

**Perpich Center for Arts Education**  
**6125 Olson Memorial Highway**  
**Golden Valley, MN 55422**

**AFFIRMATIVE ACTION PLAN**  
**2006-2008**

# TABLE OF CONTENTS

<b><u>Title</u></b>	<b><u>Page</u></b>
<b>Statement of Commitment</b>	<b>3</b>
<b>Communication Methods</b>	<b>4</b>
• Internal Methods	
• External Methods	
<b>Policy Prohibiting Harassment</b>	<b>5</b>
• Definition	
<b>Affirmative Action Complaint Procedures</b>	<b>5-6</b>
• Informal	
• Formal	
<b>Alternative Legal Action</b>	<b>6</b>
<b>Goals and Objectives</b>	<b>6-8</b>
• Availability Analysis (Reports attached on the back.)	
• Goals & Interim Goals	
<b>Programs and Program Objectives</b>	<b>8-9</b>
<b>Reviews</b>	<b>9-10</b>
• Pre-Employment Review	
• Pre-layoff Review	
<b>Auditing and Report System</b>	<b>10</b>
• General	
• Statistical Reports	
<b>Weather Emergencies</b>	<b>11-13</b>
• Weather Emergency Notification	
• Fire Emergency	
• Emergency Procedures	
<b>Reasonable Accommodation Policy</b>	<b>14-16</b>
• Definitions	
- Person with Disability	
- Reasonable Accommodation	
- Undue Hardship	
• Request Procedures (Employee & Applicant)	
• Accommodation Funding	
• Determining Procedure	
<b>Retention Program</b>	<b>16-18</b>
• Separation Analysis	
• Mobility and Career Advancement	
<b>Recruiting Plan and Reporting</b>	<b>18-19</b>
• Description and Scope	
• Objectives	
• Responsibilities	
• Recruitment Activities	
• Job Fairs Attended/Projected	
• Strategies	
• Intern Program Opportunities	

# TABLE OF CONTENTS

<u>Title</u>	<u>Page</u>
Supported Work Programs	19
Reports, Charts and Forms (back of plan)	
• Organizational Chart	
• Employee Roster	
• Utilization Analysis Report	
• Goals & Timetables Report	
• Complaint Form	
• Harassment and/or Discrimination Form	
• Employee Request for Reasonable Accommodation	
• Reasonable Accommodation Agreement	

## STATEMENT OF COMMITMENT

The Perpich Center for Arts Education is committed to the State of Minnesota's Equal Employment Opportunity Policies and statewide affirmative action for its employees and the public it serves. We affirm our personal and official support of these policies, which provide that:

- All employees and potential employees are to be treated equally and all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, status with regards to public assistance status, disability, membership or activity in a local commission.
- It is the policy of the Perpich Center for Arts Education to provide employment free of any form of harassment as prohibited by federal, state or local human rights laws. We strongly encourage suggestions as to how we may improve our center and provide the best possible service to Minnesota residences.
- The Center will further strive to ensure equal access and opportunity in the services it provides to the public.
- The Center will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce. Affirmative action considerations will be applied to employment practices including hiring, promotion, demotion, transfer, recruitment (including advertising), layoff, discipline, termination, compensation, assignment and training.
- The Center will affirmatively retain protected group employees.

One of the goals of the department is to eliminate the barriers to the employment of qualified disabled persons, minorities and women in the State of Minnesota. In keeping with this goal, the department will review, update and maintain its affirmative action program in order to eliminate internal barriers to equal employment opportunity and to provide for the employment and advancement of qualified disabled persons, minorities and women.

The affirmative action officer will direct and will be held accountable for ensuring that affirmative action programs are implemented since these are the individuals who can ultimately make the most significant impact on the implementation of the plan and its success; however, managers and supervisors shall not be exempt. Each shall have a statement in his or her position description regarding affirmative action responsibilities to ensure that all employees and potential employees are treated with respect and given total equal opportunity.

