
STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

Affirmative Action Plan



2014-2016

This document can be made available upon request in alternative formats by contacting Human Resources Management office at (651)201-5779(fax), (651)201-5797 (tty), or via email at health.hrm@state.mn.us. Minnesota Department of Health is at 615 Robert Street North, St. Paul, MN 55155

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AFFIRMATIVE ACTION PLAN 2014-2016

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I. EXECUTIVE SUMMARY

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Review revealed underutilization of the following protected group(s) in the following job categories:

Table 1. Underutilization Analysis of Protected Groups

PROTECTED GROUPS			
Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators			
Professionals		XX	XX
Office/Clerical			
Technicians			XX
Service Maintenance			

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of The Minnesota Department of Health commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

Affirmative Action Officer Signature: Jessie DeArden Date: 9-23-14

HR Director Signature: Jamie Andkrecht Date: 9/23/14

Commissioner Signature: Edward P. Lee Date: 9/23/14

II. STATEMENT OF COMMITMENT

This statement reaffirms the Minnesota Department of Health is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the agency’s policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

Commissioner: 

Date: 9/23/14

INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. Commissioner Edward Ehlinger

Responsibilities:

The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

Duties:

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require all agency directors, managers, and supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

Accountability:

The Commissioner, Edward Ehlinger is accountable directly to Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

B. Affirmative Action Officer or Designee

Affirmative Action Officer Jessie Saavedra

Responsibilities:

The Affirmative Action Officer or designee is responsible for implementation of the agency's affirmative action and equal opportunity program, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

Duties:

The duties of the Affirmative Action Officer or designee shall include, but are not limited to the following:

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- Prepare and oversee the Affirmative Action Plan, including development and setting of agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the agency's Commissioner Edward Ehlinger of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide an agency-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

Accountability:

The Affirmative Action Officer is accountable directly to the Commissioner, Edward Ehlinger on matters pertaining to affirmative action and equal opportunity and indirectly to the Human Resource Director Jamie Gudknecht.

C. Americans with Disabilities Act Coordinator or Designee

Affirmative Action Officer, Jessie Saavedra

Responsibilities:

The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the agency's compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act - as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

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Duties:

The duties of the Americans with Disabilities Act Coordinator shall include, but not limited to the following:

- Provide guidance, coordination, and direction to agency management with regard to the Americans with Disabilities Act in the development and implementation of the agency's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the agency's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

Accountability:

The Americans with Disabilities Act Coordinator reports directly to Jamie Gutknecht, Human Resource Director.

D. Human Resources Director or Designee

Jamie Gudknecht

Responsibilities:

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the agency.

Duties:

The duties of the Human Resources Director include, but are not limited to the following:

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Ensure pre-hire review process is implemented and receives support from directors, managers, and supervisors;

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- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

Accountability:

The Human Resources Director is directly accountable to Lee Ho, Assistant Director.

E. Directors, Managers, and Supervisors

Responsibilities:

Directors, Managers, and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and compliance with the agency's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

Duties:

The duties of directors, managers, and supervisors include, but are not limited to the following:

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the agency's affirmative action policy to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;

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- To provide a positive and inclusive work environment; and
- To refer complaints of discrimination and harassment to the appropriate parties.

Accountability:

Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the agency’s Commissioner, Edward Ehlinger.

F. All Employees

Responsibilities:

All employees are responsible for conducting themselves in accordance with the agency’s equal opportunity and Affirmative Action Plan and policies.

Duties:

The duties of all employees shall include, but are not limited to the following:

- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and
- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, or membership or activity in a local human rights commission.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency’s Commissioner.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The following information describes the methods that the agency takes to communicate the Affirmative Action Plan to employees and the general public:

A. Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency’s leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The agency’s Affirmative Action Plan is available to all employees on the agency’s internal website at internal website at <http://fyi.health.state.mn.us/divs/hrm/aaplan.html> or in print

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copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.

- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

B. External Methods of Communication

- The agency's Affirmative Action Plan is available on the agency's external website at (external website at <http://www.health.state.mn.us/divs/hrm/aaplan.html> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."

Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

V. POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

It is the policy of the of the State of Minnesota to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment.

Any employee subjected to such harassment should file a complaint internally with the agency's Affirmative Action Officer or designee. If the employee chooses, a complaint can be filed externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the State Affirmative Action Program Coordinator in the Office of Equal Opportunity and Diversity at Minnesota Management and Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer or designee will be expected to keep the Minnesota

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Department of Health and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer or designee is also responsible for:

Notifying all employees and applicants of this policy; and

Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions:

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may effect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or
- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur:

- Among peers or coworkers;
- Between managers and subordinates; or
- Between employees and members of the public.

Employees who experience discrimination or harassment should bring the matter to the attention of the (agency name)'s Affirmative Action Officer or designee. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer or designee and all employees are expected to address or report any suspected harassment or retaliation.

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Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Any employee or applicant who believes that they have experienced discrimination or harassment based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal complaint procedure included in this Affirmative Action Plan.

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT

The Minnesota Department of Health has established the following discrimination/harassment complaint procedure to be used by all employees and applicants. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees:

All employees shall respond promptly to any and all requests by the Affirmative Action Officer or designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer or designee to carry out responsibilities under this complaint procedure.

Who May File:

Any employees or applicants who believes that they have been discriminated against or harassed by reason of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

Complaint Procedure:

The internal complaint procedure provides a method for resolving complaints involving violations of this agency's policy prohibiting discrimination and harassment within the agency. Employees and applicants are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The Affirmative Action Officer or designee may contact the Office of Diversity and Equal Opportunity if more information is needed about filing a complaint.

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Filing Procedures:

1. The employee or applicant completes the "Complaint of Discrimination/Harassment Form" provided by the Affirmative Action Officer or designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve discrimination or harassment. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer or designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer or designee shall also discuss other options for resolution, such as the workplace mediation.
 - If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee will inform the complainant, in writing, within ten (10) working days.
 - If the complaint is related to discrimination, the Affirmative Action Officer or designee will, within ten (10) working days, contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer or designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer or designee shall notify the complainants and respondents that the investigation is completed. The Affirmative Action Officer or designee shall then review the findings of the investigation.
 - If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - If insufficient evidence exists to support the complaint, a letter will be sent to the complainants and the respondents dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaint is filed. The complainants will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Disposition of the complaint will be filed with the Commissioner of the Minnesota Management and Budget within thirty (30) days after the final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the

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complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

7. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
 - Interviews or written interrogatories with all parties involved in the complaint, i.e., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.; and
 - All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
8. The Affirmative Action Officer or designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

VII. REASONABLE ACCOMMODATION POLICY

The State of Minnesota is committed to the fair and equal employment of individuals with disabilities. Reasonable accommodation is the key to this nondiscrimination policy. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the accommodation process. It is the policy of the Minnesota Department of Health to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship.

In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, as amended, 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.

Definitions:

Disability: For purposes of determining eligibility for a reasonable accommodation, an individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities; or a record of such an impairment; or being regarded as having such an impairment.

