

**STATE OF MINNESOTA  
DEPARTMENT OF LABOR AND INDUSTRY  
AFFIRMATIVE ACTION POLICY**

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**Department of Labor and Industry  
Affirmative Action Plan  
2006-2008**

An affirmative action plan is a set of management policies and procedures designed to identify and remove barriers that contribute to disparities in executive branch agencies of state government. This document is the Department of Labor and Industry's Affirmative Action Plan, submitted to the Department of Employee Relations, Office of Diversity and Equal Opportunity.

July 2006

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**This document is available in alternative formats to individuals with disabilities by calling (651) 296-6444 V or Minnesota Relay Service Twin Cities (651) 297-5353 TTY/TDD or Greater Minnesota 1-800-627-3529 TTY/TDD and ask them to place a call to (651) 296-6444 V.**

**AFFIRMATIVE ACTION PLAN TRANSMITTAL FORM  
2006 – 2008  
DEPARTMENT OF LABOR AND INDUSTRY**

Review of the goal units listed below revealed underutilization of the following protected group(s):

**PROTECTED GROUPS**

	<b>WOMEN</b>	<b>MINORITIES</b>	<b>PEOPLE WITH DISABILITIES</b>
<b>EEO JOB GROUP</b>			
Officials and Managers	X		
Professionals	X		X
Technicians		X	X
Office/Clerical			
Skilled Craft Worker	X	X	
Service-Maintenance			

This biennial plan contains an internal procedure for processing complaints of alleged discrimination from employees and each employee has been apprised of this procedure and the Department of Labor and Industry's affirmative action goals for this fiscal year.

\_\_\_\_\_  
Affirmative Action Officer

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

## STATEMENT OF COMMITMENT

I affirm the State's strong commitment to affirmative action, equal opportunity and diversity efforts as the Commissioner of the Department of Labor and Industry (DLI). Through our managers and supervisors, DLI will strive to become a workplace where individual differences are valued and respected and where all employees can participate fully in carrying out DLI's mission. I expect our managers and supervisors to successfully implement the intent and spirit of our affirmative action and diversity plans. I expect our employees to conduct themselves in a manner that helps to create a workplace that is free of discrimination. Our combined efforts will ensure that this document is an active Department initiative.

This commitment requires us to seek fair and innovative recruitment, hiring, promotion and retention practices. We are committed to retaining a qualified workforce that reflects the diversity of our customers.

DLI will not tolerate discrimination on the basis of race, color, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, membership or activity in a local commission, or age.

DLI will continue to raise awareness through education to promote an inclusive and service-oriented work environment. All DLI employees must join to offer their talents and commitment to achieve and celebrate the intent of this plan and the spirit of equal employment opportunity laws. I am committed to implementing DLI's Affirmative Action Plan.

The leaders of the Department's efforts for this plan will be the Deputy Commissioner, Assistant Commissioners, the Human Resources Director and me. Questions about this plan can be directed to Gail Krieg at (651) 284-5263.

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M. Scott Brener, Commissioner

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Date

## RESPONSIBILITIES FOR AFFIRMATIVE ACTION AND ADA

### COMMISSIONER

**Responsibilities:** To oversee and ensure implementation of DLI's Affirmative Action Plan (AAP) in compliance with existing federal and state laws, rules and regulations.

**Duties:**

1. To appoint or designate an Affirmative Action Officer.
2. To include accountability for the administration of the agency's AAP in his/her position description.
3. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
4. To take action on complaints of discrimination as outlined in the AAP complaint procedure.
5. To issue a written statement to all employees affirming support for Equal Opportunity, diversity, and DLI's AAP.
6. To make decisions and changes in policy, procedures, and physical or reasonable accommodations as may be needed to facilitate effective affirmative action practices.

**Accountability:** Governor directly and indirectly to the Commissioner of Employee Relations and the Director of the Office of Diversity and Equal Opportunity.

### AFFIRMATIVE ACTION OFFICER

**Responsibilities:** To administer DLI's AAP.

**Duties:**

1. To monitor the AAP's objectives.
2. To assist managers and supervisors in their AAP responsibilities.
3. To advise the Commissioner on all matters related to affirmative action and equal employment opportunities.
4. To ensure that complaints of discrimination are investigated and a written summary of the issues and findings are submitted to the Commissioner.

5. To establish annual hiring goals and revise DLI's AAP biennially.
6. To ensure that the AAP is communicated to the agency staff.
7. To oversee DLI's pre-hire review process.
8. To act as the liaison between DLI and the Office of Diversity and Equal Opportunity, Department of Employee Relations.
9. To determine the need for affirmative action and diversity training and to initiate the development of appropriate training programs.
10. To review DLI policies, procedures, programs, and reasonable accommodations for persons with disabilities and to oversee DLI's administration of the Americans with Disabilities Act.

**Accountability:** Commissioner

### **MANAGERS AND SUPERVISORS**

**Responsibilities:** To ensure compliance with DLI's AAP and to ensure equal treatment of all employees.

**Duties:**

1. To strive for a hostile-free work environment for all employees and take appropriate steps to correct conflict situations in the work unit.
2. To work with the Affirmative Action Officer designee in identifying and resolving problems and eliminating barriers that inhibit equal employment opportunity.
3. To hire and promote qualified protected class members where a disparity exists and to ensure equal treatment in all aspects of employment for all employees.
4. To communicate and demonstrate a personal commitment to DLI's AAP to all employees in their areas of responsibility.
5. To discuss and document training needs and discuss career planning goals with each employee during performance evaluations.
6. To ensure DLI's AAP is accessible and communicated to all employees in their areas of operation.

**Accountability:** Assistant Commissioner, Deputy Commissioner and indirectly the Commissioner.

## **HUMAN RESOURCES DIRECTOR**

**Responsibilities:** The Human Resources (HR) Director is responsible 1) to ensure that HR policies and procedures are administered fairly and are uniformly applied to all employees and 2) to take positive action to remove all barriers to equal employment opportunity within DLI.

