the year. This review will take place in the spring of each year.

New guidelines issued by the EEOC and/or DOER will be incorporated into the Plan. The Affirmative Action Officer will take responsibility for performing this task.

#### B. Affirmative Action Hiring/Monitoring

The AGO will hire affirmatively. All proposed hires in groups that are disparate will be reviewed prior to recruiting taking place and prior to an offer being made.

The Human Resources Generalist will maintain files regarding hires in the classified service.

Those charged with recruiting and hiring will actively seek candidates who meet protected group status.

The Affirmative Action Officer will work with DOER's Office of Diversity and Equal Opportunity to develop a comprehensive workforce utilization analysis in order to update affirmative action goals.

#### C. Education of Managers and Staff

The Affirmative Action Committee will develop training for all staff about diversity. Outside presenters are used for these presentations.

D. Notification of Staff

The Affirmative Action Plan is posted on bulletin boards at all locations and on the AGO web site.

During orientation all new employees are given a copy of the diversity policy of the Office and the discrimination/harassment complaint procedures are discussed with them.

E. Compliance with the Americans with Disabilities Act (ADA)

The AGO provides information about the ADA to all new employees.

All managers and supervisors are advised about their responsibilities under the ADA.

The ADA Coordinator has responsibility for providing new and ongoing reasonable accommodations.

F. Recruitment and Hiring

The Human Resources Generalist completes the MHP forms for all classified hires.

Pre-employment reviews are done for all vacancies in classes with disparities before offers are made.

II. Improvement of the Affirmative Action Plan

- A. The Director of Administration (also the Affirmative Action Officer) budgets amounts each fiscal year to cover the cost of recruiting, advertising of positions, training, conferences, and memberships staff members hold in professional organizations for minorities.

The Director reviews the budget each fiscal year.

- B. The AGO will educate staff about diversity, cultural awareness, disability issues and will encourage discussion and celebration by individual divisions.

- C. The AGO will offer information to staff about disability issues.

Outside speakers will be invited to make presentations.

- D. The AGO will focus on maximizing employment opportunities for protected group members.

The Affirmative Action Officer will review hires to see if any disparate patterns exist.

The Office will continue to develop relationships with educational institutions, participate in minority job fairs, and advertise in publications aimed at the minority community.

7. All employees will have an annual review that includes identifying classes to develop skills and abilities.
8. Appropriate staff will continue to work with various protected group communities to actively recruit members of those communities for positions in the AGO.
9. The AGO will review vacant positions to determine if a supported work employee would fit the needs of a position.
10. Continue the current exit form survey process.
11. Continue the current mentoring program.

## GOALS AND TIMETABLES

### PURPOSE

State law requires that numerical goals be established for each occupational category where one or more protected groups are under-represented. The law also requires that reasonable timetables be established for achievement of these goals. This section establishes reasonable and attainable numerical standards. They are an essential frame of reference for evaluating progress.

### DEVELOPMENT OF GOALS

The following criteria are used in developing goals: Percentage of members of each protected class in the recruiting area population who have the necessary skills; availability of protected class members in the recruiting area population; extent of unemployment of members of protected classes in the recruiting area population; the existence of training programs in needed skill areas offered by employing agencies, and the expected number of positions to be filled.

The Attorney General's Office is composed of three principal occupational groups. These are the "Office" (clerical) group, the "other" group that is composed of attorneys and other professionals, and the "managers" (officials/administrators) group.

The following chart shows the protected goal groups for which the AGO has disparities:

### GOAL GROUPS

| <b>Group</b>             | <b>Minority</b> | <b>Disabled</b> | <b>Female</b> |
|--------------------------|-----------------|-----------------|---------------|
| Office/clerical          |                 | X               |               |
| Professional             |                 | X               |               |
| Officials/Administrators |                 |                 |               |

Whenever possible, efforts will be made to include members of all protected groups, among the persons interviewed for all vacancies. During 2006 - 2008 the Office has set a goal of hiring four (4) disabled persons in the "professional" group and two (2) disabled person in the "office" group.

