

# **Gambling Control Board Affirmative Action Plan 2007-2008**

## **Statement of Commitment**

The Gambling Control Board is committed to providing equal opportunity to all persons without regard to race, sex, color, creed, religion, age, national origin, marital status, disability, status with regard to public assistance, sexual orientation, or membership or activity in a local commission.

All of the Board's standards, policies, and procedures will be reviewed periodically to identify and eliminate any barriers to equal employment opportunity within the existing system.

I am committed to the State's affirmative action efforts and committed to the Gambling Control Board's Affirmative Action Plan. I also endorse and support the Department of Employee Relations Affirmative Action Program. I will strive to hire and retain qualified protected group members where they are underrepresented. I have designated Debra Hellenberg to serve as our Affirmative Action Officer. Our plan is posted in each office on an official bulletin board.

I urge all employees to become acquainted with our affirmative action plan. It is the responsibility of employees to promote and apply the principles of equal opportunity in their work and to cooperate fully with the agency's plan of action. 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 future employees. I urge you to join me in a continuing effort to make equal employment opportunity a reality.

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Tom Barrett, Executive Director  
Gambling Control Board

## **Program Objectives and Mission Statement**

The Affirmative Action Program will establish a work environment at the Gambling Control Board that values diversity in our workforce and clientele. These program objectives are ongoing and will be fully completed by June 30, 2008.

### **Specific Program Objectives**

1. Increase the number of underutilized protected group employees in the professional EEO job group.
2. Continue to promote employee awareness and sensitivity to differently abled employees and clientele, and help employees learn to value cultural diversity in the workplace.
  - Employees will be encouraged to learn about harassment, discrimination, and diversity in the workplace. Cultural events are shared with employees through a bulletin board.
3. Educate agency managers, supervisors and staff to understand their responsibilities under the Americans with Disabilities Act (ADA)
  - The Affirmative Action Officer provides ongoing ADA information to managers and supervisors.
  - Supervisors will handle employee requests for reasonable accommodations with guidance from the Deb Hellenberg, the Agency ADA Coordinator.
  - A procedure to respond to reasonable accommodation requests from clientele attending seminars and continuing education classes is in place. Course listings request that clientele needing accommodations contact us in advance of the class.
4. The Gambling Control Board will continue to use the statement “an equal opportunity employer” on agency letterheads and in the website.
5. Evaluate job descriptions for compliance with ADA
  - All agency position descriptions will be reviewed before hiring candidates to ensure ADA requirements.

# **RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES**

## **1. Executive Director**

- Oversee and ensure implementation of the agency's equal opportunity policy and affirmative action program in compliance with existing federal and state laws, rules, and regulations.
- Appoint or designate an Affirmative Action Officer
- Issue a written statement to all employees affirming support for the state's equal opportunity policy and the board's affirmative action program.
- Make decisions and changes in policy, procedures, or physical accommodations as needed to facilitate effective affirmative action
- Take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
- Report agency progress in affirmative action to the Commissioner of Employee Relations.

Accountability: To the Governor directly and indirectly to the Commissioner of Employee Relations.

## **2. Affirmative Action Officer**

- Administer the Gambling Control Board's affirmative action program.
- Write, update and monitor the agency's affirmative action program
- Assist managers and supervisors in their affirmative action responsibilities.
- The Affirmative Action Officer will distribute the plan to all supervisory staff and post it on the office bulletin board.
- 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.
- Advise the Executive Director on matters relating the affirmative action and equal opportunity.
- Oversee the agency's pre-hire review process and complete protected group reports
- Investigate discrimination complaints and submit a written summary of issues and recommended solutions to the Executive Director
- Act as liaison between the Gambling Control Board and the Office of Diversity and Equal Opportunity, providing status reports as required

- Will post notice of the Equal Employment Opportunity Policy in the main lobby for everyone doing business with the Gambling Control Board to be made aware of the policy.

Accountability: To the Executive Director

### **3. Managers and Supervisors**

- It is their responsibility to read, understand, and support the plan.
- Ensure compliance with the Gambling Control Board's affirmative action plan and ensure equal treatment of all employees
- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers that inhibit equal employment opportunity.
- Work with the Affirmative Action Officer to provide reasonable accommodations for applicants and employees
- Hire and promote qualified protected class members where a disparity exists, and ensure equal treatment in all aspects of employment for each protected group.
- Communicate and demonstrate a personal commitment to the agency's affirmative action program to all employees in their area of responsibility

Accountability: To the Executive Director

## **Recruitment Plan**

Receipts for lawful gambling have been decreasing. Because of this we plan only to fill critical positions left vacant from retirements and separations. We anticipate a 10% turnover in the next two years or 3 positions in the professional units. We rely on DOER's job search to find qualified candidates. We will work with DOER to ensure equal opportunities are afforded all qualified candidates. We will make a good faith effort to hire a minority or disabled employee into the professional group in the next two years.