**Duties:**

1. To provide leadership to the HR staff in adhering to Affirmative Action principals in the decision making process for all HR actions, such as hiring, promotion, disciplinary actions, reallocation, transfer, layoff and separation, and DLI classification studies.
2. To aid managers and supervisors in the recruitment of members of protected classes where disparities exist at the time of recruitment to fill job vacancies.
3. To initiate and report on specific initiatives that are identified in the AAP.
4. To provide guidance to the HR staff in carrying out the policies and procedures of this AAP.

**Accountability:** Deputy Commissioner directly and the Commissioner indirectly.

## **ALL EMPLOYEES**

**Responsibilities:** All employees shall be responsible for conducting themselves in accordance with the policies and procedures of this AAP. Employees will refrain from behavior that would adversely affect the performance of a co-worker with respect to his/her race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, or status with regard to public assistance or membership in a local commission.

## **METHODS FOR COMMUNICATING AGENCY'S AFFIRMATIVE ACTION PLAN**

The Department of Labor and Industry (DLI) will take the following steps to ensure that all employees are advised of, and understand its policy of nondiscrimination and its interest in actively and affirmatively providing equal opportunity in all employment practices.

### **INTERNAL**

1. Copies of the AAP will be furnished to the Commissioner, Deputy Commissioner, Assistant Commissioners, managers and supervisors. It will be the responsibility of managers and supervisors to communicate the AAP to all employees under their supervision.
2. Electronic copies, that may be printed, will always be available to all DLI employees on all computers supported by DLI servers. Electronic copies are available on the DLI intranet site: <http://dlinet.state.mn.us>.
4. DLI's employee newsletter will include notification of revisions to the AAP. Other items regarding DLI affirmative action/diversity activities will be included as determined by the Affirmative Action Officer/designee.
5. New employees will be informed of DLI's Affirmative Action Program, the name of the Affirmative Action Officer/designee, and where to find the AAP.
6. Affirmative action/diversity training sessions will be conducted for managers and supervisors. The Affirmative Action Officer/designee and HR staff will coordinate this.

### **EXTERNAL**

1. A copy of the AAP will be furnished to employee bargaining units.
2. Job application forms, job opening advertisements, and DLI stationery shall bear the masthead "An Equal Opportunity Employer" or "Equal Opportunity Employer."
3. Publications prepared for distribution outside the agency will contain references to the AAP in order to promote equal opportunity/Americans with Disabilities initiatives.
4. A copy of the AAP will be provided to individuals upon request.

## **HARASSMENT/DISCRIMINATION POLICY**

### **POLICY**

DLI's goal is to have a workplace that respects each individual's dignity. Every employee is responsible for helping to achieve that goal by complying with policies and procedures related to discrimination, including sexual harassment.

Discrimination is against the law. DLI abides by federal and state laws that prohibit discrimination, including sexual harassment. It is DLI's policy to maintain a work environment free of discrimination, including sexual harassment, intimidation, or coercion. Discrimination, including sexual harassment, of any employee by any other employee is not tolerated. DLI will take prompt and appropriate action in response to complaints of alleged discrimination, including sexual harassment.

### **STANDARDS**

The Commissioner, Deputy Commissioner, Assistant Commissioners, HR Director/Affirmative Action Officer designee, supervisors and managers are responsible for implementing this policy. The senior staff serves as a top-management forum for policy-making on discrimination, including sexual harassment. If an investigation of a complaint of discrimination, including sexual harassment, produces evidence that discrimination or harassment has occurred, appropriate disciplinary action will be taken, up to and including discharge.

Retaliation will not be tolerated against any employee who has participated as a complainant or a witness in any DLI proceedings involving discrimination, including sexual harassment. No employee shall use this policy or related procedure for personal malice or abuse.

The following are examples of conduct for which disciplinary action, up to and including discharge, may be taken:

1. Use of any offensive or demeaning terms that have a discriminatory or sexual connotation.
2. Adverse treatment or negative comments regarding race, color, creed, religion, national origin, gender, sexual orientation, marital status, status with regard to public assistance, age, disability or membership in a local commission.
3. Objectionable physical proximity or physical contact.
4. Repeated unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
5. Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement depend or may depend on the granting of social or sexual favors to any other employee, supervisor, or manager.

6. The deliberate or careless creation of an atmosphere of discrimination, including sexual harassment or intimidation.
7. The deliberate or careless expression of jokes or remarks of a discriminatory or sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive.
8. The deliberate or careless dissemination of materials (such as cartoons, articles, pictures, computer images or files) that have a discriminatory or sexual content to employees who may find such materials offensive.

Employees who feel they are being subjected to illegal discrimination, including sexual harassment in any form, or believe they have witnessed illegal discrimination, including sexual harassment, should promptly contact their supervisors, managers, Assistant or Deputy Commissioners or DLI's Affirmative Action Officer designee/HR Director.

The Commissioner is responsible for the application of this policy within DLI; each manager and supervisor has the responsibility within her/his 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 discriminatory harassment is unacceptable behavior, and each supervisor will be responsible for orienting his/her staff to DLI policy.

## **INTERNAL DISCRIMINATION/ HARASSMENT COMPLAINT PROCEDURE**

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

### **GENERAL PROVISIONS**

1. Any employee or job applicant for a position who feels that he/she has been subjected to discriminatory behavior(s), or who believes he/she has witnessed such behaviors, is encouraged to report the information to the supervisor or manager, Assistant/Deputy Commissioner, DLI's Affirmative Action Officer designee/HR Director, or union representative.
2. Complaints that are determined by the Affirmative Action Officer designee/HR Director to be general harassment rather than illegal discrimination/sexual harassment may be referred to the appropriate manager or supervisor.
3. In the course of a complaint investigation, all data and documentation associated with the complaint will be maintained in accordance with the Minnesota Government Data Practices Act. Those filing a complaint or serving as a witness shall do so without fear or coercion, reprisal or intimidation.
4. Complaints will not be accepted after an individual terminates employment with DLI or if the same matter is being pursued simultaneously through another formal grievance or appeal process, unless the complaint is directly related to the employee's separation from DLI.
5. Employees may elect to directly file a complaint with the Commissioner in lieu of with their supervisor, manager, Assistant or Deputy Commissioner or the Affirmative Action Officer designee/HR Director or union representative.
6. The complainant shall be advised of his/her right to file a charge of discrimination within time-limited number of days after the occurrence with the Commissioner of the Minnesota Department of Human Rights, the Federal Office of the Equal Employment Opportunities Commission or an attorney in private practice.
7. Regardless of the outcome of an investigation, DLI will take no adverse or retaliatory action against an employee who reports conduct she/he considers to be in violation of DLI's policy against discriminatory harassment.