## RECRUITMENT PLAN 2006 - 2008

The Attorney General's Office will focus on the following methods to enhance efforts to recruit protected group members:

### ATTORNEY RECRUITMENT

The Attorney General's Office coordinates an annual program that conducts on-site interviews at a variety of law schools locally and nationwide, including on-campus recruiting at law schools with significant protected group enrollment. The Committee networks with protected group student associations at the various campuses to encourage protected group candidates to participate in the AGO recruitment process.

As a demonstration of its commitment to affirmative recruitment and hiring, the AGO has signed the Policy Statement on Hiring, Retention, and Promotion of Historically Underrepresented Groups in the Legal Profession developed by the Hennepin County Bar Association.

Hiring criteria include a broad range of factors, not limited to academic standing. The Attorney Recruitment Guide states:

In evaluating applicants, we seek to identify the unique strengths of each candidate and to achieve diversity in our hiring decisions. Numerous factors are considered including the individual's particular interest in our Office and a demonstrated interest in public service generally; academic achievement; participation in law review, moot court competitions or other law-related activities; written, oral and analytical skills; other life or work experiences; and the personal qualities demonstrated by the applicant.

The AGO will work with the various law schools at which we recruit and with the State ADA Coordinator to identify attorneys with disabilities who are interested in applying for positions within our Office.

The Office participates in minority student receptions sponsored by various Bar Associations.

### LEGAL ASSISTANT RECRUITMENT

The Attorney General's Office will access Department of Employee Relations' referral resources, including the publication, Reflections of the Community, as well as DOER's resume bank to field candidates for legal assistant positions. Letters encouraging referrals and applications are sent to recruitment sources and community-based organizations that work with or represent protected groups. Announcements of vacant positions have been distributed to *Access Press*, *American Indian OIC*, *Asian Pages*, *Insight News*, and the *Minneapolis Spokesman* since October of 1996. It is difficult to assess the impact these efforts have had on recruitment. State classified lists have been used to identify candidates with protected group status when there have been openings in the legal assistant category in the Office. The AGO budgets \$5,000 for advertising expenses each fiscal year.

The AGO will continue to work with the State ADA coordinator and with representatives from DOER's Diversity and Equal Opportunity Office to recruit and hire protected group applicants for legal assistant positions in our Office.

## **OFFICE (SUPPORT STAFF) RECRUITMENT**

The Attorney General's Office obtains lists of candidates for these positions from the Department of Employee Relations.

In addition, since FY97, the AGO has placed notifications and/or advertisements in the community-based publications that are directed toward protected group members soliciting legal secretary applications. Announcements of vacant positions have been distributed to *Access Press*, *American Indian OIC*, *Asian Pages*, *Insight News*, and *Minneapolis Spokesman*. This class is the largest one within the "Office" group for which the AGO hires each year. Our goal is to increase the number of protected group applicants who appear on classified lists. No candidates have identified that these publications were the source of their interest in the AGO. The AGO sets aside \$1,500 a fiscal year for advertising in these publications.

## **LAW CLERK OPPORTUNITIES**

The summer law clerk program is used as an opportunity to attract protected group members, introduce them to the Office, and facilitate their candidacy for attorney positions. An AGO staff member recruits candidates from Hamline Law School, William Mitchell Law School, the University of Minnesota Law School, and law schools in Iowa and Illinois. The Office is registered with NAALP, which provides listings of openings for summer law school opportunities.

## **INTERNS**

Interns are students who seek to fulfill the requirements of an academic program by working for a fixed period in the Attorney General's Office on a full or part time basis. Internships may be paid or unpaid, as determined by the Office.

On an ongoing basis the Attorney General's Office will identify internship opportunities. Internships may be advertised to local colleges and law schools or by reviewing letters of interest that have been received from potential interns.