## **Retention Plan**

Deb Hellenberg, the Affirmative Action Officer is designated to work on retention. In the past two years 2 professional employees have retired, 1 left for a part-time opportunity. One clerical employee accepted an opportunity for advancement with another state agency. All were female, none were minorities and 1 retiree had a disability that we had accommodated. Pattern shown is the same as all state employees, they are aging and many will be eligible to retire in the coming years. Protected group members will have the same opportunity for advancement within the agency as openings come up.

## **Goals & Timetables**

We will make a good faith effort to hire a minority or disabled employee into the professional group in the next two years. Program success will be measured using quarterly reports.

## **Supported Worker & Internship Programs**

We do not have either program at this time. Due to the professional nature of work here there aren't opportunities to pursue a supported worker program. Data entry requires knowledge of lawful gambling laws. Other repetitive work done is specific and complex. Assembling packets of licensing information for mailing requires specific knowledge of forms necessary for each license. We will however, work with the ADA coordinator at DOER to identify opportunities if our business needs change.

With workloads that they are, mentoring an intern we would be unable to offer continued employment to would not be prudent. Should the need arise we will contact DOER for recruitment and hiring of interns.

## **Procedure for Pre-Hire Review**

**OBJECTIVE:** To establish action steps to be taken during the selection process in order to meet the Gambling Control Board's affirmative action goals when filling vacancies.

**Consultation with Supervisors:** The Affirmative Action Officer will advise supervisors of protected class disparities for all goal units.

### **The Pre-Employment Review**

The Executive Director determines the need to fill a position. If a disparity exists, the Affirmative Action Officer works closely with the supervisor, in an effort to eliminate the disparity in the following manner:

- A job analysis is completed for the vacant job. Knowledge, skills, and abilities needed to perform the tasks will be determined. The position description will be revised as needed. Requests DOER Staffing to announce the position opening on the DOER's job search. If there are layoffs to be considered, the Affirmative Action Officer shall review them to determine their effect on agency affirmative action goals and timetables.
- A list of uniform job related questions will be reviewed with the Affirmative Action Officer to ensure they are within guidelines.
- Applications are screened by Human Resources for best qualified candidates. Candidates will be compared, based on all available evidence of qualifications and the requirements of the job. The affirmative action goals and current disparities will be considered in the selection process.
- The Supervisor along with the Affirmative Action Officer will choose applicants to interview.
- Interviews are conducted by the supervisor and another staff member, usually the Human Resources Officer, for final candidates using the uniform questions in a structured format.
- Results of the interviews will be kept for at least one year.
- When a supervisor does not select a protected group candidate where there is a disparity justification must be made to the Affirmative Action Officer. No selection will be made until the reasons have been reviewed. After reviewing the rationale, the Affirmative Action Officer approves or denies the justification. If denied by the Affirmative Action Officer the supervisor can appeal to the Executive Director for final hiring action.
- All candidates interviewed will be notified of hiring decisions.

## **REASONABLE ACCOMODATION POLICY GAMBLING CONTROL BOARD**

### **Policy**

The Gambling Control Board is committed to encouraging the employment of people with disabilities. Debra Hellenberg is responsible for Title 1 and Title II compliance.

An individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activity

We will make reasonable accommodations for the physical or mental limitations of an employee or qualified job applicant unless the accommodation would impose an undue hardship on the agency. Accommodations will be provided to qualified employees or job applicants.

Examples of reasonable accommodations may include but are not limited to:

- Modification of equipment or devices that assist a user. That can include purchase of special telephone equipment, audiovisual aids, specially designed desks, files or computer equipment.
- Job site modification. That can include adjustments to equipment height, addition of electrical outlets, special parking facilities.
- Job Restructuring. May include changing job duties while retaining essential job functions.
- Support services. Services such a interpreters for individuals with hearing impairments, readers for individuals who are blind or special attendants.
- Reassignment to a vacant position of equal status when possible and appropriate.