## **INFORMAL COMPLAINT PROCEDURE (NOT MANDATORY)**

**STEP 1:** An employee (complainant) who has a complaint of discrimination, including sexual harassment, may bring it to the attention of his/her supervisor(s) in an attempt to reach a satisfactory resolution. The supervisor will look into the matter and will give the complainant an oral or written resolution response within 10 working days.

If the complaint is against the supervisor or if the complainant feels uncomfortable discussing the complaint with the supervisor, he/she may present the complaint orally to the manager, Assistant/Deputy Commissioner, or Affirmative Action Officer designee/HR Director. This initial step shall provide for a determination as to whether the complaint is a discrimination complaint and, therefore, appropriate to be addressed through the formal process. If at all possible, every effort shall be made to resolve the matter through the informal process.

## **FORMAL COMPLAINT PROCEDURE**

Employees are encouraged to use DLI's "Complaint of Discrimination" form to bring forth a formal complaint of discrimination. The forms are available from the HR office or copies can be made from the form in this plan. Electronic copies are also available on the DLI intranet site: <http://dlinet.state.mn.us>. The written complaint should be submitted to DLI's Affirmative Action Officer designee/HR Director. Employees are encouraged to bring complaints forward as quickly as possible. This is to ensure that an effective review of the facts is possible.

**STEP 1:** After receipt of a formal complaint, the Affirmative Action Officer designee/HRT Director shall determine whether or not the complaint alleges discrimination against the individual based on his/her race, creed, color, sex, age, marital status, national origin, disability, religion, status with regard to public assistance, sexual orientation or membership in a local commission. The Affirmative Action Officer designee/HR Director will attempt to make an initial determination of a complaint at this step in 5 to 10 calendar days from receipt.

If the complaint is timely and proper for resolution through this complaint procedure, it shall be investigated. The Affirmative Action Officer designee/HR Director may take whatever action is deemed appropriate to improve the working environment for the complainant while the complaint is being investigated.

**STEP 2:** Within a reasonable time frame, the complaint shall be investigated. The complainant will be kept informed of the investigation status by the Affirmative Action Officer designee/HR Director.

**STEP 3:** The investigator shall prepare a written report for the Commissioner - within 30 days of final determination.

**STEP 4:** The Commissioner shall review the investigation report and, if deemed necessary, take appropriate corrective action up to and including discharge when the investigative findings give merit to the complaint allegations.

**STEP 5:** A final written response will be sent to the complainant within 60 calendar days after the formal complaint is filed.

**STEP 6:** The HR Director is responsible for communicating the results of an investigation.

**NOTE:** The discrimination complaint procedure outlined above shall also apply to complaints of alleged sexual harassment. Certain modifications to this procedure exist in the collective bargaining agreement covering employees represented by AFSCME, Council 5.

**Minnesota Department of Labor and Industry Formal Discrimination Complaint**

Please Print or Type

Name		Phone
Work Unit	Supervisor	Job Title

**Information on your complaint**

I was discriminated against because of my following protected class characteristics:

Race  Sex  Color  Creed  Religion  Disability  Marital Status  Age  National Origin   
 Sexual Orientation  Status with regard to public assistance  Membership in local commission

Why do you believe you were discriminated against because of your protected class characteristics?
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Who discriminated against you	Work unit(s)	Job title(s)

When did the most recent incident occur?

Date	Time	Location
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Describe the incident(s) in detail, with the most recent incident first (include names, types of behaviors, location, dates and witnesses). Add as many pages as necessary. If you have documents you believe are relevant to your complaint, please attach them to this complaint form.

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Relief Requested:

--

Did you file this complaint with another agency: Yes  No  If yes, which agency? \_\_\_\_\_

*I hereby certify that the information I provided in this complaint is true and correct to the best of my knowledge.*

Signature	Date
Received by	

**POLICY AND PROCEDURES  
REASONABLE ACCOMMODATION  
THE AMERICANS WITH DISABILITIES ACT (ADA)  
TITLE I – EMPLOYMENT**

**POLICY**

The Minnesota Department of Labor and Industry (DLI) is committed to the fair and equal employment of persons 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 DLI's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship to DLI. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (ADA), accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities. Gail Krieg, HR Director, is DLI's ADA Coordinator and responsible for ADA compliance.

**DEFINITIONS**

**DISABILITY:** For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

**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 DLI.

**DISCRIMINATION:** Differing treatment, intentional or unintentional, of an individual in any term or condition of employment based on race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, and with regard to public assistance or membership or activity in a local human rights commission. Discrimination may also include conduct by a supervisor or co-workers that creates a hostile work environment based on sex or race. Discrimination and harassment based on these protected classes may violate the Minnesota Human Rights Act, Title VII or the Civil Rights Act, the Age Discrimination in Employment Act, the Rehabilitation Act, or the Americans with Disabilities Act.

**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 his/her 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 assure 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 AND THOSE SEEKING PROMOTIONS:**

The Reasonable Accommodation Policy is a part of DLI's AAP, which is posted on the employee bulletin boards on each floor and on DLI's intranet site. Upon request, DLI will provide this accommodation policy in accessible formats.

Reasonable accommodations will not be granted for non-job related personal needs of individuals.

1. The employee shall inform his/her supervisor of the need for an accommodation. The supervisor shall work in consultation with the HR/ADA Coordinator throughout this entire process.
2. DLI may request documentation of the individual's job related functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless emergency treatment may be necessary.
3. When a qualified individual with a disability has requested an accommodation, the DLI shall:
  - Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  - Determine the precise job-related limitation(s).
  - Identify the potential reasonable accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.