An intern coordinator has been identified within the office. That person will work with accredited schools, colleges and universities and will ensure that all requirements for interns are met and that internship opportunities are accessible to all qualified persons.

All parties to an internship agreement will sign the appropriate form prior to the intern commencing an internship.

Internships are for fixed time periods.

The internship coordinator will evaluate the progress of interns and will submit any required documentation to the appropriate educational institution.

## **COMMUNITY - BASED NOTIFICATION**

The AGO advertises job opportunities in protected group publications, and provides notice of these opportunities to community-based organizations.

The AGO participates in job fairs at the four local law schools: the University of Minnesota, William Mitchell Law School, Hamline and St. Thomas.

### **PERSONS RESPONSIBLE FOR RECRUITMENT PLANS**

Under the general direction of the Chief Deputy Attorney General and the Affirmative Action Officer the following staff will have responsibility for specific job groups.

**Attorneys.** Recruitment responsibilities are assigned to staff identified by the Chief Deputy Attorney General.

**Legal Assistants.** Recruitment responsibilities are assigned to the Director of Human Resources.

**Clerical Staff.** Recruitment responsibilities are assigned to the Human Resource Generalist.

All of the above persons are aware of the AGO's commitment to hire affirmatively and are required to adopt proactive methods to identify and recruit diverse candidates.

### **RECRUITMENT OF PERSONS WITH DISABILITIES**

The AGO has been successful in recruiting attorneys and legal assistants with disabilities.

All recruitment materials are available in alternate format and testing locations are handicapped accessible.

Informal contact with a variety of professors at a number of law schools is used as a method of having faculty recommend the AGO to persons with disabilities.

The AGO will work with designated staff at the Department of Employee Relations to recruit and hire persons with disabilities.

### **PRE-HIRING REVIEW**

As part of the hiring process, the Chief Deputy Attorney General will review all attorney recommendations for hire, the Affirmative Action Officer will review all legal assistant recommendations for hire, and all recommendations for hire to the classified service. In addition to the Office's regular practice of seeking protected group members as applicants in its recruiting processes, Office representatives will work to eliminate barriers for protected group members in the hiring process.

### **PRE-REVIEW PROCEDURE FOR ALL LAY-OFFS**

The Affirmative Action Officer will review all positions being considered for lay-off before lay-offs are implemented.

## **PROGRAM OBJECTIVES AND METHODS**

### **PURPOSE**

This section will describe affirmative action efforts the Office will undertake during 2006-2008.

### **ACTION**

The Office has selected the following objectives and actions for 2006-2008:

#### **1) AUDIT AND EVALUATION:**

**TASK:** Evaluate retention trends in all occupational categories.

**ACTION:** Review all exit interviews. Prepare annual statistical retention report.

**ASSIGNMENT:** Affirmative Action Officer. All managers are required to assist with retention of protected group employees.

**COMPLETION DATE:** Annually.

**EVALUATION:** Review of exit interview data, by protected groups and occupational category on an annual basis.

#### **2) DIVERSITY TRAINING:**

**TASK:** Work through the Office's Affirmative Action/Diversity Committee to provide training to all staff on developing and encouraging a workplace open to and nurturing diversity in individuals.

**ACTION:** The Affirmative Action/Diversity Committee will provide recommendations for training.

**ASSIGNMENT:** Affirmative Action/Diversity Committee.

**COMPLETION DATE:** Training courses are presented.

### 3) **SEXUAL HARASSMENT TRAINING**

**TASK:** Provide sexual harassment awareness training to all staff.  
Provide elective refresher training to all staff members.

**ACTION:** Set training schedule.

**ASSIGNMENT:** Human Resource Generalist.

**COMPLETION DATE:** Quarterly.

**EVALUATION:** New employees are trained within three months of joining the Office.

### 4) **ADA TRAINING**

**TASK:** Disseminate the Office's ADA Manual, and accommodation policy during the AGO orientation process. In conjunction with the Office's ADA Committee, provide training office wide from time to time on relevant issues.