The Executive Director must approve reasonable accommodations valued at over \$300.00 that do not cause an undue hardship on the agency. When determining the accommodation without imposing undue hardship on the agency, the following factors must be considered:

- Nature and cost of accommodation in relation to size of agency budget
- Documented good faith effort to explore a less expensive or less restrictive alternatives.

Requests for Reasonable Accommodation for Employees and Employees Seeking Promotion

1. The supervisor and individual with a disability discuss the need for an accommodation and talk about alternatives such as job restructuring, job modification, and accessible devices.
2. The employee or supervisor can request an Employee Request for Reasonable Accommodation form from the Human Resources office.
3. The ADA Coordinator reviews the request, and makes a recommendation to the Executive Director. The Executive Director will approve the request or ask for additional information within 3 working days.
4. After review, a decision is provided in writing to the supervisor and employee within 5 working days. The agency can choose the least expensive effective accommodation.
5. When approved, the ADA Coordinator takes steps to ensure accommodation is provided
6. If the request is denied, the ADA Coordinator will notify the requestor of the decision and advise them of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

Request for a reasonable accommodation for job applicant:

1. All initial communication between a job applicant and a supervisor regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
2. The supervisor shall contact the ADA Coordinator indicating an accommodation is needed.
3. The supervisor or ADA Coordinator will contact the applicant to discuss the accommodation or any possible alternatives.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
5. If approved the ADA Coordinator shall take necessary steps to see the accommodation is provided.

All denials of requests for accommodations will be documented and kept on file by the ADA Coordinator. ADA Coordinator will notify the requestor of the decision and advise them of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission.

## **Employee Request for Reasonable Accommodation**

**This information will be used by \_\_\_\_\_ or any other person who is authorized by my employer to handle medical information for ADA/MHRA purposes and any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and or the Minnesota Human rights Act, and to determine whether any reasonable accommodations can be made. I am voluntarily providing this information. Failure to provide the information may result in the requested accommodation being denied.**

\_\_\_\_\_  
**Employee signature**

\_\_\_\_\_  
**Date**

**Please describe the nature of your limitations, what life activity is substantially limited and how this is limited.**

**How does it affect your ability to perform your job?**

**Describe in detail requested accommodation**

**How will the accommodation be effective in allowing you to perform essential functions of your job?**

**Additional comments**

**Gambling Control Board  
Harassment/Discrimination Policy**

**Policy**

It is the Gambling Control Board's policy to prohibit discrimination or harassment. This policy applies to both employees and to the speakers, staff, and students in continuing education classes, seminars and speaking engagements sponsored by the Gambling Control Board.

**Definition**

Harassment or discrimination because of or based on or directed at an individual's protected class characteristic (i.e. race, sex, age, color, creed, religion, nation origin, marital status, status with regard to public assistance, membership or activity in local commission, disability, sexual orientation) is a form of discrimination. Discrimination is a violation of Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and the Minnesota Human Rights Act, Minnesota Statutes Chapter 363.

Any person need not tolerate verbal or physical conduct of a discriminatory nature when:

1. submission to such conduct is explicitly or implicitly made a term or condition of 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 performance or creating an intimidating, hostile or offensive working or learning environment.

Examples of Harassment are repeated disparaging, belittling, demeaning insulting remarks; repeated jokes about a person or characteristic unique to the person, or sabotage of person's character, reputation, work efforts, or property

### Sexual harassment

- Any form of harassment listed above with verbal or physical contact of a sexual nature which the recipient or bystander finds unwelcome
- Unwanted sexual comments, looks, innuendoes or suggestions about one's body or sexual activity
- Unwanted, unnecessary touching, brushing against one's body, patting or pinching
- Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment
- Displaying pictures in work areas of objects depicting nude to scantily clad persons
- Use of language implying inferiority of a person based on sex, such as "girl" or "boy".
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.

### Race, color, national origin

- Any behavior previously listed in this policy which is applied to one's race, color, heritage, or nation origin
- Telling jokes or making derogatory remarks about one's race or national heritage
- Use of language implying inferiority of a race or national heritage

### Religion, disability, age, sexual orientation

- Any behavior previously listed in this policy which is directed at an individual's religion, disability, age, or sexual orientation
- Use of demeaning derogatory names or remarks in reference to a person's religion, disability, age or sexual orientation

## RESPONSIBILITY

The Executive Director is responsible for the application of this policy within the agency, and supervisors have the responsibility within their unit. This responsibility includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for sharing this policy with staff.