To administer the plan most effectively, responsibility has been delegated to Renita Dellwo, Affirmative Action Designee, who will act as the Center's affirmative action officer and is responsible for monitoring the day-to-day activities of the program. She is responsible for updating and maintaining the agency's affirmative action plan to include monitoring all equal employment opportunity activities within the agency, and reporting state law requirements for the effectiveness of the affirmative action plan. As officer of the Center's affirmative action plan, Renita Dellwo will report to supervisors and/or directors on the required state laws and information relating to the plan.

Anyone interested in reviewing the Center's affirmative action plan or who has concerns about affirmative action or equal opportunity issues may review copies located throughout the Center. Any agency employee or applicant for employment that believes that he or she has been discriminated against may contact Renita Dellwo at 763.591.4712 or [renita.dellwo@pcae.k12.mn.us](mailto:renita.dellwo@pcae.k12.mn.us). Discrimination complaints may also be filed with the Equal Employment Opportunity Commission or the Office of Diversity and Equal Opportunity at the Minnesota Department of Employee Relations.

Signature \_\_\_\_\_  
Nathan Davis, Executive Director

Date \_\_\_\_\_

# **METHODS TO COMMUNICATE THE PERPICH CENTER FOR ARTS EDUCATION AFFIRMATIVE ACTION PLAN**

The Perpich Center for Arts Education affirmative action designee will undertake the following steps to ensure all employees are advised of and understand its policy of non-discrimination, its provision of reasonable accommodation, and its interest in actively and affirmatively providing equal opportunity in all employment practices.

## **Internal Methods**

1. All staff will receive a concise summary of our department's affirmative action plan which will clearly state:
  - a. Why knowledge and understanding of the plan is important.
  - b. Specific portions of the plan that directly touch on their self-interest, such as the procedure for filing complaints and critical time requirements.
  - c. Where to obtain more detailed information regarding the plan.
2. In addition to the above summary, all supervisory staff will receive a copy of the full plan and a cover letter recommending activities designed to facilitate understanding and implementation of the plan.
3. The following will be available for review in the human resource office.
  - a. A completed copy of the Perpich Center for Arts Education affirmative action plan.
  - b. A copy of the State of Minnesota Equal Opportunity Policy.
  - c. The name and phone number of the center's affirmative action officer.
4. New employees receive a summary of the Perpich Center for Arts Education Equal Opportunity/Affirmative Action Plan in their orientation materials.

## **External Methods**

1. The Perpich Center for Arts Education will include the statement "an Equal Opportunity Employer" on agency job announcements, letterhead and training opportunity bulletins.
2. The Perpich Center for Arts Education will advertise current and future job announcements in minority publications.

A notice of the center's Equal Employment Opportunity Policy will be posted in the main lobby and the Professional Development and Research Building, providing an opportunity for everyone doing business with the Perpich Center for Arts Education to be made aware of the policy.

# **POLICY PROHIBITING HARASSMENT**

## **Definition**

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

According to the Equal Employment Opportunity Commissioner (EEOC), unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.

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

The center has posted this policy and will publish it in the employee handbook given to each employee upon hiring. In addition, the affirmative action officer will present the policy in orientation to all new employees. The following complaint procedure is part of the employee handbook.

## **AFFIRMATIVE ACTION COMPLAINT PROCEDURE**

An employee, applicant, or others eligible may follow the procedure as stated below.

1. A complainant may first present a discrimination complaint to the immediate supervisor and request resolution. The supervisor shall resolve the complaint within a reasonable period of time and report the results to the employee and the affirmative action officer. If however, the supervisor is the subject of the complaint, the employee may bring the complaint to the division director or the affirmative action officer.

The division director or the affirmative action officer determines whether the complaint is a discrimination complaint. If the division director or the affirmative action officer finds the matter relates to general personnel or human resource concerns, he or she shall inform the complainant of this fact within two days from when the complaint was received and advise the employee of available grievance procedures

If the complaint cannot be resolved through informal efforts with the affirmative action officer and/or supervisor and/or division director, the complainant must file a written complaint with the affirmative action officer by memo or letter explaining the specifics of the complaint. The complaint must be submitted within seven working days of the incident and must give details of the incidents(s), which gave rise to the complaint.