**ACTION:** Provide orientation for all new staff.

**ASSIGNMENT:** Director of Human Resources.

**COMPLETION DATE:** All new employees receive orientation.

**EVALUATION:** New staff receive information shortly after joining the Office.

### 5) **DISABILITY AWARENESS TRAINING**

**TASK:** Provide information about disability awareness to new staff.

**ACTION:** Discussion with new employees during the AGO orientation process.

**ASSIGNMENT:** Director of Human Resources.

**COMPLETION DATE:** New staff receive information shortly after joining the Office.

**EVALUATION:** All new staff receive information.

**6) DISCRIMINATION AWARENESS TRAINING**

**TASK:** Provide information about discrimination and the Office policy prohibiting it to all new staff.

**ACTION:** Provide information during the AGO orientation process.

**ASSIGNMENT:** Human Resource Generalist.

**COMPLETION DATE:** Shortly after new staff join the Office.

**EVALUATION:** All new staff receive information.

**7) EMPLOYEE DEVELOPMENT/TRAINING PROGRAMS**

**TASK:** Provide appropriate training opportunities for all staff.

**ACTION:** Identify development needs for individual staff, including those which would lead to promotional opportunities.

**ASSIGNMENT:** Management/supervisors in cooperation with employees.

**COMPLETION DATE:** On-going--reviewed annually during evaluation process.

**EVALUATION:** All staff receive information about training opportunities, promotional opportunities, and encouragement to seek opportunities.

**8) RETENTION PLAN**

**TASK** Promote retention of protected group members by providing mentoring, training and fostering internal networking.

**ACTION** Identify protected group members and arrange for mentoring, training and fostering internal networking.

**ASSIGNMENT** Deputy attorneys general, division managers.

**COMPLETION DATE:** Ongoing.

**EVALUATION** Separation patterns are analyzed annually to determine impact on protected group members.

**9) REVIEW OF PROMOTION PATTERNS**

**TASK:** Analyze promotion patters to identify disparities between protected group members and non protected group members.

**ACTION:** Review criteria for promotion. Clarify, eliminate barriers. Identify changes needed to the decision making process.

**ASSIGNMENT:** Executive Committee, Affirmative Action Officer.

**COMPLETION DATE:** Annual review.

**10) EXIT INTERVIEW PROCESS**

**TASK:** Conduct exit interview of all employees leaving the Office.

**ACTION:** Distribute an exit interview questionnaire to all employees leaving the Office. Conduct face-to-face interviews with employees selected randomly.

**ASSIGNMENT:** Affirmative Action Officer.

**COMPLETION DATE:** As staff leave the Office.

**EVALUATION:** Questionnaires are distributed to all employees. Face-to-face interviews are conducted.

**11) MENTORING ASSIGNMENTS**

**TASK:** Provide mentoring opportunity for all new employees.

**ACTION:** Assign a mentor to all new employees within two weeks of their hire date.

**ASSIGNMENT:** Division managers, supervisors.

**COMPLETION DATE:** Two weeks after a new staff member joins the Office.

**EVALUATION:** New employee wishing to receive a mentor, do so.

## **VI**

### **SUPPORTED WORK**

During 2006-2008, the Office of the Attorney General will attempt to identify a position that will be filled through the Supported Work Program. The Human Resources Director has been designated as the individual responsible for identifying and developing the position and implementing its placement within the Office. She will contact the State ADA/Disability Coordinator for assistance in recruitment of individuals for the supported employment positions.

## VII

### PROVISION OF REASONABLE ACCOMMODATIONS

#### A. Policy

The Office of the Attorney General is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Office of the Attorney General to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees and employees seeing promotional opportunities. It is the policy of the Attorney General's Office to encourage the employment and promotion of persons with disabilities. To assist in this effort the Attorney General has appointed The Director of Human Resources as the Office's Americans with Disabilities Act Coordinator. She is responsible for ensuring that the Office complies with the ADA.