Reasonable Accommodation: A reasonable accommodation is a 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 training materials, making facilities readily accessible, modifying work schedules, and reassignment to a vacant position.

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Reasonable accommodation applies to three (3) aspects of employment:

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

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 this agency.

Procedure for Current Employees and Employees Seeking Accommodation:

1. This agency will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA Coordinator or designee of the need for an accommodation.
3. The ADA Coordinator or designee may request documentation of the individual's 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 the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - 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;
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
 - Select and implement the accommodation that is the most appropriate for both the individual and the employer. 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.
5. The ADA Coordinator or designee will work with the employee to obtain technical assistance, as needed.

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6. The ADA Coordinator or designee will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator or designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure for Job Applicants:

1. The job applicant shall inform the ADA Coordinator or designee of the need for an accommodation. The ADA Coordinator or designee will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator or designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations:

Funding must be approved by this agency for accommodations that do not cause an undue hardship.

Procedure for Determining Undue Hardship:

In determining whether or not providing a reasonable accommodation would impose an undue hardship, the agency will consider at least the following factors:

- Overall size of the program (i.e., number and type of facilities, size of budget);
- Type of the operation including the composition and structure of the work force;
- Nature and cost of the accommodation needed;
- Reasonable ability to finance the accommodation; and
- Documented good-faith efforts to explore less restrictive or less expensive alternatives including consultation with the individual with the disability or with knowledgeable individuals with disabilities or organizations.

The ADA Coordinator or designee will provide a decision to the employee.

Appeals:

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

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

Supported Work:

This agency will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, the agency will work with the ADA Coordinator or designee and organizations that provide employment services to individuals with disabilities to recruit and hire individuals for supported employment if such a position is created.

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

A copy of the agency's weather and emergency evacuation plans can be found at the Intranet Directory under Safety.

Knowledge and preparation by both individuals needing assistance and those who don't is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each agency will work to develop a plan and consult the appropriate building and safety personnel.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the agency Lonna Beilke below to request the type of assistance they may need.

Lonna Beilke, Safety Director (651)201-5771 lonna.beilke@state.mn.us

Evacuation Options:

Individuals with disabilities have four basic, possibly five, evacuation options

- Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- Stairway evacuation: Using steps to reach ground level exits from building;
- Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of

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refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;

- Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders;

Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")): Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- Hearing disabilities: The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- Visual disabilities: The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

- Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;

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- Elevator evacuation: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- Shelter in Place: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

IX. GOALS AND TIMETABLES

Through the utilization analysis, the agency has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the agency and has set the following hiring goals for the next two years (Reference Table 2).

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Table 2. Underutilization Analysis and Hiring Goals for 2014-2016

Job Categories	UNDERUTILIZATION – # OF INDIVIDUALS			HIRING GOALS FOR 2014-2016		
	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Women	Racial/ Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	0	0	0	0	0	0
Professionals	0	12	18	0	12	18
Office/Clerical	0	0	0	0	0	0
Technicians	0	0	1	0	0	1
Skilled Craft						
Service Maintenance	0	0	0	0	0	0

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Availability:

The Minnesota Department of Health determined the recruitment area to be statewide for all job categories because the agency's workforce is comprised of individuals working across various state locations. In conducting its underutilization analysis, the Minnesota Department of Health used the two factor analysis in every category except for service maintenance because there were no internal hires during the affirmative action plan period.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

Women:

At the Minnesota Department of Health the population of women has remained the same between this Affirmative Action Plan and the 2012-2014 Affirmative Action Plan. There are no underutilizations for Women in any job category.

Minorities:

At the Minnesota Department of Health the population of minorities has improved in the following job categories: Officials and Administrators and Technicians. The Minnesota Department of Health has not improved in the Professionals job category as the Minnesota Department of Health is underutilized by ten Minority individuals. Contributing to this underutilization is the change in the labor force availability. The 2012-2014 used 2000 Census data and the 2014-2016 Affirmative Action Plan uses the 2010 Census information which shows a larger population of Racial/Ethnic Minorities available. Hiring Minorities is a department priority. Our goal is to better reflect a workforce similar to the population we serve. Many efforts are under way department wide to educate our workforce on Cultural Competency, Which is based on the Health Disparity report presented to the Legislature in 2013.

Individuals with Disabilities:

At the Minnesota Department of Health the population of individuals with disabilities has improved in all of the job categories. Based on the Governor's Executive order 14-14 <http://mn.gov/governor/images/eo-14-14>, we will be reviewing our hiring practices and job requirements to ensure they do not present barriers for attracting candidates with disabilities. We will also be working on the agency recommendations from MMB to expand our disability hire through outreach, internships and addressing internal barriers.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In pursuing the agency's commitment to affirmative action, the agency will take the following actions during 2014-2016:

The Minnesota Department of Health mission is to protect, maintain and improve the health of all Minnesotans. The Department has created equal employment opportunity, affirmative action and diversity strategic objectives and activities that are an integral part of that mission. These processes

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involve integrating practices of equal opportunity, affirmative action and diversity, into all aspects of agency operations.

The Department, through the combined efforts of the Commissioner, Deputy Commissioner, Assistant Commissioner's, Human Resource Management, Office of Workforce Diversity, division heads, managers, supervisors and staff will work together to:

Objective #1: Create and promote a respectful work environment free from harassment and discrimination

Goal #1. To lessen/eliminate acts of harassment, discrimination, and hostility through continuous learning

Action Steps:

- Provide consistent and periodic EO/AA/ADA Laws and practice, updates and education to all Minnesota Department of Health staff.
- Partner with other agencies. and private sector associates to exchange EO/AA practices, ideas and training methods, which may be utilized to provide relevant and timely information to Minnesota Department of Health staff and constituents.
- Work with Human Resource Management training staff in creating on-line training, Creating a Respectful Work Environment for all Employees of the Minnesota Department of Health. Utilize all means to resolve issues including using alternate dispute resolution techniques internally to resolve workplace disputes and help eliminate hostile work environments.

Evaluation:

Updates on EO/AA/ADA Laws are available on the Office of Workforce Diversity website. In addition changes in the law are communicated to Managers and supervisors through Email.

Goal #2. To clarify and model appropriate behavior by leaders and staff

Action Steps:

- Persuade all senior and mid-level Minnesota Department of Health management to serve as "champions" for diversity, EO/AA, and a hostile free work environment at the Minnesota Department of Health in words and action, including but not limited to: stating support for the departments EO/AA policies and practices, attending EO/AA trainings, cultural learning sessions, sponsoring "brown bag" diversity discussions, and encouraging their staff members to participate. Which has brought a variety of learning opportunities to the agency. Employees have requested that there be more opportunities for cross cultural learning.
- Help establish a process that ensures that the Minnesota Department of Health administrators and managers are measured and held accountable for their role in accomplishing the agencies equal opportunity and affirmative action policies and practices.

Evaluation:

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All managers and supervisors participate in the respect in the workplace training and were made aware in their role in ensuring a Hostile free work environment.