- Select and implement the accommodation that is the most appropriate for both the individual and DLI. While an individual's preference will be given consideration, the agency is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
4. The supervisor should work with HR and the employee to obtain technical assistance, as needed.
  5. If, after consultation with HR, the supervisor is unable to make a definitive decision, for whatever reason, about providing the accommodation, the supervisor will forward the written request for accommodation along with his/her recommendation to the HR Director within 5 working days following the employee's request.
  6. If the HR Director is unable to make a definitive decision, for whatever reason, about providing the accommodation, he/she will forward a written request for accommodation, along with her/his recommendations, to the Deputy Commissioner within 10 working days following the employee's request.
  7. The Deputy Commissioner will provide a decision in writing to the HR Director/ADA Coordinator, supervisor/manager and employee within 10 working days.
  8. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the organization, the employee and the supervisor or manager shall work together to determine whether reassignment may be an appropriate accommodation.

The HR office shall first look for a vacant position in the agency 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 agency knows will become vacant within a reasonable period of time) DLI may reassign the individual as a reasonable accommodation to a vacant position at a lower salary grade for which the employee is qualified. If this occurs, DLI is not required to maintain the individual's salary at the previous level.

The HR office will look at transfer opportunities, mobility opportunities, appointment opportunities, non-competitive and competitive opportunities pursuant to Minnesota Statute § 43A.

The agency 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.

If a request for accommodation is not approved, the ADA Coordinator/HR Director shall inform the employee of the reason(s) for non-approval, in writing, within three working days of the decision.

#### **PROCEDURE – JOB APPLICATION**

1. The HR office shall notify all applicants of this accommodation policy using accessible formats applicable.

2. When a request for accommodation is received from an applicant, the supervisor/HR office will discuss the request and possible alternatives with the applicant.
3. The supervisor/HR office 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 accommodation is not approved, the supervisor will inform the applicant of the reason for non-approval, in writing, within 3 working days of the decision.

## **POLICY FOR FUNDING ACCOMMODATIONS**

Funding must be provided by the DLI for accommodations that do not cause an undue hardship.

## **PROCEDURE FOR DETERMINING UNDUE HARDSHIP**

The supervisor/manager, ADA Coordinator/HR Director and Assistant Commissioner will meet with the Deputy Commissioner to discuss the requested accommodation.

The Deputy Commissioner will determine undue hardship by considering:

- The nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of DLI's operation; and
- The impact of the accommodation on the nature or operation of the particular DLI's programs.

If the Assistant Commissioner determines the accommodation will impose an undue hardship, the Assistant Commissioner will forward an undue hardship analysis and recommendation to the Deputy Commissioner within 10 working days following the employee request or within 3 working days following the applicant request.

The Deputy Commissioner will provide a decision in writing to the supervisor/manager, ADA Coordinator/HR Director and employee within 10 working days or applicant within 3 working days.

## **APPEALS**

Employees or applicants who are dissatisfied with the decision pertaining to his/her accommodation request may file an appeal with the Commissioner, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, they may file a complaint internally through the DLI's complaint procedure as outlined in this plan.

## **SUPPORTED WORK**

DLI will review vacant positions and assess the current workload and needs of the agency, to determine if a supported employment worker(s) might perform job tasks. If appropriate, a list of supported worker applicants will be requested from DOER. The DLI will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

## EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

This information will be used by the Department of Labor and Industry (DLI) or any other person, including the agency's legal counsel, who is authorized by DLI to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that is necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if I refuse to provide it, DLI may refuse to provide reasonable accommodation.

Please Print or Type

Employee	Classification	Date of Request
Division	*Statement of Limitations (Attach medical statement if requested by manager)	

\*Attach additional sheets for questions below if necessary.

Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.	
Type of accommodation requested to perform essential function(s):	
Which essential function(s) of your job will the requested accommodation allow you to perform?	
Why is the requested accommodation necessary to perform the essential job function(s)?	
How will the requested accommodation be effective in allowing performance of the essential job function?	
Signature of Employee	Date
Signature of Supervisor	Date
Signature of Manager	Date
Additional comments:	

Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. PL. 101-336, Sec. 102.C

## PROGRAMS AND PROGRAM OBJECTIVES

1. Strive to achieve a more diverse workforce that represents the diversity of Minnesota.

### **ACTION STEPS**

- a. Study and report on the workforce diversity within each division, work unit and job classification group.
- b. Identify DLI's recruitment efforts for protected groups in specific job classifications where underutilization exists for those groups.
- c. Use community outreach, electronic and print mediums to expand recruitment efforts.

### **EVALUATION**

- a. Management has statistical information on the diversity of DLI workforce to develop recruitment.
- b. Recruitment strategies determine sites (colleges, community-based organizations, etc.) and methods to reach specific applicants.

**ASSIGNMENT:** Managers, supervisors and HR staff.

**TARGET DATE:** Ongoing

2. DLI has a vested interest in the retention of our workforce and therefore will sponsor employee development.

### **ACTION STEPS**

- a. DLI's HR staff will assist managers to identify training classes on topics pertinent to our employees.
- b. Managers and supervisors will be trained in Preventing Sexual Harassment with basic "how to" procedures to investigate employee complaints of harassment and discrimination.

### **EVALUATION**

- a. Performance reviews will address individual development plans that may include such training.
- b. All new employees have completed training in Preventing Sexual Harassment.
- c. Managers and supervisors have investigated harassment charges and taken appropriate corrective action when deemed necessary to ensure a hostile-free work environment.

**ASSIGNMENT:** HR staff, managers and supervisors

**TARGET DATE:** Ongoing

3. Actively participate in October National Diversity Awareness Month.

**ACTION STEPS**

**EVALUATION**

- a. Develop two key diversity themes for October
- b. Plan a Diversity Celebration Lunch and Learn
- c. Distribute educational materials that celebrate differences and support understanding of all of the communities we serve

- a. Strong participation in Lunch and Learn celebration
- b. Diversity themes are clearly communicated and positively received

**ASSIGNMENT:** Volunteers, Diversity Committee, and HR Staff

**TARGET DATES:** October 2006 and 2007

4. Increase the visibility of the diversity activities, so that staff gains a greater understanding of the AAP and how diversity is important to employees and their jobs.