To facilitate this policy, the Office will provide accommodations to qualified employees with disabilities or job applicants with disabilities when such accommodations are directly related to performing a job or competing for a job on an equal basis. When an examination process is required as part of the application process, all potential candidates will be notified about their rights concerning reasonable accommodations, including the Qualified Disabled Examination. Accommodations will be provided for unless the accommodation would impose an undue hardship.

#### B. Definitions

##### 1. Persons with disabilities

A person with a disability is anyone who:

Has a physical or mental impairment that substantially or materially limits one or more of life's major activities.

#### C. Reasonable Accommodation

A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of a job.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job

restructuring; modifying work schedules; providing qualified readers or interpreters; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

1. To ensure equal opportunity in the employment process;
2. To enable a qualified individual with a disability to perform the essential functions of a job; and
3. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

**Procedure-Existing Staff (Employees and Employees Seeking Promotion):**

1. The Attorney General's Office will inform all employees of this accommodation policy in accessible formats.
2. An employee shall inform his/her supervisor of the need for an accommodation.
3. The Attorney General's Office may request documentation of the individual's functional limitations to support a request.
4. When a qualified individual with a disability has requested an accommodation, the Attorney General's Office shall, in consultation with the individual will:
  - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary;
  - b. Determine the precise job-related limitation(s);
  - c. Identify the potential accommodation(s) and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
  - d. Select and implement the accommodation(s) that is/are the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Attorney General's Office is free to choose among equally effective accommodation(s) and may choose the one that is less expensive or easier to provide.
5. The employee's supervisor should work with the Attorney General's Office ADA Coordinator to obtain technical assistance if needed.
6. If the supervisor is unable to make a definitive decision, for whatever reason, about providing the accommodation(s), the supervisor will forward a written request for accommodation(s) along with his/her recommendation to the ADA Coordinator within five (5) working days following the employee's request.

7. If the ADA Coordinator is unable to make a decision about providing the accommodation(s), the ADA Coordinator will forward a written request for accommodation(s), along with his/her recommendations, to the Attorney General, or his designee, within ten (10) working days following the employee's request.
8. The Attorney General, or his designee, will provide a decision in writing to the ADA Coordinator and employee within ten (10) working days.
9. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the Office, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.

The ADA Coordinator shall first look for a vacant position in the Attorney General's Office that is equivalent to the one presently held by the employee in terms of pay and other job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position (or a position the Attorney General's Office knows will become vacant within a reasonable period of time) the Attorney General's Office may reassign the individual as a reasonable accommodation to a lower graded vacant position for which the employee is qualified. If this occurs, the Attorney General's Office is not required to maintain the individual's salary at the previous level.

The Attorney General's Office will look at transfer opportunities, mobility opportunities, appointment opportunities, noncompetitive and competitive opportunities. (Minn. Stat. Ch. 43A).

The Attorney General's Office is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

10. If a request for accommodation is not approved, the Attorney General's Office shall inform the employee of the reason(s) for non-approval, in writing, within three (3) working days of the decision.

### **Procedure-Job Applicants**

1. The Attorney General's Office shall notify all applicants of this accommodation policy using accessible formats.
2. When a request for accommodation is received from an applicant, the supervisor/Human Resource Generalist will discuss the needed accommodation and discuss possible alternatives with the applicant.
3. The supervisor/Human Resource Generalist will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.
4. If the supervisor/Human Resource Generalist is unable to make a definitive decision, for whatever reason, about providing the accommodation, the supervisor/Human Resource Generalist will forward the written request for accommodation, along with his/her recommendations to the ADA Coordinator within three (3) days following the applicant's request.