Brown bags and other Cultural awareness activities are held for all employees to attend.

Goal #3. Consistently measure agency compliance.

Action Steps.

- Work with senior staff and Human Resource Management to ensure that all Minnesota Department of Health employees are aware of the existence of this plan, its contents, and their responsibilities under the plan
- Provide periodic reports to management and staff that document the status of EEO/AA strategic objectives, staff recruitment goals and employee retention strategies.

Evaluation:

Supervisors are made aware of hiring goals at the beginning of the hiring process.

Periodic reports to management regarding the underutilized numbers.

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS

A. Pre-Employment Review Procedure/Monitoring the Hiring Process

The Minnesota Department of Health will use the monitoring the hiring process form for any position vacancy where there is an underutilization for a protected group in an EEO job category. After the interviews are completed and before an offer has been made, if the hiring manager’s selection is not a member of the protected group where an underutilization exists, the hiring manager will provide a written justification statement outlining the reason for the selection and supporting documentation to Human resources. The Affirmative Action Officer will review the hiring manager’s statement and supporting documentation to approve or disapprove the hiring justification. If the justification is approved, the affirmative action officer will forward the written approval to the hiring manager to continue the hiring process. If the justification is disapproved, the affirmative action officer will contact the hiring manager to achieve resolution. The resolution will be forwarded to Human Resources staff to continue the hiring process.

Any time the Minnesota Department of Health cannot justify a hire, the agency takes a missed opportunity. The agency will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

All personnel involved in the selection process will be trained and accountable for the agency’s commitment to equal opportunity and the affirmative action program and its implementation.

B. Pre-Review Procedure for Layoff Decisions

The Affirmative Action Officer, in conjunction with the agency's human resources office, shall be responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

If it is determined that there is an adverse impact on protected groups, the agency will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The agency will determine if other alternatives are available to minimize the impact on protected groups.

C. Other Methods of Program Evaluation

The Minnesota Department of Health submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (within 30 days of final disposition).

The Minnesota Department of Health also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure the agency's recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and to assist in meeting the affirmative action goals to achieve a diverse workforce.

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Recruitment costs incurred during the 2012-2014 plan year total: Up to \$5,000

Below are various recruitment methods or strategies utilized by the agency during the past year and plans for the upcoming plan years 2014-2016.

A. Advertising Sources

The Minnesota Department of Health has successfully recruited individuals by utilizing a variety of sources and will continue to advertise specific vacancies in community newspapers, utilize electronic media, and distribute postings of internships and job opportunities in the following list of resources, as well as adding new sources as they become available.

Star Tribune

Duluth News Tribune

Mankato Free Press

Rochester Post

Fergus falls daily journal

St Cloud Times

St Paul Pioneer Press

Greystone Group Advertising

Gov.delivery.com

MMB mailing list

- **Websites**

The Human Resource Management Division, the Office of Workforce Diversity and other agency program staff utilize several websites for recruitment:

Minnesota Works <https://www.minnesotaworks.net/>

State of Minnesota <https://www.careers.state.mn.us/>

Minnesota Public Health Association <http://www.mpha.net>

Public Health Jobs <http://www.publichealthjobs.net>

CareerBuilder <http://careerbuilder.com>

Landit <http://www.landit.org/>

B. Job and Community Fairs

The Affirmative Action Officer and Human Resource staff of the MDH has successfully recruited individuals from these venues and will continue to attend these job fairs and community fairs during the term of the 2014-2016 AA Plan years. Attending these functions will be a priority for developing partnerships and expanding diversity goals. Additional functions may be added, as they become available.

The Minnesota Veterans Career Fair

University of Minnesota School of public Health Job Fair

Hmong Career Fair

C. College and University Recruitment Events

University of Minnesota School of Public Health
St. Katherine University
MNSCU network

D. Recruitment for Individuals with Disabilities

- 1) Review of job postings for physical and sensory requirements and ensure that qualifications in job postings are inclusive and do not pose any unnecessary barriers.
 - a. Our agency will review all job postings for physical and sensory requirements and determine if the qualifications for the position are job-related and consistent with business necessity. Additionally, our agency will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.
- 2) Self-Identification
 - a. At the time of application and once a year, our agency will communicate to our employees that we collect summary data related to the number of individuals who have applied for positions and who are in our workforce. We will inform employees that we collect this summary data to make determinations about where we need to improve in terms of recruitment, selection, or retention of individuals with disabilities.
- 3) Supported Employment (M.S. 43A.191, Subd. 2(d))
 - a. The agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.
 - b. Implement and ensure that reviews of positions are taking place. We will work with VRS or the MMB State ADA Coordinator to assist us in our efforts.
- 4) Accessibility Matters Campaign
 - a. Our agency will distribute marketing material and resources to our staff to remind them to create accessible electronic documents and systems, so that employees with disabilities coming into the workforce can contribute to the workforce and will be able to access similar information and resources as other employees.
- 5) Reasonable Accommodations
 - a. We will prominently display on our career site that we will provide reasonable accommodation to qualified individuals with a disability who apply for our positions where needed. Once hired, we will educate employees, supervisors, and managers on accommodating employees in the workplace.
- 6) Strategic Partnerships
 - a. Our agency will build strategic partnerships with DEED - Vocational Rehabilitation Services (“VRS”), DEED - State Services for the Blind (“SSB”), and other state agency partners to conduct job evaluations and to assist in recruitment or referral of

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candidates to open positions. Our agency will work to inform VRS or SSB when a position is posted or prior to a posting, if possible, about the positions. Additionally, we will post positions for at least 7 days to ensure equal opportunity to apply for the position.

7) Self-Analysis

- a. Our agency will conduct periodic self-checks to determine if our systems or documents are accessible, language in our job postings is inclusive, and reasonable accommodations have been provided and staff have been trained on how to provide reasonable accommodations.

8) Reporting

- a. Our agency will conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of individuals with disabilities hired.

E. Relationship Building and Outreach

The Office of Workforce Diversity will continue to inform collaborative partners and the general community regarding employment opportunities with the agency. For this purpose we utilize Minnesota Management and Budget network of collaboration/enterprise with about 500 diverse organizations in diversity and public health.

Additionally, it is our commitment to meet our overarching goal of eliminating health disparities for our protected group populations. An example of this commitment is our Center for Health Equity which provides leadership on minority and multicultural health issues among programs and communities. Center for Health Equity promotes racial and ethnic approaches to public health and health care services and leads the departments Eliminating Health Disparities Initiative. This effort works to close the gap in the health status of African Americans/Africans, American Indians, Asian Americans, and Hispanic /Latinos in Minnesota compared with whites in the following priority health areas: breast and cervical cancer, cardiovascular disease, diabetes, HIV/AIDS and sexually transmitted infections, healthy youth development, and violence and unintentional injuries, and by 2010, decrease by 50 percent the disparities in infant mortality rates and adult and child immunization. This initiative partners with a wide variety of organizations and groups and integrates state level activities within the Minnesota Department of Health.