**ACTION STEPS**

**EVALUATION**

- a. A portion of the New Employee Orientation will be devoted to diversity efforts and their importance for DLI
- b. Use the DLI Intranet site as a means of distributing information regarding diversity events to all staff.

- a. Increased staff participation in diversity events

**ASSIGNMENT:** Diversity Committee

**TARGET DATES:** Ongoing

## **Hiring Goals/ Goals and Timelines**

Department of Labor and Industry (DLI) recognizes that its employees are its most valuable resource. The successful evolution of DLI depends on the support and performance of all employees in achieving its stated mission. Accordingly, DLI will strive to become an employer of choice by providing those programs and services, which support employees in the performance of their jobs, enhance the spirit of teamwork and quality of life, and provide for employee well being from hire through separation from the DLI.

To that end, DLI will ensure compliance with equal employment opportunity laws and other governmental regulations as they relate to recruitment, selection, placement, compensation and treatment of employees while enhancing the validity and effectiveness of related HR Management systems. DLI is continually striving to increase the numbers of minority persons, females, and persons with disabilities in order to reach its targeted goals.

### **ROLES AND RESPONSIBILITIES:**

Management staff and the HR staff jointly hold responsibility for achieving agency-hiring goals.

### **MANAGEMENT STAFF WILL:**

- Plan for HR activity;
- Set annual employment/hiring goals to include affirmative action and diversity goals;
- Recruit qualified applicants in a working partnership with HR staff;
- Hire staff; and
- Balance opportunities for current and future new employees.

### **HR STAFF WILL:**

- Provide information to management staff necessary for setting employment goals and making hiring decisions as it impacts affirmative action compliance status and as it impacts the agency's commitment to a diverse workforce;
- Recruit qualified applicants using both broad and targeted approaches;
- Commit to specific tasks throughout the hiring process in partnership with management staff, and ensure that timelines are jointly established towards reaching a successful hire;
- Track and report information regarding our hiring activity so that diversity; affirmative action goals and good faith efforts through recruitment and retention can all be recognized; and
- Provide monthly agency affirmative action handling reports as required or requested.

Department of Labor and Industry  
Underutilization

“Underutilization” means having fewer women, minorities or people with disabilities in a particular job group than would be expected by their availability. The method of establishing goals for 2006 and beyond included use of EEO Job Group categories, and a one-factor analysis of its workforce to determine underutilization. DLI used statewide EEO job group availability percentages for women, minorities, and people with disabilities from 2000 U.S. Census EEO data. (Availability percentages by EEO Job Groups for People with a Disability is used by all agencies, for use statewide.)

The utilization analysis demonstrates that DLI is underutilized in the following EEO Job Groups: *Women* in Officials and Administrators, Professionals, and Skilled Craft; *Minorities* in Technicians and Skilled Craft; and *People with a disability* in Professionals and Technicians.

UTILIZATION ANALYSIS FOR DLI  
June 14, 2006

Protected Group						
Women						
EEO Job Group	Total Number in Group	Total Number of Women in Group	% Women in the Group	Availability % (from the Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	29	10	34%	37.8%	11	1
Professionals	248	105	42%	53.8%	133	28
Technicians	6	5	83%	63.1%	4	0
Protective Services	N/A	—	—	—	—	—
Office/Clerical	117	105	90%	67.7%	79	0
Skilled Craft	46	1	2%	7.8%	4	3
Service Maintenance	N/A	—	—	—	—	—

Protected Group						
Minority						
EEO Job Group	Total Number in Group	Total Number of Minority in Group	% Minority in the Group	Availability % (from the Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	29	2	7%	5.1%	1	0
Professionals	248	22	9%	8.0%	20	0
Technicians	6	0	0%	68%	4	4
Protective Services	N/A	—	—	—	—	—
Office/Clerical	117	10	9%	8.2%	10	0
Skilled Craft	46	2	4%	7.1%	3	1
Service Maintenance	N/A	—	—	—	—	—

Protected Group						
People with a Disability						
EEO Job Group	Total Number in Group	Total Number of People with a Disability in Group	% People with a Disability in the Group	Availability % (from the Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	29	3	10%	11.31%	3	0
Professionals	248	22	9%	10.88%	27	5
Technicians	6	0	0%	11.52%	1	1
Protective Services	N/A	—	—	—	—	—
Office/Clerical	117	17	15%	11.56%	14	0
Skilled Craft	46	5	11%	11.55%	5	0
Service Maintenance	N/A	—	—	—	—	—

## GOALS AND TIMETABLES for DLI

Women				Minorities			People with a Disability		
EEO Job Group	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable
Officials and Administrators	1	1	2006-2008	0			0		
Professionals	28	9	2006-2008	0			5	2	2006-2008
Technicians	0			4	1	2006-2008	1	1	2006-2008
Protective Services	---			---			---		
Office/Clerical	0			0			0		
Skilled Craft	3	1	2006-2008	1	1	2006-2008	0		
Service Maintenance	---			---			---		

Because of a reorganization order in 2004 by the Governor, DLI acquired approximately 150 new employees. Based upon the change in the composition of the workforce, this resulted in an increase in the number of employees in the Professional EEO Job Group by approximately 51%, an increase in the Skilled Craft EEO Job Group by approximately 76%, and an increase in the Technicians EEO Job Group by approximately 50%. These significantly increased underutilization in these three categories. As openings occur, DLI will make a good faith effort to recruit and hire qualified individuals in these underutilized categories the AA Plan year 2006-2008.

Vacancies will be filled according to the applicable labor agreements and plans that require the agency to first consider employees who have been laid off before recruiting for a more diverse work force. Where DLI is able to appoint through means other than layoff language and terms, it will initiate recruitment efforts to achieve its affirmative action hiring goals.