5. If approved, the ADA Coordinator shall take the necessary steps to see that the accommodation is provided. If the accommodation is not approved, the ADA Coordinator shall inform the applicant of the reason for non-approval, in writing, within three (3) working days of the decision. Upon the request of the employee for whom an accommodation has been made, the accommodation may be reviewed at six-month intervals.

**D. Policy for Funding Accommodations:**

Funding must be provided by the Attorney General's Office for accommodations that do not cause an undue hardship (M.S. Ch. 43A.191(c)).

**E. Undue Hardship**

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Attorney General's Office.

**F. Procedure for Determining Undue Hardship:**

1. The supervisor/Human Resource Generalist will meet with the ADA Coordinator to discuss the requested accommodation.
2. Undue hardship will be determined by considering:
  - a. The nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the Attorney General's Office operation; and
  - b. The impact of the accommodation on the nature or operation of the Attorney General's Office.
3. If the ADA Coordinator considers the accommodation will impose an undue hardship, he/she will forward an undue hardship analysis and recommendation to the Attorney General, or his designee, within ten (10) working days following an employee's request or within three (3) working days following an applicant's request.
4. The Attorney General, or his designee, will provide a decision in writing to the supervisor, ADA Coordinator and employee within ten (10) working days or to the applicant within three (3) working days.

**G. ADA Public Grievance Procedures**

The Attorney General's Office has adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging any action that is prohibited by Title II of the Americans With Disabilities Act (ADA). This grievance procedure is to be used by persons with disabilities who are eligible for the services, benefits, programs, or activities of this Office.

Title II states in part, that “*no otherwise qualified disabled person shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination*” in programs or activities sponsored by a public entity.

Complaints should be sent to:

Betsy McAfee  
Director of Human Resources  
Attorney General’s Office  
102 State Capitol  
75 Rev. Dr. Martin Luther King, Jr., Blvd.  
St. Paul, MN 55155  
651-296-2351  
651-296-7206 (TTY)

Step 1. A complaint should be filed in writing. It should contain the name and address of the complainant, a brief description of the violation and the accommodation sought. The complaint shall be filed within 90 working days after the complainant becomes aware of the alleged violation. Within ten (10) working days of the receipt of the written complaint the Office’s ADA Coordinator will acknowledge in writing receipt of the complaint. The ADA Coordinator shall review the complaint for completeness and validity, shall make all parties to the complaint aware of the violation, obtain additional information related to the complaint if necessary, and shall attempt to resolve the complaint.

Step 2. If the ADA Coordinator is not able to resolve the complaint in Step 1, the Coordinator shall schedule a meeting with representative(s) of the Office and the complainant within 15 working days. The Coordinator will respond in writing to the complaint detailing any actions taken or proposed by the Office within 15 working days of the meeting.

Step 3. If the complainant is not satisfied with the Office’s proposal to resolve the complaint, the complaint shall be referred to the ADA Advisory Committee, at the Department of Employee Relations. The ADA Advisory Committee will review the complaint and respond to the complainant in writing within 30 days of its recommendation for action.

## VIII

### AMERICANS WITH DISABILITIES ACT NOTICE TO THE PUBLIC

The following notice is posted in the reception area of all AGO locations.

It is the policy of the Office of the Attorney General (“Office”) to comply with the provisions of the Americans with Disabilities Act, 42 U.S.C.A. Section 12101, et seq. (“ADA”). The ADA prohibits discrimination against qualified individuals with disabilities on the basis of their disability. The ADA provides, in part, that qualified individuals with disabilities shall not be excluded from participating in or be denied the benefits of any program, service or activity offered by this Office.

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. This Office must communicate effectively with individuals with speech, visual, and hearing impairments and provide auxiliary communication aids to qualified individuals with disabilities participating in or benefiting from this Office’s programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights and remedies under the ADA, request a reasonable modification to this Office’s policies, practices or procedures, or file a written grievance with this Office alleging noncompliance with the ADA, please contact the Office’s Designated Coordinator for the ADA listed below.