We will strengthen our current relationships with community partners (serving people with disabilities, racial/ethnic minorities and women) as well as develop new ones. These relationships will be cultivated through:

- In-service Learning opportunities for MDH staff
- Immersion experience's in the community
- Partnership with a wide variety of community organizations

We will offer in-service learning forums for community resource contacts to present information about their services to Minnesota Department of Health staff. Community

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emersion experiences will be offered as they arise. Partnership with other organizations will conserve resources and add value to our efforts.

F. Supported Employment (M.S. 43A.191, Subd. 2(d))

The Minnesota Department of Health supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

G. Additional Recruitment Activities

Our strategy in the past and in the future is to expand diversity within our department and concentrate our efforts by creating a national presence at organizations that represent diverse populations with the science skills necessary for our positions. The following organizations represent women, minorities, and disabled individuals with careers in science:

SACNAS-Society for Advancement of Chicanos and Native Americans in Science
APPINA-Asian American/Pacific Islander Nurses Association
Minority Nurses-Nurses with Disabilities
The Minnesota Black Nurses Association
Minnesota Community Organizations

XIII. RETENTION PLAN

The Minnesota Department of Health is committed to not just the recruitment of women, minorities, and individuals with disabilities, but also to the retention of these protected groups.

A. Individual(s) Responsible for Agency's Retention Program/Activities

The Minnesota Department of Health will strive to affirmatively ensure equal opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on underutilized individuals. The responsibility for these retention efforts to be successful lies with all employees. The department's retention strategy's is a multi-faceted approach, guided by the Health Steering Team, agency management, Human Resources Director, and the affirmative action officer.

Primary responsibility for the retention activities:

Jamie Gudknecht, Human Resource Director

Jessie Saavedra, Affirmative Action Officer/ADA coordinator

Secondary responsibility for the retention activities:

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- A. Hiring authority in all divisions
- B. Human Resource Staff in general
- C. Training and Employee development staff

B. Separation Analysis by Protected Groups

The Department of Health has had 111 people resign in the last 2 years. Of these resignations, approximately 17% were minorities and 6% were disabled. The Department will monitor the turnover in these areas over the next 2 years to see if additional programs put in place will help lower the # of employees resigning in protected groups.

Conducting quantitative and qualitative analysis of agency turnover

- Quantitative Analysis- We will continue to monitor the patterns of separation and other employment trends that may affect turnover. Quantitative data will be available on both a quarterly and annual basis.
- Qualitative Analysis- in order to apply the most appropriate turnover reduction strategies. First, The cause of turnover behavior must be determined .We will accomplish this task via Interviews, surveys, focus groups and by other information-gathering methods. Qualitative Information will be available on both a quarterly and annual basis.

B. Methods of Retention of Protected Groups

Through experience, we have found that best way to retain valuable employees is to provide them with a variety of mechanisms to feel supported within the workplace. Our primary focus will be; to anticipate future needs for talent, cultivate our employee's knowledge, skills and abilities in order to prepare them for advancement opportunities, and to continuously enhance all of our efforts so that employees view the Department as a preferred place in which to work.

To improve the rate of retention of talented employees, we will continue with current efforts and integrate new approaches. These efforts will consist of:

- Conducting quantitative and qualitative analysis of agency turnover
- Advising agency leadership of trends and solutions
- Implementations of efforts to reduce turnover in areas identified through analysis
- Implementations of efforts to create and promote employee development opportunities
- Encourage employees to seek out career development opportunities

Employee Orientation Efforts

- Managers and supervisors new to the department will be offered a special orientation opportunity. This effort is currently organized by the Center for Workforce Development.
- All new employees are offered a New Employee Orientation Session, which is a half-day

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program that provides information about agency resources (including EEO/AA and diversity).

Work Environment Improvement

- Employers who provide a safe environment where employees are free to share their ideas and opinions are more likely to retain diverse talent. This Agency is committed to workforce development and open communication, and Office of Workforce Diversity will partner with divisions and work units to accomplish these aims. We will work to implement methods to gather feedback from our employees through focus groups that encourage interactive, authentic dialogues.

Performance Management

When employees are clear about their expectations, have constructive feedback on an on-going basis and work with their supervisors to construct an individual development plan they are less likely to leave an organization. A performance management toolkit is available for supervisory use.

Human Resources Management provides on-line information to agency management regarding the number of completed performance reviews within a one-year time period. This office will work towards a goal of assisting and encouraging managers, supervisors and administrators in the completion of performance reviews and individual development plans of all Minnesota Department of Health staff during the time period for this Plan. Office of Workforce Diversity will be available to work with supervisors and representatives of the bargaining units upon request to identify barriers employees have in meeting performance expectations and work on initiatives that will produce measurable results.

Early Conflict Intervention

Employers who quickly respond to employee disputes are less likely to lose valuable employees. The department strongly believes in early detection and intervention of employee conflicts. The department will continue its current efforts to retain employees by resolving conflicts at the earliest possible occasion. The Human Resources Management team, including the Office of Workforce Diversity, provides support and guidance to managers and supervisors to resolve conflicts. The Office of Workforce Diversity and Human Resource Management staff will meet with work units as needed and make referrals to the Employee Assistance Program as appropriate.

Workforce Planning

Human resources staffing data has shown that the Minnesota Department of Health will experience a rapid growth in retirement rates. Office of Workforce Diversity and Human Resource Management will monitor the retirement rates and provide these projections to agency management. A coordinated approach will be developed that will provide resources and information on specific steps to be taken to consider issues such as demographic staff composition, cultural sensitivity, human relations aptitude, diversity dynamics and inclusive processes. As required by Executive Order 07-16 the Minnesota Department of Health will develop a workforce plan that will position the department to meet future workforce needs. A focused effort at workforce planning in a couple of critical areas of the Department will be complete

POLICY NUMBER - 401.02

EFFECTIVE DATE – 12/13/2012

Affirmative Action

Policy

The Minnesota Department of Health (MDH) will act affirmatively to eliminate under-utilization of protected groups in all facets of employment including, but not limited to: recruitment, selection, promotion, training and retention. The Department shall set reasonable hiring goals and all Department staff who have the authority to make hiring decisions shall adhere to the Department's pre-hire review process as outlined in the MDH Affirmative Action Plan. Affirmative action is a proactive and appropriate approach to ensure that the workforce of the Department reflects the same configuration as the related labor force as a whole. All managers and supervisors with hiring authority, the Human Resource Management staff and the Affirmative Action Manager are responsible for ensuring adherence to this policy. This policy applies to all competitive and unclassified appointments as described in the below referenced statutes.

Standard

DEFINITIONS

Protected Groups:

Women, people with disabilities, and people of color (African-American/Black; Chicano/Latino/Hispanic; American-Indian/Native-American/Alaskan Native; and Asian/ Pacific Islander) are the groups "protected" by Affirmative Action.

Hiring Goals:

The computations analysis to determine hiring goals for MDH uses a two (2)-factor analysis. A comprehensive definition and explanation of the two (2)-factor analysis is contained within Section "E" of the Affirmative Action Plan.