2. If the complaint is a discrimination complaint, the affirmative action officer will, within two working days from the date the complaint was received, send a summary of the complaint to all parties named as respondents. The complainant shall request a response within seven working days.
3. The affirmative action officer will investigate the complaint and submit a summary and recommendation to the executive director within twenty working days.

4. The executive director shall accept, reject or modify the affirmative action officer's recommendations, take appropriate action and notify all parties to the issue within ten working days.
5. The affirmative action officer shall advise the complainant of the right to file a complaint with the Equal Employment Opportunity Commissioner (EEOC).
6. The entire complaint process shall ideally be completed with a final written response within 60 working days from the complaint filed date.
7. The Executive Director shall notify the Commissioner of Employee Relations of the disposition of any formal complaints within 30 days of determination.
8. All documentation connected with a complaint shall be considered private information during the course of an investigation. The status of the complaint is public. The Minnesota Government Data Practice Act defines the status of the complaint file documents.
9. Sexual harassment complaints will be processed according to the center's affirmative action complaint procedure. During a sexual harassment complaint, these following four procedures shall apply:
  - a. If a complainant initiates a complaint of sexual harassment, the appointing authority/affirmative action officer/designee shall open the complaint procedures to union participation at the request of the complainant. The center's authority/affirmative action officer/designee shall inform the complainant of this right. Notice of a complaint in progress shall be sent by the appointing authority/affirmative action officer/designee to the union representative unless the complainant requests that the union not be notified.
  - b. The appointing authority/affirmative action officer/designee shall conduct a preliminary investigation if the complainant states that she or he is unable to function in the work site. The appointing authority/affirmative action officer/designee shall take intervening action before the completion of a full investigation if the preliminary investigation establishes a reasonable basis for the employee's concern about continuing in the existing work situation. If the case involves an AFSCME represented employee, the investigation will be conducted and a report prepared within 21 calendar days.
  - c. If the complainant has requested the union's involvement in the complaint, the union's representative as well as the complainant shall be provided a written summary of the findings and resolution.
  - d. Appropriate action by the Executive Director shall include discipline of an employee found to be responsible for harassment of another employee.

## **ALTERNATIVE LEGAL ACTION**

If the complainant is not satisfied with the outcome of the above steps, he or she may seek alternative action. The complainant is informed that at anytime prior to one year having elapsed from the date of occurrence, the complainant may file a formal charge with the State Department of Human Rights or within 300 days charge may be filed with another enforcement agency. The complainant may also choose to consult an attorney or file a lawsuit.

## **GOALS AND TIMETABLES**

### **Availability Analysis**

We conducted availability analyses on the following bargaining units. Included are also the results of our findings.

#### Officials and Administrators

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are underutilized for minorities in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **one** employee.

#### Professionals

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are not underutilized for minorities in this job category.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **five** employees.

#### Technicians

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are underutilized for minorities in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **one** employee.

#### Protective Services

- The utilization analysis shows that we are underutilized for women in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for minorities in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **one** employee.

#### Paraprofessionals

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are underutilized for minorities in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **one** employee.

#### Office/Clerical

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are underutilized for minorities in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **one** employee.

#### Skilled Craft

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are underutilized for minorities in this job category by **one** employee.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **one** employee.

#### Service Maintenance

- The utilization analysis shows that we are not underutilized for women in this job category.
- The utilization analysis shows that we are not underutilized for minorities in this job category.
- The utilization analysis shows that we are underutilized for people with disabilities in this job category by **two** employees.

## **Goals**

Based on our analysis of the conditions and operations in our agency, as openings occur, we will make a good faith effort to recruit and hire employees underutilized in the different EEO categories. Our agency will follow the

recruitment plan explained in this affirmative action plan to improve the underutilized protected groups: women, minorities and people with a disability.

EEO categories or compensation plans set ideal goals for protected classes. The affirmative action officer and its designee will continue to work with the Department of Employee Relations to refine these goals. Our agency's ideal goals are:

### **Interim Goals**

The Perpich Center for Arts Education reports its progress in hiring protected class members based on interim goals. The Center's annual objectives have to be realistic. Objectives are determined by a review of the Center's current vacancies and anticipated turnover and work force availability.