## **Auditing, Evaluating, Reporting Program Success**

DLI will audit, evaluate, and report on its AAP on a continual basis. DLI will maintain records that will include data on hires, turnover, recruitment activities, recruitment sources/resources, complaints, and resolutions. Additionally, HR will conduct an audit of its functions to accomplish organization objectives, including examining DLI's recruiting, training, benefits, and labor relations policies during the biennium. Success indicators will include:

- attainment of goal achievement;
- maintenance and improvement in goal achievement where disparities exist;
- training of all new employees in harassment/discrimination policy and reporting procedures;
- and completion of specific initiatives outlined in this AAP.

In addition, the following steps will be taken during the biennium to strengthen the efforts to achieve the goals of this AAP:

### **PRE-EMPLOYMENT REVIEW PROCESS**

**OBJECTIVE:** To establish action steps to be taken, in order to meet DLI's Affirmative Action goals when filling classified and non-classified vacancies. A pre-hire review is required for all hiring decisions in job groups and EEO-4 categories in which disparities exist.

### **POLICY**

It is the policy of DLI that no offer of employment will be made by the hiring manager/supervisor to a non-protected group applicant for a position where a protected group member has applied and meets the minimum and preferred qualifications for the position and a disparity exists in the job group, until the HR Director or his/her designee has reviewed and approved the rationale given for hiring the non-protected group applicant.

### **PRE-REVIEW PROCESS:**

1. The hiring supervisor/manager will consult with HR staff on all hiring decisions, and prior to any job offers where there is an opportunity to hire affirmatively and the supervisor/manager wishes to forgo that opportunity.
2. The HR Director or his/her designee will advise the hiring supervisor/manager to provide sufficient justification for the decision to hire a non-protected group member, which will include the following information and/or documentation:
  - a. Job classification, position description
  - b. A copy of the structured interview questions, including ratings of all the interviewed applicants.
  - c. A copy of the job resumes or application of the applicants.

- d. A detailed explanation of the reasons why the non-protected group applicant is the best choice for the position, including the minimum qualifications, and preferred qualifications, e.g., knowledge, skills, abilities, education, experience(s), training, certifications, that the non-protected group person possesses for the position.
3. The HR Director/designee will review the justification documentation, and inform the hiring supervisor/manager of his/her decision within one week.
4. Where the HR Director/designee does not find sufficient justification to hire the non-protected group applicant and the matter is not satisfactorily resolved, these reviews shall be transmitted to the Deputy Commissioner for appropriate action.
5. All non-selected applicants will be notified when the vacancy is filled.
6. Supervisors and managers are not to disclose information to anyone regarding the protected group status of any applicant or applicant for the position.
7. Documentation of all hiring decisions, including all the interview documentation, and sufficient information why all non-selected applicants were not hired is maintained according to the Department's record retention schedule.

#### **PRE-REVIEW PROCESS FOR LAY-OFF**

When layoffs become necessary, the HR Director/designee conducts an analysis of DLI's workforce to determine the effect they may have on agency affirmative action goals and timetables, and ensures the applicable terms of the bargaining agreements/plans are being followed.

## **HIRING PROCEDURES**

1. The HR Director/Affirmative Action Officer designee will advise managers and supervisors of protected class disparities for all goal units on a monthly basis.
2. A pre-hire discussion will occur between the hiring supervisor/manager and HR staff in order to ensure DLI will apply the same affirmative standards in the interview and selection processes, and ensure these standards are promoted and maintained. Areas where DLI needs to make or should make improvements will be examined.
3. Each supervisor/manager who determines to fill a vacancy, will from his/her knowledge of the job, and from the written job description/job class specification determine which duties are most important for successful job performance. For each of the major job duties the supervisor/manager must decide what job-related skills, education, knowledge and abilities are required for successful job performance.
4. Each hiring supervisor who determines to fill a position will submit a request to the HR office.
5. If a disparity exists and a job announcement is made, HR/ staff will work closely with the supervisor in an effort to eliminate the disparity.
6. A job analysis will be completed for the vacant job, and a position description will be revised, as needed.
7. HR will provide a list of applicants and resumes who appear to meet the minimum and preferred qualifications to the hiring supervisor/manager. Applicants meeting the minimum and preferred qualifications will be further assessed using job-related criteria. Any additional assessment criteria will be consistently applied to all qualified applicants. Applicants for the job may be contacted for an interview by phone or mail. The most qualified applicants will be offered an interview.
8. Affirmative Action Officer designee or HR staff will:
  - Ensure affirmative action goals and disparities are considered in the selection process;
  - Ensure that the skills needed for the job have been adequately identified;
  - Ensure conformity with the mix of competencies (knowledge, skills, abilities and attitudes required to fulfill the job role);
  - Ensure agreement with the degree of proficiency expected in each area.
  - Ensure that the hiring supervisor/manager and HR staff have collectively planned the interviewing content, and the interview questions target these job-related competencies;
  - Ensure the job-related interview questions have the same meaning regardless of a person's cultural background; and
  - Ensure all job-related interview materials, including questions, responses, and notes are maintained in a secured environment.

9. Interviews will be conducted by the supervisor and, or the supervisor and an interview panel. Panelists will have a copy of each applicant's application, excluding protected or private information, and/or resume. HR staff will meet with the hiring supervisor and the interview panel to discuss effective and affirmative interviewing tips.
10. Results of the interviews will be kept in accordance with the Department's record retention schedule.
11. HR Director/Affirmative Action Officer or designee will ensure the qualifications of all job applicants are compared, and the hiring decision is based on all available evidence of qualifications and the requirements of the job.
12. All applicants will be notified of the status of their application.
13. HR staff will not disclose information about the applicants protected group status. The protected group status of an individual is identified as private data; in accordance to the Minnesota Government Data Practices Act, Minnesota Statute § 13.43, Subd. 21, which governs the collection and disclosure of all government data, including personnel data.
14. Documentation will be maintained in the hiring requisition files on the selection process for all appointments, including the rationale for the hiring decision.
15. All layoff decisions will be reviewed by the HR Director to determine their effect on DLI affirmative action goals and timetables.