## COMPLAINTS

All persons will be careful to treat each other with respect at all times. Any person who feels they are being subjected to discrimination in any form, or who believes they have witnesses physical or verbal harassment of a discriminatory nature should notify their supervisor or contact Deb Hellenberg, the Affirmative Action Officer.



## **Harassment/Discrimination Complaint Procedure Gambling Control Board**

The Equal Employment Opportunity complaint process applies to complaints which allege harassment or discrimination because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, membership or activity in a local commission, age, or sexual orientation.

### **General Provisions**

1. Any person who feels they have been subjected to discriminatory behavior or harassment or who believes they have witnessed such behavior is encouraged to report the information. This includes employees, applicants, and others eligible to file a complaint.
2. In the course of a complaint investigation, all documentation associated with the complaint is considered confidential. The status of the complaint, however, is public. Coercion, reprisal or intimidation against those filing a complaint or serving as a witness is prohibited.
3. Complaints can be filed directly with the Executive Director in lieu of filing with the Affirmative Action Officer.
4. The complainant through the Affirmative Action officer or the Executive Director shall be advised of the right to file a charge of discrimination within one year after the occurrence of alleged discrimination with the Commissioner of the Minnesota Department of Human Rights. A complaint can be filed within 300 days with the EEO Commissioner or an attorney in private practice.
5. Regardless of the outcome of an investigation, the Gambling Control Board will not retaliate against a person for reporting conduct considered to be in violation of the agency's policy against harassment.

Individuals are encouraged to use the Complaint of Discrimination form to make a written complaint of discrimination. The forms are available from the Affirmative Action Office. The written complaint is submitted to the Affirmative Action Officer within 300 calendar days after the occurrence.

After receipt of the formal complaint the Affirmative Action Officer shall have 15 days to determine the validity and timeliness of the complaint. It shall be investigated within a reasonable time frame and action to remedy the situation will be taken during the investigation if warranted.

The investigation may include interviews and statements from all parties involved, including the complainant, respondent, complainant's supervisor, witnesses and co-workers. Pertinent records or documents relating to the complaint will be reviewed.

The Affirmative Action Officer shall prepare a written report for the Executive Director. After the investigation report is reviewed the Executive Director will take appropriate corrective action up to and including discharge when the investigative findings give merit to the complaint allegations.

Final written response will be provided to the complainant within 60 days and a disposition of the complaint will be filed with the Commissioner of Employee relations within 30 days of final determination.

**Gambling Control Board**  
**1711 W County Road B**  
**Suite 300 South**  
**Roseville MN 55113**  
**651-639-4000**

## COMPLAINT OF HARASSMENT/DISCRIMINATION

Please read before completing form

*Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected to determine whether harassment or discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent and appropriate personnel.*

Complainant (You)	
Name	Job Title
Work Address	City, State, Zip Code
Agency	Phone Number
Respondent (Person who Harassed/Discriminated Against You)	
Name	Job Title
Work Address	City State Zip Code

Agency	Date of Discrimination/harassment
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### The Complaint

#### Basis of complaint

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Disability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Sex	<input type="checkbox"/> Creed	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Status with regard to public assistance
<input type="checkbox"/> Age	<input type="checkbox"/> Religion	<input type="checkbox"/> membership or activity in local human rights commission	

### Appendix A-Protected Group Categories for Affirmative Action

There are three protected group categories for affirmative action purposes. They are:

1. Women
2. Ethnic/racial minorities, the groups are
  - Black-not of Hispanic origin, persons having origins in any of the Black racial groups of Africa
  - Hispanic – persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race
  - American Indian or Alaskan Native-persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition
  - Asian or Pacific Islander – persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific islands. This area includes China, India, Korea, Japan, and Philippine Islands, Sri Lanka and Samoa

Persons of mixed ethnic/racial background would choose the group with which they most closely identify.

3. Persons with disabilities. A person who has a physical or mental impairment that substantially limits one or more major life activity, a person who has a record of such impairment, or a person who is regarded as having such impairment.

## **Appendix B-Equal Employment Opportunity Affirmative Action Glossary**

Affirmative Action emphasizes the positive steps needed to bring about change rather than a passive attitude of simple nondiscrimination. Affirmative Action can be defined as management policies and practices used to eliminate barriers to employment opportunities that are not based on specific job requirements.