The Affirmative Action Officer and department heads involved in the hiring decision review vacancies and anticipated turnover for a two-year period. This information combined with information on existing disparities within units is the basis for the interim goal set the fiscal year and described in the following programs and objectives.

## **PROGRAMS AND PROGRAM OBJECTIVES**

**Objective:** Ensure that Americans with Disabilities Act Officer (ADAO) and Affirmative Action Officer (AAO) are knowledgeable about changes in the law and current state and federal laws and office policies.

**Responsibility:** Affirmative Action Officer and Human Resources Office

**Complete Date:** Ongoing

**Action Steps:** Send ADAO and AAO completion of training.

**Evaluation:** Record of ADAO and AAO completion of training.

**Objective:** Ensure that all employees are aware of the center's Affirmative Action Policy and commitment.

**Responsibility:** Affirmative Action Officer

**Complete Date:** Ongoing

**Action Steps:** Reissue Affirmative Action Policy with new statement of commitment from the Center. Post the policy on the official bulletin board located in the west and east wings, central section and in the Professional Development and Research Building. Provide all new employees as well as current employees with copy.

**Evaluation:** Employee feedback and active use of policy by employees.

**Objective:** Better understand and document the reasons behind turnover among protected group members and non-protected group members.

**Responsibility:** Affirmative Action Officer and Human Resource Office

**Complete Date:** Ongoing

**Action Steps:**

1. Develop a plan to offer exit interviews to all protected group members and non-protected group employees leaving the Center.
2. Test the plan by interviewing protected group employees who are interested in participating in the development of the interview.

**Objective:** Our mission is to allow a diverse group of protected members to be made aware that we are an equal opportunity agency in regards to employment as well as to sponsor events and cultural events. In effect, the Center will benefit through our own cultural educational enlightenment.

**Responsibility:** Affirmative Action Officer, Executive Director

**Complete Date:** Ongoing

**Action Steps:** Initiate open house events to solicit members of multicultural protected group councils. These protected groups will include such councils, but not limited to the following: Council of Black Minnesotans, Chicano-Latino People Affairs, Asian Pacific Minnesotans, Council on Disability, Council of Indian Affairs.

**Evaluation:** Response and feedback attained from attendees of our above sponsored multicultural events.

## **AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS**

### **Pre-employment Review**

The state laws and rules governing statewide affirmative action programs requires that methods of auditing, evaluating and reporting program success be established for all agencies. This includes the establishment of the Pre-Employment Review of all hiring decisions in occupational categories where affirmative action goals have been established. The following procedures will be implemented in the Perpich Center for Arts Education.

When a vacancy occurs in a occupational category which has unmet affirmative action goals, the following procedures shall be followed:

1. The affirmative action officer will notify the supervisor that the affirmative action goals are not being met for one or more protected groups within the occupation category. The affirmative action officer shall advise the manager of his or her affirmative action responsibilities as follows:
  - a. The hiring authority will include appropriate qualified protected group members in the selection process whenever a disparity occurs within an occupational category.
  - b. The affirmative action officer will inform the hiring authority of any persons on an eligible list who meet the criteria satisfying the disparity.

- c. The hiring authority will not exclude qualified candidates to the above process. All qualified candidates will be considered. Protected group members will be added to this group as appropriate for disparate occupational categories. The process is inclusive rather than exclusive prior to making a job offer, if no protected group member is selected, the supervisor will provide the rationale for not choosing to hire a protected group individual. This rationale shall be given to the affirmative action officer and or the deputy director.
2. The affirmative action officer, together with the deputy director, shall review the rationale for not selecting a protected group member, and approve or deny the justification. The affirmative action officer shall notify the supervisor of this decision.
3. If the justification for not choosing to hire is denied, the affirmative action officer shall put that determination in writing and indicate any appropriate remedial action required.

### **Pre-layoff Review**

The affirmative action officer will perform a pre-review of all layoff decisions to determine the effect on the Perpich Center for Arts Education affirmative action goals and timetables. The layoff procedures will comply with union contracts.