Procedure

Procedures for carrying out the commitment to Affirmative Action are in the Affirmative Action Plan.

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Reference: [MDH Affirmative Action Plan](#)

[Minnesota Statutes](#) 43A.19, 43A.191, 43A09, 43A.421

**Responsible
Manager(s):**

Affirmative Action Officer, Jessie Saavedra, jessie.saavedra@state.mn.us, 651-201-5789

Human Resources Director, Jamie Gutknecht, jamie.gudknecht@state.mn.us , 651-201-5778

**Contact
Person(s):**

Affirmative Action Officer, Jessie Saavedra, jessie.saavedra@state.mn.us, 651-201-5789

Last Updated:

12/13/2012

Related Policies (if any)

[MDH Policy 402.01 - Civil Rights](#)

Agency Signature:

/s/ Jim Koppel

James G. Koppel

Deputy Commissioner

P.O. Box 64975

St. Paul, MN 55164-0975

Sexual Harassment

Policy

The Minnesota Department of Health ("MDH") has a policy of zero tolerance for discrimination. Sexual harassment is a form of discrimination and is prohibited under this policy.

Sexual Harassment is any behavior that is sexual in nature and is unwelcome, personally offensive, insulting and demeaning where:

- Submission to or rejection of such conduct is explicitly or implicitly made a term or condition of employment.
- Submission to or rejection of such conduct is used as a basis for decisions affecting a person's employment.
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile or offensive working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

Adapted from the Equal Employment Opportunity Commission.

Standard

General Provisions

- Any employee, applicant or eligible who believes that he or she has been subjected to sexual harassment or who believes he or she has witnessed such behaviors is encouraged to report this information

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- MDH will work to ensure that no adverse or retaliatory action will occur to an employee who reports conduct which is alleged to be a violation of this policy
- Sexual Harassment complaints, investigation data and findings are handled in accordance with the Minnesota Government Data Practices Act. A person is not legally required to provide this information, but it may be critical to conducting an investigation.
- Complaints will not be accepted after an employee terminates employment with the Department 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
- Complaints that are not sexual harassment shall not be resolved through this procedure. You are encouraged to contact the Office of Workforce Diversity and/or a Human Resources Representative for guidance.
- The complainant, through the Affirmative Action Officer, shall be advised of his or her right to file a charge of discrimination within 365 days after the occurrence of the event with the Commissioner or the Department of Human Rights or 300 days after the occurrence of the event for the Equal Employment Opportunity Commission or other legal channels

Prior to filing an internal formal complaint under this procedure, employees are encouraged to first consult with the Affirmative Action Officer to determine if the complaint is an appropriate matter for resolution under this procedure. If the issue is one appropriate for resolution through this procedure, the Affirmative Action Officer will advise the employee on how to proceed, including the completion of the discrimination complaint form. If not, the employee will be advised of other options for resolution. Initial determination of the appropriate method of resolution will be made within 10 working days from the date the complaint is received.

Employees should file the formal complaint within 30 days of the occurrence of the event, giving rise to the complaint. Complaints involving potential illegal discrimination filed between 30 and 365 days of the event may, at the discretion of the Affirmative Action Officer, be accepted and investigated.

Complaint Procedure

This procedure applies to complaints that allege sexual harassment.

The following provisions are not considered to be formal complaints and are not subject to processing under this procedure, unless you believe that one of the above factors is the basis. For these considerations, you are encouraged to contact a Human Resources Representative:

- Performance review/evaluation disputes
- Union contract terms and provisions, or how they are administered

Procedure

Step 1

The formal complaint should be presented to the Department's Affirmative Action Officer within 30 days of the occurrence of the event giving rise to the complaint. After receipt of a formal complaint, the Affirmative Action Officer shall determine whether or not the complaint alleges discrimination based on sexual harassment.

If the complaint is determined not to be sexual harassment but is appropriate as a general harassment complaint, then, the Affirmative Action Officer will refer the complaint to a Human Resources Representative who will follow the General Harassment Policy.

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If the complaint is timely and proper for resolution through this complaint procedure, the Affirmative Action Officer shall immediately initiate an investigation. If the complainant is suffering irreparable or immediate harm, or may be subjected to such harm, the Affirmative Action Officer may take whatever action is necessary to remedy the situation while the complaint is being investigated.

Step 2

Within 60 days from the date the complaint is received, the Affirmative Action Officer shall investigate the complaint. If extenuating circumstances inhibit meeting the 60-day time frame, a written explanation of extension will be issued. The investigation may include interviews with or statements from all parties involved including, but not limited to, the complainant, respondent, complainant's supervisors, witnesses and co-workers. The Affirmative Action Officer's investigation will also include a review of all pertinent records or documents relating to the complaint.

Step 3

The Affirmative Action Officer shall prepare a report of his or her findings resulting from the investigation of the complaint. The findings will be communicated to the responsible party in the Department who is authorized to take action to resolve or correct the matter. Such corrective action may include discipline up to and including discharge when the investigative findings give merit to the complaint allegations. A letter of disposition will be issued to the complaining party within 5 working days from the date that the decision on appropriate action is made. The final determination of the complaint will be sent to the complainant within 30 days of completion.

NOTE: Certain procedural requirements exist in various union contracts, which apply to complaints of alleged sexual harassment. For more specific information regarding these requirements, please refer to the applicable contract or inquire with the Affirmative Action Officer.

[INTERNAL DISCRIMINATION COMPLAINT FORM \(MS Word\)](#)

Further requirements may be outlined in the employees' collective bargaining agreements.

Reference: [MDH Affirmative Action Plan](#)

Minnesota Human Rights Act (M.S. 363)

Title VII of the Civil Rights Act

Americans with Disabilities Act

Responsible

Manager(s):

Affirmative Action Officer, Jessie Saavedra, jessie.saavedra@state.mn.us, 651-201-5789

Human Resources Director, Jamie Gudknecht, jamie.gudknecht@state.mn.us, 651-201-5778

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12/13/2012

Related Policies (if any)

[MDH Policy 401.02 - Affirmative Action](#)

[MDH Policy 412.01 - General Harassment](#)

Agency Signature:

/s/Jim Koppel

James G. Koppel

Deputy Commissioner

P.O. Box 64975

St. Paul, MN 55164-0975

Emergency Closings

Policy

The Minnesota Department of Health closes facilities during emergencies and grants paid time off to affected personnel pursuant to Minnesota Management and Budget **Administrative Procedure 5.4. (PDF document)**

Standard

The Department of Health has the discretion to close a facility during an emergency if there is an immediate threat to health and safety. Persons authorized to make closures include the Commissioner, Deputy Commissioner, Assistant Commissioners, or Human Resource Management Director. Emergency leave with pay may be authorized at any time of the day during or after normal work hours and in various work locations throughout the state. Pay may be authorized only if the Commissioner of Minnesota Management & Budget declares the situation an emergency.