Name: Betsy McAfee  
Director of Human Resources

Address: Office of the Attorney General  
102 State Capitol  
75 Rev. Dr. Martin Luther King, Jr., Blvd.  
St. Paul, Minnesota 55155

Telephone Numbers: Voice: (651) 297-5968  
TTY: (651) 297-7206

## EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

The information on this form is collected so the Attorney General's Office may review your request under our Provision of Accommodation Policy. You are not legally required to provide this information, but the Attorney General's Office may not be able to provide an accommodation if you do not provide sufficient information. The information collected is private personnel data on you. It will be disclosed, as needed, within the Attorney General's Office to the Affirmative Action Officer, appropriate managers or deputies, and the Attorney General.

Please print or type.

|   |  |
|---|--|
| Employee Name   | Classification                      Date of Request                                  |
| Division  | *Statement of Limitations (Attach medical statement if requested by ADA Coordinator) |
| <ul style="list-style-type: none"> <li>• Attach additional sheets for questions below if necessary</li> </ul> |  |
| 1. Type of accommodation requested to perform essential function:   |  |
| 2. What specific essential functions of the job are currently affected?                                       |  |
| 3. How will the requested accommodation be effective in allowing performance of the essential function(s)?    |  |
| 4. Have any non-essential job functions been eliminated? Please describe.                                     |  |
| Signature of Employee   | Date   |
| Signature of Supervisor   | Date   |
| Signature of AAO/ADA Coordinator  | Date   |

## REASONABLE ACCOMMODATION AGREEMENT

This form is to be completed by the Office's Affirmative Action Officer after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicates an agreement between the employee and the Office to the specific accommodation.

|  |                          |
|--|--------------------------|
| Name of Employee   | Name of Division Manager |
| <p>The request for reasonable accommodation to the needs of the above named employee with a disability was:</p> <p style="text-align: center;"> <input type="checkbox"/> ACCEPTED                      <input type="checkbox"/> DENIED         </p> <p>Justification for the decision (indicate specific factors considered)</p>               |                          |
| <p>If reasonable accommodation was approved, was the employee's suggestion accepted?</p> <p style="text-align: center;"> <input type="checkbox"/> YES                      <input type="checkbox"/> NO                      <input type="checkbox"/> PARTIALLY         </p> <p>REASON:</p> <p>DESCRIBE specific accommodations to be made.</p> |                          |
| COST ESTIMATE:   |                          |
| I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Office will become property of the State of Minnesota.   |                          |
| Signature of Employee  | Date                     |
| Signature of Chief Deputy  | Date                     |
| Signature of Affirmative Action Officer  | Date                     |

## **WEATHER EMERGENCIES/EVACUATION PLANS**

Weather emergency information is posted at each AGO location. (Employees are advised to listen to appropriate radio stations or view appropriate television stations for information about potential closings of state offices if a weather emergency (snowstorm, flood, etc.) occurs while they are at home.) Information about statewide weather emergencies is received from the Department of Employee Relations by Human Resources staff, and communicated to designated employees at all AGO locations. Designated employees personally notify employees at the locations by walking through the AGO space and verbally notifying employees of the situation. All AGO locations work closely with the management companies of those buildings so that AGO staff are aware of and follow building evacuation procedures.

All Attorney General Office locations have prepared and posted Evacuation Plans. All employees receive copies of these plans, and are reminded periodically to review them. Updates are issued quarterly.

The plans provide for aiding staff who require assistance during an evacuation of the premises. Each staff person who has a disability that requires assistance has been assigned two assistants who are responsible for helping that individual during a weather emergency (tornado) or evacuation (fire, bomb threat). These assistants are backed-up by staff assigned to monitor sections of each floor where AGO employees are located.

All receptionists have been notified of the need to be aware of visitors who might require assistance during an evacuation and staff have been advised of the possibility of this need in the location evacuation plans.

Revised 05/06

AG: #1565807-v1