## **AUDITING AND REPORTING SYSTEM**

### **General**

The affirmative action officer will review the following to assess the program's effectiveness.

1. Any disciplinary actions taken during the past quarter including the name, job classification, bargaining unit, racial/ethnic group, sex, disability and Vietnam veteran status.
2. All formal discrimination complaints filed in the past quarter.
3. A list of all training provided to employees. These records are analyzed for upward mobility impact. This should include job assignment, job progression, and Vietnam veteran status.

### **Statistical Reports**

The following statistical reports are analyzed to provide evaluation of program performance.

1. Quarterly employee rosters, cross-tabulations and the reports provided by the Equal Opportunity Division.

## **WEATHER EMERGENCIES**

The “News” for state employees regarding winter weather emergencies is posted on bulletin boards located in the west and east wings, central section, and in the Professional Development and Research Building at the Perpich Center for Arts Education. In case of an emergency, all employees who are hard of hearing or with hearing impaired will receive notification, if at work, by the supervisor or designated backup staff. If a weather emergency is called after work hours, employees who are hard of hearing or with hearing impaired can obtain notification by watching weather broadcasts on KSTP, WCCO, or KARE 11 television. Broadcasts are closed captioned. If an emergency is called that affects the employee, the supervisor or designee may use the Minnesota Relay Service by dialing 711. This works as follows:

1. The supervisor or other assigned co-worker calls the MRS number.
2. The MRS operator dials the employee’s number.
3. When the supervisor is on the line, he or she can relay a message to the TTY machine and help conduct any conversation that may be necessary.

The weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. We, at the Perpich Center for Arts Education, recognize that there may be unique individual situations due to the employee’s location that make it impossible for that employee to get to work when an emergency has not been declared. In those circumstances, supervisors should consider allowing the employee to make up the lost time or use compensatory time or annual leave.

Capitol Security (Department of Public Safety) monitors the National Weather Services bulletins through the National Air Warning System (NAWAS). If Capitol Security is informed through the NAWAS that Golden Valley is in danger, an announcement directing personnel to relocate will be made immediately.

Upon notification by Capitol Security, the Building Emergency Director will make the appropriate announcement over the public address system. Each person with disability will be provided with two assistants who will help during emergency procedures.

In the event of a tornado warning, the assistants shall help the disabled person(s) in moving to the ground floor corridor. If the onset of the severe weather emergency is such that there is insufficient time to relocate to the ground floor, the assistants shall help the disabled in moving to an inner office, where there are no windows or exit doors to the outside.

## **WEATHER EMERGENCY NOTIFICATION**

When state officials determine that state offices will be closed, the Computer Operations Division Director will contact his designee on shift in the computer operations section (shifts are on around the clock). That designee or an assigned staff person who has been trained on the use of the TDD will contact employees previously identified as needing special notification, to tell them of the closing.

## **FIRE EMERGENCY**

When the building alarm sounds, the assistants shall help the disabled person by relocating him or her to a safe area of the building free of smoke or fire. One assistant will then immediately evacuate to the main entrance (or other safe entrance) to await the fire department. Upon arrival of the fire department, the assistant will notify them of the disabled person’s location.

## EMERGENCY PROCEDURES

The following emergency procedures are to be followed in the event of fire, severe weather, bomb threats, or medical emergencies.

### I. FIRE

#### A. *When building alarm sounds:*

1. Immediately evacuate through the nearest emergency exit. Do not use building elevators.

If applicable:

- a. Close all doors.
- d. Relocate person(s) with disabilities to safe smoke free areas of the building and if necessary and safe to do so, as requested, evacuate. Two trained and authorized staff should accompany person(s) with disabilities in the event an evacuation must be made. A third person should immediately evacuate and inform the Building Emergency Director or his or her representative or the Fire Department representatives at the scene of the location of the persons with disabilities.