Procedure

An emergency is declared either by the Commissioner of Minnesota Management and Budget or the Department of Health. The Commissioner of Minnesota Management and Budget notifies the Commissioner's Office or Human Resource Management that an emergency has been declared.

If an emergency is declared during the normal work day, Human Resource Management or Commissioners Office notifies the appropriate staff affected by the emergency by E-mail or by placing a broadcast message on all voice mail boxes.

If an emergency is declared outside normal work hours, Minnesota Management and Budget (MMB) notifies WCCO Radio 830, KSTP, WCCO, FOX-9 and KARE TV for broadcast. The announcement would also be forwarded to the Associated Press (AP) to be put on the news wire for radio stations in greater Minnesota, placed on the MMB website, www.mn.gov/mmb, www.bereadymn.com and a MMB Twitter feed - http://twitter.com/mmb_emerg_close.

Health Department Twin Cities Metro area employees can call in to their telephone voice mail box or 651/201-5775 to hear a broadcast message regarding the emergency leave.

MDH employees in Greater Minnesota, traveling outside the Twin Cities area, or who do not have telephone voice mail boxes, can check out the above mentioned stations or web site or call the MDH toll free number, 1-888-234-1244, to hear a recorded message. It is a good idea to

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carry this toll free number with you if you travel around Minnesota, because a recorded message will be placed on this line identifying the geographic area covered by the emergency leave.

Human Resource Management

Develops and administers Emergency Closing Policy

Consults with MMB regarding approval to pay Emergency Leave for closures

Establishes procedures for notifying employees of closures

Advises managers and supervisors of procedures and the purpose and intent of Emergency Leave provisions

Office of Emergency Preparedness

Provides information to HRM Division Director regarding incidents or events that may cause an Emergency Closure of an MDH facility.

Managers and Supervisors

Seeks approval from Assistant Commissioner, Deputy Commissioner, Commissioner, or HRM Director to institute emergency closures when there is immediate threat to the health or safety of employees

Releases employees from duty after approval

If Emergency Closure has not been approved by MMB, explains situation to HRM Director to determine if paid emergency should be requested

Explains procedures and processes for emergency closures to employees

Ensures that time for Emergency Leave is properly recorded on time sheets

Employees

Provides advice on the procedures to be used during investigation.

Reads and understands Emergency Closure and Emergency Leave provisions

Monitors information available through MDH and local media to determine if emergency closure has been authorized

Reports time accurately on time sheets after emergency closures

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Manager(s):

Director, Human Resource Management, Jamie Gudknecht, jamie.gudknecht@state.mn.us,
651-201-5778

Contact

Person(s):

Safety Officer, Lonna Beilke, Human Resource Management, lonna.beilke@state.mn.us
651-201-5771

Last Updated:

06/03/2013

Minnesota Department of Health
Office of Workforce Diversity

Discrimination/Harassment Complaint Form

Send completed form to:
Minnesota Department of Health
625 Robert Street North
St. Paul, Minnesota 55155-2538

Phone: 651-201-5789
e-mail: jessie.saavedra@state.mn.us
fax: 651-201-5779

Please Read Before Completion of Form

TENNESSEN NOTICE: This form asks you to supply data concerning yourself that may be considered private or confidential under the Minnesota Government Data Practices Act (MN. Stat., Chapter 13). The reason this data is being collected is to help the Department of Health understand and investigate a complaint that you wish to file alleging discrimination or harassment. Although you are not legally required to supply the requested data, failure to do so may make it difficult for the department to investigate your complaint. While providing data may put you at risk in terms of possible legal action that could be taken against you, the consequences of not supplying the data would be that we do not have all of the information relevant to your complaint. If you supply this data, you may be required to testify at subsequent hearings and/or data you provide may be used to take disciplinary or other remedial action.

The other persons or entities which, as authorized by law, may see the data at some point include: supervisors and managers whose input is necessary in the decision-making process; exclusive representatives of employees; staff of Minnesota Management and Budget; persons and/or entities authorized by you to see the data; arbitrators, hearing examiners and other judicial and/or quasi-judicial officials; and other entities involved in grievances, appeals and litigation over the subject matter of this investigation (includes the Attorney General's office). This could include the: State and federal courts; State and federal human rights enforcement agencies; the Re-employment Compensation Division of the Minnesota Department of Employment and Economic Development; law enforcement agencies; counsel for and parties to litigation pursuant a court order; the Legislative Auditor's office; the employee who is being investigated.

Name of Complainant

Division/Section/Unit

Job Title

Supervisor

Phone

MINNESOTA DEPARTMENT OF HEALTH

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E-mail

Check any of the following that you believe may be the basis for the complaint:

- | | | |
|-------------------------------------|---|--|
| <input type="checkbox"/> Disability | <input type="checkbox"/> National Origin | <input type="checkbox"/> Status with Regard to Public Assistance |
| <input type="checkbox"/> Race | <input type="checkbox"/> Religion | <input type="checkbox"/> Local Human Rights Commission Activity |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Creed | <input type="checkbox"/> Retaliation for filing prior complaint |
| <input type="checkbox"/> Age | <input type="checkbox"/> Sexual Orientation | If so, date of complaint |
| <input type="checkbox"/> Color | <input type="checkbox"/> Marital Status | |

Why do you believe the reason(s) you checked above is the basis of your complaint?

Who do you believe discriminated against or harassed you?

Name
 Division/Section/Unit
 Phone

Please describe the reason (or reasons) you believe that you were discriminated against or harassed.

Describe the incident(s) in detail, with the most recent incident first (include names and types of behavior, dates, times, locations). Attach additional sheets if necessary. If you have documentation you believe is relevant to your complaint, please attach it to this complaint form.

1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Has an act of physical violence occurred?
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Has intimidation or a threat of violence occurred?
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Did police or security respond to this incident? If yes, who responded?
4.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was a police report filed? List Jurisdiction and report number.
5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was your supervisor notified? When?
6.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Was a weapon involved? If yes, specify.
7.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Were you alone when the incident occurred? List the names of any witnesses.
8.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Were you injured? Describe the nature of the injuries and list any facility where you were treated.
9.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Did you lose any work time as a result of this incident? Explain.

Were there any witnesses? If so, who?

Witness #1

Name
 Division/Section/Unit
 Phone

What did he/she observe?

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Witness #2

Name

Division/Section/Unit

Phone

What did he/she observe?

Did you attempt resolution of this matter through any other process, such as a union grievance, mediation, or other process? If so, please specify.

Did you file this complaint with any other another agency? If so which agency and where is it in the process?

This complaint is being filed on my honest believe that the named person(s) has discriminated against or harassed me. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief. I hereby affirm that I am not using this complaint procedure for reasons of personal malice or abuse towards another employee.

Signatures	
Complainant Signature	Date
Affirmative Action Officer Signature	Date

A. Employee/Applicant Request for ADA Reasonable Accommodation Form



STATE OF MINNESOTA – MINNESOTA DEPARTMENT OF HEALTH

EMPLOYEE/APPLICANT REQUEST FOR ADA REASONABLE ACCOMMODATION FORM

The State of Minnesota is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name:	Job Title:
Work Location:	Phone Number:

Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?