## **AFFIRMATIVE ACTION AUDIT PROCESS**

1. Twice each year, the agency will review records of all personnel activity, including referrals, placements, promotions, terminations, and compensation, at all levels to ensure compliance with agency policies of nondiscrimination. This audit will be a review of the requisition files to determine when there was a disparity and steps taken to address any concerns in that regard.

**Assignment:** HR Staff

**Target Date:** June and November of each year

2. Report regularly to supervisors and managers on the degree to which equal employment opportunity and organizational objectives are attained. Results of these reports will be reviewed at all levels in the organization.

**Assignment:** HR Staff, supervisors and managers

**Target Date:** Monthly

3. In June and December of each year, the HR Director will advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance. This will occur more frequently if the need arises.

Audit procedures are designed to ensure that state agencies have comprehensive programs and procedures that comply with all federal, state and local laws related to affirmative action and equal employment opportunity including the American with Disabilities Act. DOER Administrative Procedure 19.2 provides additional guidance on the DOER led agency desk audits and agency on-site audits.

## SEPARATION ANALYSIS

Separation rates for DLI employees from FY beginning July 1, 2003 to FY ending June 30, 2005 were determined incorporating all resignations, terminations, and non-certifications. Retirements, deaths, lay-offs, or transfers were not included.

### FISCAL YEAR 2004 ANALYSIS

GROUP	NUMBER SEPARATED	% OF TOTAL SEPARATED EMPLOYEES	SEPARATED % OF TOTAL WORKFORCE 355 (AS OF 6/30/04)
White	15	94%	4.0
Ethnic/Racial Minority	1	6%	0.0%
Persons w/Disabilities	2	13%	0.01%
Female	6	38%	0.02

16 employees or 6% of the total (352) DLI workforce resigned, were non-certified or discharged during the fiscal year 2004 analysis period.

### FISCAL YEAR 2005 ANALYSIS

GROUP	NUMBER SEPARATED	% OF TOTAL SEPARATED EMPLOYEES	SEPARATED % OF TOTAL WORKFORCE 457 (AS OF 6/30/05)
White	17	94%	4.0%
Ethnic/Racial Minority	1	6%	0.00%
Persons w/Disabilities	1	6%	0.00%
Female	9	50%	2.0%

18 employees or 4% of the total (457) DLI workforce resigned, were non-certified or discharged during the fiscal year 2005 analysis period.

## **RECRUITMENT STRATEGIES**

DLI's recruitment efforts will be open to all persons, regardless of race, color, creed, religion, age, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or membership in a local commission.

DLI's recruitment efforts may include, but not be limited to, internal announcements, Department of Employee Relations website, newspaper advertisements, advertisement/ announcement in publications targeted to females and/or minorities and the Internet. DLI does not anticipate participating in job fairs.

DLI has used the following sources:

Minnesota Lawyer  
ASSE (American Society of Safety Engineers)  
Chicano/Latino Affairs Council      La Prensa De Minnesota  
St. Paul Pioneer Press                  Minneapolis Spokesman/St. Paul Recorder  
Star-Tribune                                  Asian Pages  
Asian American Press                      Insight News  
The Circle                                      MN Workforce Centers  
MN Career Opportunity Bulletin  
State colleges and universities with  
Industrial safety, industrial hygiene  
and related-degreed programs  
E-Mail Vacancy Announcements (within DLI and State of MN)  
Other Web Sites (i.e. USJobs.Board.com, LatPro.com)

## **INTERNSHIPS**

DLI uses interns, where appropriate, as an additional method of recruitment. See Internship Program Procedures.

## **RETENTION STRATEGIES**

DLI monitors the retention of females, minorities, and persons with disabilities through the use of separation reports and data. Review and analysis of the data provides opportunity to recognize accomplishment and training where needed.

The HR Director is responsible for retention in consultation with managers and supervisors. This is primarily accomplished by exit interviews/feedback being sought from separating protected group employees. This combined with separation reports is used to monitor impact of separations on protected group employees.

The HR Director will coordinate and provide respectful workplace behavior training for all DLI employees. This training will ensure the working environment at DLI is conducive to

recruiting and retaining a diverse workforce. This training will be delivered during the 2006-2008 Plan year.

DLI will also provide employees with mediation services for conflict resolution through the Minnesota Alternative Dispute Resolution Office. Conflict resolution is recommended for situations with the potential of becoming a formal complaint.

## **POLICY AND PROCEDURES INTERNSHIP PROGRAM**

**STATUTORY REFERENCE:** Minnesota Statute § 43A.02, Subd. 24  
**ADMINISTRATIVE PROCEDURE:** 21E

### **OBJECTIVES**

To provide paraprofessional work opportunities and practical learning experiences for selected students to enhance their academic preparation while exposing them to state government employment. Internship positions can provide an opportunity for initiating and implementing DLI Affirmative Action efforts.

### **POLICY**

An internship is a paraprofessional work experience (paid or unpaid) that is directly related to a specific academic program; only students who are currently pursuing a degree directly related to the internship duties may be selected. To qualify as an internship, the work experience must result in academic credit or fulfill an academic requirement of an accredited educational institution. Normally, an internship lasts one quarter or semester; occasionally, however, there are circumstances in which an internship would be less than or greater than one quarter or semester. Appointments may be part-time or full-time as appropriate to meet the academic requirements of the internship, with the supervisor responsible for any intern evaluation requirements.

An intern is not a state employee and is not eligible for state benefits (i.e., no insurance, annual leave, sick leave, holiday pay or seniority/service credit). Internship positions are not intended to replace or be considered equivalent to the full scope of an unlimited state position and completion of an internship with DLI does not imply any on-going or future employment commitment with the Agency or the State of Minnesota.

### **PROCEDURES:**

#### **RECRUITMENT AND SELECTION**

The recruitment and selection of interns is the responsibility of the supervisor.

The HR staff can assist the supervisor in the recruitment of interns in the following ways:

1. By identifying contact individuals at educational institutions with formal internship programs.
2. By making available to the supervisor internship applications that are kept on file.