#### B. *When fire and smoke are seen, but no alarm is sounded:*

1. Call security at 763.591.4700 to contact the Fire Department.
2. Sound building fire alarm.
3. If safe to do so, attempt to put out fire.
4. Evacuate through the nearest emergency exits and ensure that employees with disabilities are safely relocated or evacuated according to the above guidelines.

### II. SEVERE WEATHER EMERGENCIES

Security will notify staff when the Center is placed in a severe weather watch status. Directors and managers should monitor local radio stations for updates. In the event the watch turns into a warning, the Arts High School Director and designee(s) will direct all-building occupants to designated safe areas. The Metropolitan Siren System will be activated when the weather service has determined there is a severe weather warning. If relocation occurs, everyone should relocate to designated safe areas inside the building on the lower levels away from glass windows and doors. Two trained and authorized staff to assist when relocation takes place should accompany and assist employees with disabilities.

### III. BOMB THREATS

*The Center will make the following announcements upon receipt of a bomb threat.*

**Yellow Alert** -- This notice will indicate that a bomb threat has been received.

- a. Immediately survey work area for any suspicious item or any item you cannot identify.

- b. Do not touch or move any unidentified item(s) discovered. Notify security immediately at 763.591.4700.

**Blue Alert** -- This notice will advise all-building occupants that an unidentified item has been found.

- a. Occupants will be instructed to relocate and avoid the designated area until further notice.
- b. Trained authorized staff are to relocate employees with disabilities. If elevators are safe to use, they should be reserved and used only by these individuals.

**Red Alert or Fire Alarm** -- This notice will signify that the item prompting the Yellow Alert is indeed an explosive device.

- a. All occupants shall evacuate until the entire building is searched for additional explosive packages.
- b. Trained authorized staff is to evacuate employees with disabilities. If elevators are safe to use, they should be reserved and used only by these individuals.

## **Clear of Alerts**

1. This message will be made upon completion of a building search in which all known packages have been identified.
2. Occupants should continue to be cautious with all items unknown to them and contact security at 763.591.4700 if suspicious of anything or anybody.

## **Remember:**

- *Do not hesitate to begin evacuation process.*
- *Do not attempt to return inside the building for any left-behind belongings until the "ALL CLEAR" has been sounded.*
- *Do not use building elevators.*

## **IV. MEDICAL EMERGENCIES**

1. Call security at 763.591.4700 to relay the following information:
2. The exact location of the medical emergency, including the building address, floor(s) and room(s) numbers.
3. The symptoms of the victim.
4. Your name.
5. Any other requested information.
6. Care for the victim's medical needs.
7. Send someone to meet the paramedics and lead them to the scene.

# REASONABLE ACCOMMODATION POLICY

## Policy

The Perpich Center for Arts Education is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is state policy to reasonably accommodate qualified individuals with physical or mental disabilities unless the accommodation would impose an undue hardship.

## DEFINITIONS

### Person with a Disability

For purposes of this policy, a person with a disability is one who:

- a. has a physical or mental impairment that substantially limits one or more major life activities;
- b. has a record of such impairment; and
- c. is regarded as having such impairment.

### 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 enjoy an equal employment opportunity.

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.

### Undue Hardship

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature of the agency.

### Request Procedure for a Reasonable Accommodation - Employee

1. The employee will inform his or her supervisor of the need for an accommodation. The employee or the supervisor if requested by the employee will complete the "Request for Reasonable Accommodation" form to be contained in the office of the affirmative action officer/human resources. If necessary, the supervisor will work with the ADA coordinator/AAO to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor will consult with the employee as follows:

Discuss the purpose of the job and the essential functions (it may be necessary to complete a step-by-step job analysis).

- a. Determine the precise job related limitation(s).
- b. Identify potential accommodations and assess its effectiveness.

- c. Select and implement the most appropriate accommodation for both the individual and the employer.
- 3. The supervisor and or employee may seek technical assistance from the agency ADA coordinator/AAO as needed.
- 4. If the supervisor is unable to make a decision about a requested accommodation, he or she will forward the written request with his or her recommendation to the executive director within ten days of the employee's initial request. The executive director, in conjunction with ADA coordinator, will make the decision and provide a response to the supervisor and the employee within ten working days after receiving the request.
- 5. If an accommodation cannot overcome the existing barriers, or if it would cause undue hardship to the operation of the agency, the employee and ADA coordinator will work together to determine whether reassignment may be an appropriate accommodation as follows:
  - a. Look for a vacant position that is equivalent to the one held by the employee.
  - b. If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's previous salary.
  - c. Look for transfer, mobility, and noncompetitive and competitive opportunities.