2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
 - a. If yes, please explain.

Questions to document the reason for the accommodation request (please attach additional pages if necessary).

1. What, if any job function are you having difficulty performing?

**State of Minnesota- Minnesota Department of Health
Reasonable Accommodation Request Form, Page 2**

- 2. What, if any employment benefit are you having difficulty accessing?

- 3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?

- 4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

Information Pertaining to Medical Documentation

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature:	Date:
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Agency Profile and Organizational Chart

The MDH provides the following services:

- Birth and death certificates.
- Around-the-clock monitoring for infectious diseases.
- Assurance that the water and food are safe to drink and eat.
- A swift, effective response to disease outbreaks and public health emergencies.
- Investigation into novel illnesses.
- Planning with hospitals and health care systems to rapidly care for large numbers of injured or ill victims.
- An immunization program for preventable diseases.
- Data to identify economic trends such as health care costs.
- Data to identify public health concerns, such as obesity.
- Health reforms to improve population health and the medical system.
- Quality measurement and public reporting of clinical care.
- Statewide health improvements that focus on policy, environmental, and systems changes in communities.
- Assurance that inappropriate care in nursing homes, hospitals and other care facilities is corrected.
- Planning to help ensure rural Minnesotans have access to care.
- Statewide food programs for women, infants and children.
- Information about health behaviors and chronic disease prevention, such as which diseases are among the most prevalent, costly and preventable.
- Information about effective approaches to improving health and reducing the state's incidence of chronic diseases.
- Efforts to eliminate health disparities between Minnesota's different ethnic populations.
- Programs that encourage people to make healthy choices.
- Advice about reducing environmental and pollution risks to health.
- Assurance the dead are disposed of properly.

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Underutilization Analysis Worksheet

Health

JOB CATEGORY AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS & ANNUAL GOALS

Worksheet for comparing incumbency to availability and setting goals to correct underutilization.

WOMEN									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	76	45	59.21%	55.03%	42	0	0	Same	0
Professionals	1082	792	73.20%	66.62%	721	0	0	Same	0
Office/Clerical	196	159	81.12%	75.57%	148	0	0	Same	0
Technicians	110	81	73.64%	73.33%	81	0	0	Same	0
Service Maintenance	2	1	50.00%	44.40%	1	0	0	Same	0
Totals	1466	1078	73.53%						

MINORITIES									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	76	7	9.21%	8.86%	7	0	1	Improved	+1
Professionals	1082	88	8.13%	9.06%	98	10	0	Not Improved	-10
Office/Clerical	196	26	13.27%	12.40%	24	0	0	Same	0
Technicians	110	18	16.36%	15.40%	17	0	2	Improved	+3
Service Maintenance	2	0	0.00%	19.50%	0	0	0	Same	0
Totals	1466	139	9.48%						

INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Individ./ with Disabilities in Group	% of Individ. w/ Disabilities in the Group	Availability %	Availability Number	AAP 2014-2016 Number Underutilized	AAP 2012-2014 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	76	5	6.58%	6.67%	5	0	4	Improved	+4
Professionals	1082	30	2.77%	4.45%	48	18	89	Improved	+71
Technicians	110	1	0.91%	2.00%	2	1	8	Improved	+7
Office/Clerical	196	23	11.73%	10.25%	20	0	11	Improved	+14
Service Maintenance	2	1	50.00%	7.00%	0	0	0	Same	0
Totals	1466	60	4.09%						

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

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Health

TWO-FACTOR AVAILABILITY ANALYSIS

Worksheet for calculating job group availability percentages, considering internal and external availability.

Job Category: Technicians (Paraprofessionals)

A		ASSIGNED WEIGHT (%)
Internal Availability		83.30%
External Availability		16.70%
Total Assigned Weight (must equal 100%)		100.00%

WOMEN		
	Initial Statistics (%)	Weighted Statistics
Internal Availability	B 76.56%	63.77%
External Availability	C 57.20%	9.55%

MINORITIES		
	Initial Statistics (%)	Weighted Statistics
Internal Availability	D 16.36%	13.63%
External Availability	E 10.60%	1.77%

INDIVIDUALS WITH DISABILITIES		
	Initial Statistics (%)	Weighted Statistics
Internal Availability	F 1.00%	0.83%
External Availability	G 7.00%	1.17%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
73.33%	15.40%	7.00%

J		SOURCE OF INITIAL STATISTICS
Internal Availability		
External Availability		

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

Health

TWO-FACTOR AVAILABILITY ANALYSIS

Worksheet for calculating job group availability percentages, considering internal and external availability.

Job Category: Professionals

A		ASSIGNED WEIGHT (%)
Internal Availability		60.20%
External Availability		39.80%
Total Assigned Weight (must equal 100%)		100.00%

WOMEN		
	Initial Statistics (%)	Weighted Statistics
Internal Availability	B 73.20%	44.07%
External Availability	C 55.70%	22.17%

MINORITIES		
	Initial Statistics (%)	Weighted Statistics
Internal Availability	D 8.05%	4.85%
External Availability	E 10.60%	4.22%

INDIVIDUALS WITH DISABILITIES		
	Initial Statistics (%)	Weighted Statistics
Internal Availability	F 2.77%	1.67%
External Availability	G 7.00%	2.79%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
66.24%	9.06%	7.00%

J		SOURCE OF INITIAL STATISTICS
Internal Availability		Promotions, transfers and movements
External Availability		2010 Statewide labor force availability

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

MINNESOTA DEPARTMENT OF HEALTH
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Health

TWO-FACTOR AVAILABILITY ANALYSIS

Worksheet for calculating job group availability percentages, considering internal and external availability.

Job Category: Officials and Administrators

A	ASSIGNED WEIGHT (%)
Internal Availability	78.00%
External Availability	22.00%
Total Assigned Weight (must equal 100%)	100.00%

WOMEN	
	Weighted Statistics
Internal Availability B	46.18%
External Availability C	8.84%

MINORITIES	
	Weighted Statistics
Internal Availability D	7.19%
External Availability E	1.67%

INDIVIDUALS WITH DISABILITIES	
	Weighted Statistics
Internal Availability F	5.13%
External Availability G	1.54%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
55.03%	8.86%	6.67%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	promotions, transfers and movements within agency
External Availability	2010 Census Statewide labor availability

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

Separation Analysis Worksheets are on file

Policy

Employees have the right to a workplace that is free from violence. Employees must refrain from engaging in acts or threats of violence in the workplace.