## **COMPENSATION AND BENEFITS**

Internships may be paid or unpaid. When payment is involved, the rate of pay shall be at least equivalent to the State Minimum Wage or higher.

The supervisor will recommend to HR the salary within this range by considering the following: the applicant's educational background, the salaries being paid to other interns who are performing similar work, competing offers and budget constraints.

If assigned to travel status during an internship, an intern may be reimbursed for expenses in the same manner and amounts as provided in the Commissioner's Plan.

## **ACTIONS AND RESPONSIBILITIES**

<b>STEP</b>	<b>ACTION</b>	<b>RESPONSIBILITY</b>
1.	Review budget to ensure funding is available (if internship is paid).	Supervisor
2.	Identify need and complete HR Requisition Form. When approved, HR and/or Supervisor forward to appropriate college placement services for posting on the student job opportunities board.	Supervisor/HR
3.	Ensure that the student applicants complete an "Internship Application" form.	Supervisor
4.	Interview and select the intern and complete the "Internship Agreement" form. (The form requires the supervisor's signature, the intern's signature, and the intern's faculty advisor's signature prior to the first working day.). Submit completed form to HR prior to Interns starting date.	Supervisor
5.	Intern must report to HR office on first working day with appropriate identification to prove they are eligible to work in the US.	Supervisor/HR
6.	The following forms are unique to the employment of interns: Internship Application and Agreement.	HR, Affirmative Action Officer

## **EMERGENCY AND BUILDING EVACUATION PROCEDURES**

### **EMERGENCY SITUATION**

In the event of an emergency, DLI will ensure that all employees, including deaf and hard of hearing employees, are properly notified of the emergency.

When conditions such as bad weather, electrical outages or heating systems failure impair the ability of state operations to remain open, The Commissioner of Employee Relations, in consultation with the Duty Officer of the Emergency Management Division of the Department of Public Safety, will assess whether conditions exist to a warrant state office closure.

In such instances, employees can find such information on local radio stations, TV newscasts or by calling DLI Employee Emergency Information Line.

### **DLI EMPLOYEE EMERGENCY INFORMATION LINE**

**METRO:** 651/284-5386

**GREATER MN:** 1/888-345-4536

DLI will update the Employee Emergency Information Line as information is received. Employees may need to check it more than one time.

### **DEAF AND HARD OF HEARING EMPLOYEES**

Deaf and hard of hearing employees should call the Minnesota Relay Service (MRS) at:

MRS Metro: 651/297-5353

MRS Greater MN: 1/800-627-3529

Request that the MRS Operator call the DLI Employee Emergency Information Line. The MRS Operator can relay this information back to you.

### **BUILDING EVACUATION**

In the event of a building evacuation, DLI will provide for the safe exit of all employees with disabilities and all persons with disabilities visiting the building in accordance with DLI's Building Evacuation Plan.

## APPENDIX A

### PROTECTED GROUP CATEGORIES FOR EMPLOYMENT PURPOSES

There are three protected group categories. They include women, four ethnic/racial minority groups and persons with disabilities.

#### ETHNIC/RACIAL CATEGORIES

1. **Black/African Americans, not of Hispanic Origin:** Persons having origins in any of the Black racial groups of Africa.
2. **Hispanic:** Persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish Culture or origin, regardless of race.
3. **American Indian or Alaskan Native:** Persons having origins in any of the native peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
4. **Asian or Pacific Islander:** Persons having origins in any of the native peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

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

#### PERSONS WITH DISABILITIES CATEGORY

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

## APPENDIX B

### EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION GLOSSARY

**AFFIRMATIVE ACTION:** Emphasizes the positive action 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 opportunity that are not based on specific job requirements.

**AFFIRMATIVE ACTION PLAN:** A coherent set of policies and procedures designed to find any barriers contributing to imbalance in an agency's workforce and to foster the correction of any imbalances that exist.

**COMPLAINANT:** The person filing the complaint.

**DISCRIMINATION:** Differing treatment, intentional or unintentional, of an individual in any term or condition of employment based on race, color, sex, religion, creed, national origin, disability, age, sexual orientation, marital status, and with regard to public assistance or membership or activity in a local human rights commission. Discrimination may also include conduct by a supervisor or co-workers that creates a hostile work environment based on sex or race. Discrimination and harassment based on these protected classes may violate the Minnesota Human Rights Act, Title VII or the Civil Rights Act, the Age Discrimination in Employment Act, the Rehabilitation Act, or the Americans with Disabilities Act.

**DISCRIMINATORY HARASSMENT:** 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, disability, sexual orientation, status with regard to public assistance or membership in a local commission, and which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance.

**DISPARITY:** The employment of fewer persons with disabilities, ethnic/racial minorities, and women in the agency's workforce than would reasonably be expected based on their availability in the labor market.

**EQUAL EMPLOYMENT OPPORTUNITY:** The policy of basing all HR activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to age, race, creed or religion, color, disability, sex, national origin, marital status, status with regard to public assistance, sexual orientation, membership in a local commission or other non-merit factors.

**GOAL:** A numerical objective for the utilization of protected group members.

**INDIVIDUAL WITH A DISABILITY:** A person who has a physical or mental impairment that substantially limits one or more major life activity(ies), a person who has a record of such impairment, or a person who is regarded as having such an impairment.

**PROTECTED CLASS/PROTECTED GROUP:** Those individuals identified as having disabilities, ethnic/racial minorities, and women, as defined by Minnesota Statute § 43A.02, Subd. 33.

**REASONABLE ACCOMMODATION:** Any reasonable modification such as architectural alteration, equipment, devices and other changes an employer would make to enable qualified persons with disabilities to perform the essential functions of their jobs.

**SEXUAL HARASSMENT:** 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: 1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; 2) 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 3) 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.

**THIRD PARTY HARASSMENT:** Discrimination where the harasser is not an employee of DLI, but is a customer, vendor, subcontractor or member of the general public. If an employee feels harassed by any of these people, she/he should complain in the same manner as if a co-worker or supervisor were responsible for the harassment.