### **Request Procedure for a Reasonable Accommodation - Job Applicant**

1. When a request for accommodation is received from a job applicant, the supervisor and the AAO will discuss alternatives with the applicant and will make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.
2. If the request is not approved, the ADA coordinator/AAO will inform the applicant in writing within three working days.

### **Accommodation Funding**

For reasonable accommodations, which do not cause an undue hardship, the agency will approve funding. The supervisor and/or deputy director will determine the funding source, either general or revolving fund, at the time of the request.

### **Determining Procedure for Undue Hardship Accommodation**

1. If, in the opinion of the supervisor receiving the request for an accommodation, the cost or scope of the accommodation might alter the nature or operation of the department, the supervisor and AAO/ADA coordinator will meet with the deputy director to review the requested accommodation(s) and will consider:
  - a. The nature and cost of the accommodation in relation to the size and financial resources of the state as an employer.
  - b. The impact of the accommodation on the nature or operation of the department.
2. If the deputy director determines that the accommodation will impose an undue hardship, the AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship along with a

recommendation to the executive director within ten working days following the employee's request or within three working days following an applicant's request.

3. The executive director will provide a decision in writing to the AAO, supervisor, deputy director, and the employee or applicant within three working days after receipt of the analysis and recommendation.

## **RETENTION PROGRAM**

The AAO is responsible for overseeing the retention activities for the Perpich Center for Arts Education.

**Objective:** Understand and document the reasons behind turnover among protected group members so that we can identify relevant issues for the further analysis.

**Responsibility:** Affirmative Action Officer/Human Resources Office

**Completion Date:** Ongoing

**Action Steps:**

1. Develop a plan to offer exit interviews to all protected group members leaving the department.
2. Test the plan by interviewing protected group employees who are interested in participating in the development of the interview.

**Objective:** Continue to create and maintain a respectful environment for all employees.

**Responsibility:** All-Staff of Perpich Center for Arts Education

**Completion Date:** Ongoing

**Action Steps:**

1. Encourage employees to participate in events, which celebrate the rich diversity within the department.
2. Educate supervisors and managers about their role in creating and maintaining a healthy and human workplace and about specific supervisory responsibilities that contribute to retention of protected group members.

**Objective:** Analyze separation and layoff patterns to determine the impact on protected group members.

**Responsibility:** Affirmative Action Officer/Human Resources Office

**Completion Date:** Ongoing

**Action Steps:**

1. Gather available separation and layoff data.
2. Determine impact on protected groups.
3. Determine need for action and make appropriate recommendations.

**Objective:** Analyze separation and layoff patterns to determine the impact on all employees.

**Responsibility:** Affirmative Action Officer/Human Resources Office and Office of Diversity and Equal Opportunity with the Department of Employee Relations (ODEO)

**Completion Date:** Ongoing

**Action Steps:**

1. In conjunction with ODEO, gather available separation and layoff data.
2. Determine impact on employees.
3. Determine need for action and make appropriate recommendations.

## **Separation Analysis**

Separation data, for the period of July 1, 1997, through June 30, 1999, was collected and analyzed. Data includes unlimited classified and unlimited unclassified positions.

During this period, 40 employees left the agency on their own volition, through layoff or through discharge. Of this group were 15 males, 25 females, three minorities (one was a person with disability), and 29 protected group members.

Of the 15 males, 14 left to pursue other avenues in their careers, one left when a position was no longer fundable and forced the incumbent into a layoff status.

Of the 25 females, 17 left to pursue other avenues in their careers, two left when their positions were eliminated because the program curriculum had evolved, and they were forced into a layoff status, one incumbent passed-away, and two retired.