Definitions

1. **“Acting in the course and scope of employment”** means any time that the employee is performing work on behalf of the State whether or not it is during his/her regular or normal work schedule. This includes during the regularly scheduled work day, any overtime work, whether compensated or not, after normal business hours and on weekends.
2. In accordance with State guidelines, **“Dangerous weapon”** means:
 - a. Any weapon which, per applicable law, is illegal to possess including but not limited to dangerous weapons indicated in Minnesota Statutes, section 609.02, subdivision. 6;
 - b. Any firearm, loaded or unloaded, assembled or disassembled, including pellet, “BB” and stun guns (electronic incapacitation devices);
 - c. Replicate firearms, as defined in Minnesota Statutes, section 609.713 including, but not limited to, devices or objects that are designed to fire only blanks;
 - d. Knives (and other similar instruments) with a blade length of more than three inches, other than those present in the workplace for the specific purpose of food preparation and service;
 - e. Any “switchblade” knife, “Brass knuckles”, “metal knuckles” and similar weapons;
 - f. Bows, crossbows and arrows;
 - g. Explosives and explosive devices including fireworks, combustible or flammable liquids and incendiary devices;
 - h. “Throwing stars,” “numchucks,” clubs, saps, and any other item commonly used as, or primarily intended for use as, a weapon;
 - i. Any object that has been modified to serve as, or has been employed as, a dangerous weapon;
 - j. Motor vehicles driven in an unsafe manner; and
 - k. Any other item so designated by the Commissioner of Health.
3. **“Employee”** means any person in “employee” status appointed by and working for the Department. A condition of any volunteer, internship, consultant contract or other type of agreement between the department and an individual or organization to provide services will include an acknowledgement that the provisions of this policy will be complied with while performing services or acting on behalf of the department.

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4. **“Safety”** means freedom from violence.
5. **“Violence”** means the threatened or actual use of force which results in or has a high likelihood of causing physical hurt, fear, injury, suffering or death. It includes:
 - a. Intimidation: A physical or verbal act toward another person, the result of which causes that person to reasonably fear for his/her safety or the safety of others.
 - b. Threat of violence: A physical or verbal act which threatens bodily harm to another person or damage to the property of another.
 - c. Act of Violence: A physical act, whether or not it causes actual bodily harm to another person or damage to the property of another.
6. **“Workplace”** means:
 - a. any state or department-owned or leased building,
 - b. any off-site location where an employee is:
 - i. working;
 - ii. travelling on state business (whether in a state owned, leased, rented or personal vehicle or in any other type of transportation);
 - iii. acting on behalf of the Department; or
 - iv. Attending training or a conference on behalf of the department.

Standard

Employees must treat all individuals, including coworkers and members of the general public, with courtesy and respect. Employees must not engage in nor tolerate acts or threats of violence in the workplace.

Supervisors and managers will seek to eliminate any potential for violence in and around the department work locations by ensuring that employees and the public are treated with dignity and respect.

The department will respond promptly, positively and proactively in dealing with threats or acts of violence. Response will include timely involvement of law enforcement agencies when appropriate.

The department will continue to offer employee assistance services to employees with personal issues which may pose a problem for the employee's safety.

Employees who are involved in the commission of violence or threats of violence will be subject to disciplinary action up to and including discharge from employment.

Employees are strictly prohibited from the possession or carrying of any dangerous weapon including firearms, whether or not a legal permit exists, in any Department workplace and while acting in the course and scope of his/her employment or while working on behalf of the Department. Employees who possess or carry any dangerous weapon while acting in the course and scope of his/her employment will be subject to disciplinary action up to and including discharge from employment.

Employees may carry and possess firearms in their personal vehicles while in State parking lots or parking areas if they have the appropriate permit issued in accordance with law. However, during the time that this personal vehicle is used in the performance of an employee's work, the dangerous weapon, including permitted firearms, may not be carried in the vehicle.

Procedure

Employee

1. Is familiar with the MDH policy on Zero Tolerance for Violence and his/her responsibility for preventing and reporting incidences of workplace violence.
2. Treats co-workers and others in the workplace with dignity and respect.
3. Participates in, as assigned, training for violence prevention and applies this knowledge and skills to the workplace.
4. Reports all perceived or real threats or acts of violence to a supervisor or manager immediately, orally or in writing using the [Workplace Violence Incident Report](#) form.
5. If not already contacted, calls 911 if dangerous weapons are present and then alerts Capitol Security (if in the Orville L. Freeman Building) or Golden Rule Building security as appropriate.
6. If not already contacted, calls 911 if a physical assault has occurred and then alerts Capitol Security (if in the Orville L. Freeman Building) or Golden Rule Building security as appropriate.
7. Cooperates in investigations regarding workplace violence.

Supervisor/Manager

1. Is familiar with the Minnesota Department of Health Policy on Zero Tolerance of Violence and the procedures to be implemented when reporting acts, perceived or real, of workplace violence.
2. Documents all oral and written reports of violent incidents on the [Workplace Violence Incident Report](#) form and consults with HRM on how to investigate and/or respond to the report.
3. Promotes positive behavior in employees, leads by example, and treats employees with respect and dignity.
4. Participates in training for violence prevention, and applies the knowledge and skills in the workplace.

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5. Encourages the use of the Employee Assistance Program (EAP) as needed.
6. Encourages the reporting of all incidents of harassment, discrimination or violence in the workplace.
7. Responds appropriately and in a timely manner to all alleged incidents of violence in the workplace by investigating, or obtaining assistance from HRM in investigating, all such incidents.
8. If not already contacted, calls 911 if dangerous weapons are present and then alerts Capitol Security (if in the Orville L. Freeman Building) or Golden Rule Building security as appropriate.
9. If not already contacted, calls 911 if a physical assault has occurred and then alerts Capitol Security (if in the Orville L. Freeman Building) or Golden Rule Building security as appropriate.
10. Works to assure that areas in and around the workplace are designed and operated in a manner that provides for the safety of employees and guests by taking appropriate and timely action to eliminate violence in the workplace.
11. Holds employees accountable for their behavior, and implements appropriate corrective measures, including discipline up to and including discharge.

Facilities Management

1. Works with staff and the MDH Safety Director to conduct a security vulnerability assessment for all department locations initially and as needed thereafter.
2. Reports results and gives prioritized recommendations to agency management on security enhancements which should be completed for department offices.

Human Resource Management

1. Assists in providing services to employees with personal issues which may affect their workplace safety, including referrals to EAP as needed.
2. Investigates, assesses and responds to reported acts or threats of violence in conjunction with the manager or supervisor.
3. Reports serious or unresolved acts or threats of violence to the Commissioner.

Communications Director

1. Handles all media inquiries regarding incidents of workplace violence.

Responsible Manager(s):

MINNESOTA DEPARTMENT OF HEALTH

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Director, Human Resource Management, Jamie.Gudknecht@state.mn.us
651-201-5778

Contact Person(s):

Safety Director, Lonna.Beilke@state.mn.us 651-201-5771

Last Updated:

09/04/2013

Related Forms

[Workplace Violence Incident Report](#)

Related Law(s)

[Minnesota Statutes, section 624.714 Carrying of Weapons without Permit; Penalties.](#)

[Minnesota Statutes, section 15.86 State Agency Actions](#)

[Minnesota Statutes, section 182.651 Definitions](#)

[Minnesota Statutes, chapter 609 Criminal Code](#)

Agency Signature:

/s/Jim Koppel

James G. Koppel
Deputy Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975