Affirmative Action Plan is a coherent set of policies and procedures designed to find any barriers contributing to imbalance in an agency's work force and to foster the correction of any imbalances that exist.

Disabled Individual is a person who has a physical or mental impairment that substantially limits one or more major life activity, a person who has a record of such impairment, or a person who is regarded as having such impairment.

Discrimination is unfair treatment, intentional or unintentional based on individual or group's protected class characteristics.

Disparity is the employment of fewer persons with disabilities, ethnic/racial minorities, and women in the agency's work force that would reasonably be expected based on their availability in the labor market area.

**Equal Employment Opportunity** is the policy of basing all human resource activities solely on individual merit of applicants and employees, related to the specific job requirements without regard to age, race, creed, religion, color, disability, sex, national origin, marital status, and status with regard to public assistance, political affiliation, sexual orientation, or other non-merit factors.

**Goal** is a numerical objective for the utilization of protected group members.

**Harassment/Discrimination** is any repeated behavior, or combination of behaviors, by one or more employees toward another employee or group of employees based on race, national origin, religion, sex, age, color, creed, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or sexual orientation, that the affected employee considers to be annoying, insulting, intimidating, which causes discomfort, and/or which has a detrimental effect on employee work performance.

**Protected Class/Protected Group** are those individuals identified as disabled, ethnic/racial minorities, and women as defined by Minnesota Statute 43A.02, Subd. 33.

**Reasonable Accommodation** is architectural, equipment, or other change an employer would make to enable persons with disabilities to perform their jobs.

## **Appendix C, Time Off In Emergencies**

The Department of Employee Relations Administrative Procedure 5.4 Time Off in Emergencies will govern in the event of a weather emergency. The Gambling Control Board will ensure that all employees and visitors are properly notified of the weather emergency. Employees are encouraged to check DOER's website to determine if the Commissioner has declared an emergency in their work location. They can also tune to WCCO Radio, WCCO and KARE TV for weather closing broadcasts for winter weather emergencies. In summer months designated staff will monitor weather via WCCO radio. If sirens sound, employees at the Rosewood Office Plaza are moved to the stairwell on first floor. Employees in Fergus Falls, Hibbing, and St. Peter regional offices take necessary steps for safety within their buildings.

In the event of an emergency, supervisors are responsible for the safety of employees with disabilities and visitors. Regional office employees are responsible for the safety of visitors with disabilities.

### **Building Evacuation**

In the event of a building evacuation, the Gambling Control Board will provide for the safe exit of all persons with a disability in accordance with the Agency's Building Evacuation Plan.

## **Appendix D, Emergency & Building Evacuation Procedures**

**The Gambling Control Board has developed building evacuation procedures for use in the event of an emergency to ensure the safe exit of all individuals, both employees of the agency and visitors.**

### **In Case of Fire**

When the building alarm sounds, follow these procedures

- Immediately evacuate via the nearest emergency exit. Do not use elevators.
- Close all doors
- Supervisors assist with evacuation and ensure that all individuals in their assigned area have safely evacuated. Individuals with mobility impairments are assisted in moving into the stairwells, or other safe, smoke-free area of the building as arranged with fire authorities. Individuals with mobility impairments are accompanied by two assistants during all evacuations. A third helper immediately reports the location of individuals inside the building to fire personnel.

- Individuals who are deaf or hear of hearing and who have not seen the alarm lights are notified of the evacuation by an individual from their work unit or the supervisor.

If you see fire and no alarm has sounded leave the area of the fire and call 911 immediately.

When it is safe to enter the building, the Fire Department shall will issue the all clear and normal business may resume.

### **In Case of Severe Weather**

When sirens sound head for the lowest level of the southeast stairwell.

Supervisors/coworkers are responsible for helping mobility impaired employees and staff. For winter weather emergencies, turn to WCCO, KARE TV, or [www.doer.state.mn.us](http://www.doer.state.mn.us) for details on closings.

### **In Care of Bomb Threats**

In the event of a bomb threat, the Human Resources staff will alert staff that the threat has been received. All employees should take note of and report suspicious packages, envelopes, or items.

Call 911 for further instructions

Individuals with hearing impairments will be informed by their supervisor.

### **In Case of Medical Emergencies**

**Call 911** immediately and give location of emergency

Support the victim's medical needs. Call for first aid certified help.

Send someone to meet the paramedics and lead them to the scene.