Analysis of this data appears to show that separation patterns of non and protected group employees are not significantly different and that the primary reasons for separation is that employees are moving onto other positions or their temporary appointments end. Relative to other state agencies, positions within the department are classified at mid level and since this is a smaller agency with limited positions, employees may need to go elsewhere for advancement and other experiences. In addition, the work of this department frequently exposes employees to experience/opportunities with other state agencies, other governmental entities and private sector firms.

Analysis of the most current data available will be reconciled for each plan.

## **Mobility and Career Advancement**

Employees receive information regarding mobility and career advancement through the regular posting of vacancies, posting of training opportunities (state and non-state programs, regular posting of the Minnesota Career Opportunities Bulletin, and the posting of other career opportunities with other government entities.

**Objective:** Implement group training and individual development plans as a specific method to retain protected group members.

**Responsibility:** Affirmative Action Officer/Human Resources Office

**Completion Date:** Ongoing

**Action Steps:**

1. Review individual development plans and advise supervisors on content.

2. Identify development/training opportunities that support appreciation of diversity.
3. Consult with individual supervisors and employees to determine how to most effectively address their concerns and needs.

## **RECRUITMENT PLAN AND REPORTING**

### **Description and Scope**

Recruitment activities are the shared responsibility of the Department of Employee Relations, Office of Diversity and Equal Opportunity and the Perpich Center for Arts Education.

### **Objectives**

The objective of the recruitment plan is to ensure that recruitment programs are publicly conducted to attract sufficient numbers of qualified applicants, enhance the image and esteem of state employment, and emphasize the recruitment of protected group members.

### **Responsibilities**

Appointing authority/ADAO/AAO designee will develop and implement a recruitment plan as established in Minnesota Statute 43A.191, Subdivision 3.

### **Recruitment Activities**

**Previous Year Sources Used:** State of Minnesota Career Opportunities Bulletin  
State of Minnesota World Wide Web - Internet Job Listing  
State of Minnesota Telephone/TTY Job Information Line  
Minnesota Job Service - Department of Economic Security  
St. Paul Pioneer Press  
Minneapolis Star Tribune

**Cost Incurred:** \$1,000 approximately

**Results:** We had no missed opportunities in hiring within the Perpich Center for Arts Education during the year.

**Other Methods Used:** None see "Strategies" paragraph below.

### **Job Fairs Attended and/or Projected**

None attended in the previous year. However, the AAO will coordinate with Human Resource staff to pursue this avenue in the upcoming year to expand our search for candidates of diversity and recruitment of persons with disabilities and protected group.

## **Strategies**

In such a unique environment as the Perpich Center for Arts Education, turnover is sporadic and imminent. We are mandated to explore and expand our recruitment of candidates. Our recruitment for individuals with disabilities will include but not be limited to Access Press (a publication catered to people with disabilities), Vocational Rehabilitation and State Services for the Blind (a division of the Department of Economic Security), and the State Council on Disability.

## **Intern Program Opportunities**

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with the Human Resources staff to formalize and implement the specific internship arrangement.

# **SUPPORTED WORK PROGRAM**

## **Policy Statement**

It is the policy of the Perpich Center for Arts Education to seek opportunities to hire supported work employees through an assessment of the vacant positions and determination of positions appropriate for supported employment workers.

## **Plan**

1. The human resources office staff member and the hiring supervisor will determine whether the job tasks are appropriate for a supported employment worker as defined in the position description.
2. The human resources office staff member will work with the hiring supervisor and the state disability coordinator during the hiring process to ensure that eligible supported employment worker candidates are considered for the position.
3. The human resources office staff member will work directly with the supported employment worker's supervisor and the identified vocational rehabilitation or education job coach who will be working with the supported employment worker to place the worker in the job.
4. The supported employment worker's supervisor and the human resources office staff member along with the vocational rehabilitation or education job coach will monitor the progress of the worker. The supervisor and the human resources office staff member will decide how long the on-the-job test will be up to 700 hours maximum. In addition, the supervisor and the human resources office staff member will determine whether consideration will be given for the supported employment worker to be certified for hire.