

STATE OF MINNESOTA

Department of Public Safety

Affirmative Action Plan

August 2016 – August 2018

Minnesota Department of Public Safety
445 Minnesota Street
St. Paul, Minnesota 55101

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I. EXECUTIVE SUMMARY

The review revealed underutilization of the following protected groups in the following job categories:

Table 1: UNDERUTILIZATION ANALYSIS OF PROTECTED GROUPS

Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators			
Professionals		X	X
Protected Services: Sworn	X	X	X
Protected Services: Non-Sworn	X		
Office/Clerical			
Technicians	X	X	X
Service Maintenance			

Once approved, information about how to obtain or view a copy of the Department of Public Safety’s Affirmative Action Plan (“Plan”) will be provided to its employees. Our intention is that every employee is aware of the Department of Public Safety’s (“Department”) commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the Department’s internal and external websites. The original, signed copy of the Plan will be maintained in the Internal Affairs/Affirmative Action office, which is located at 445 Minnesota Street, Suite 530, St. Paul, Minnesota 55101.

This 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.

Lynn M. Mueller

7/25/16

Lynn M. Mueller, Affirmative Action Officer

Date

Lowell Thompson

7/25/16

Lowell Thompson, Human Resources Director

Date

Ramona L. Dohman

7/27/16

Ramona L. Dohman, Commissioner

Date

II. STATEMENT OF COMMITMENT

This statement reaffirms the Department's commitment to Minnesota's statewide affirmative action efforts and to 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, status with regard to public assistance, familial status, or membership or activity in a local human rights commission.
- The Department is committed to implementing 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.
- The Department will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and will work to retain all qualified, talented employees, including protected group employees.
- The Department will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives. In addition, this Department expects all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the Department'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.



Ramona L. Dohman, Commissioner

7/27/16

Date

III. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. Commissioner

Ramona L. Dohman, Commissioner of the Department of Public Safety

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 include, but are not limited to the following:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the Department's Affirmative Action Plan in her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure final determinations on employee 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 responsibility statements for supporting affirmative action, equal opportunity, diversity and/or cultural responsiveness in all Department director, manager, and supervisor position descriptions and annual objectives.

Accountability:

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

B. Affirmative Action Officer

Lynn M. Mueller, Director of Internal Affairs/Affirmative Action

Responsibilities:

The Affirmative Action Officer is responsible for implementing the Department's affirmative action and equal opportunity program and overseeing the Department's compliance with equal opportunity and affirmative action laws.

Duties:

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

- Prepare and oversee the Affirmative Action Plan, including the development and setting of department-wide goals;
- Monitor compliance and fulfill all affirmative action reporting requirements;
- Inform the Department's Commissioner 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 a Department-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 including affirmative action and equal opportunity into the Department's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Review and recommend changes in policies, procedures, and programs to ensure affirmative action is enforced throughout the Department, especially in the areas where disparities exist;
- Investigate and mediate formal and informal complaints alleging conduct in violation of the Department's policies against discrimination and harassment;
- Monitor and enforce the Department's Pre-Hire Review procedure with respect to all appointments before hiring decisions are authorized;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of these laws;

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- 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 Department’s liaison with Minnesota Management and Budget’s Office of Equal Opportunity and Diversity and with other equal opportunity enforcement agencies.

Accountability:

The Affirmative Action Officer is accountable directly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

C. Americans with Disabilities Act Coordinator

Lynn M. Mueller, Director of Internal Affairs/Affirmative Action

Responsibilities:

The Americans with Disabilities Act Coordinator is responsible for the oversight of the Department’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.

Duties:

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

- Provide guidance, coordination, and direction to Department management with regard to the Americans with Disabilities Act in the development and implementation of the Department’s policies, 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, facilitate, and approve requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the Department’s services, and report reasonable accommodations annually to Minnesota Management and Budget.

Accountability:

The Americans with Disabilities Act Coordinator reports directly to the Commissioner.

D. Human Resources Director

Lowell Thompson, Director of Human Resources

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 within the Department.

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 recruitment objectives contained in the Affirmative Action Plan;
- Collaborate with the Department's Affirmative Action Officer in the pre-hire review process and ensure it receives support from Directors, managers, and supervisors;
- 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 all records and data necessary to perform duties related to equal opportunity and affirmative action;
- Review classifications, qualification requirements, and procedures in order to eliminate selection factors that have no significant relationship to job performance;
- Maintain records that will enable the analysis of all portions of the selection process;
- Maintain retirement-eligible information and communicate it to Division Directors to ensure appropriate succession and workforce planning; and

- Assist management and supervisors to determine appropriate action with regards to violations of Departmental policies, including complaints of discrimination and harassment.

Accountability:

The Human Resources Director is directly accountable to the Commissioner.

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 Department'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 that inhibit equal employment opportunity;
- Communicate the Department's affirmative action-related policies to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies identified 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;
- Select candidates for new positions or promotional opportunities on the basis of training, experience, the Department's affirmative action goals, and in accordance with the Department's Pre-Hire Review procedure;
- Submit to the Director of Internal Affairs/Affirmative Action written documentation of the reason(s) for non-selection of a protected group candidate for a position where a disparity exists;
- Provide a positive and inclusive work environment; and
- 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 Department's Commissioner.

F. All Employees

Responsibilities:

All employees are responsible for conducting themselves in accordance with the Department's equal opportunity and affirmative action policies and this Plan.

Duties:

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

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

Accountability:

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

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

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

A. Internal Methods of Communication

- The Commissioner’s Statement of Commitment will be sent annually to all employees via email, with directions for supervisors to make the information available to staff without email access. The email will also notify employees that the 2016-2018 Affirmative Action Plan is complete and provide directions on viewing the Plan or obtaining a paper copy.
- The Director of Internal Affairs/Affirmative Action will distribute the Plan to the Human Resources Office and the Division Directors with directions detailing their responsibility to support and implement the Plan. Each Division Director is responsible for ensuring that employees know where they can view or obtain a copy of the Plan.
- The Department’s Plan is available to all employees on the [Department's internal website](#) or in print copy to anyone who requests it. The Department will make the Plan available in alternative formats when requested.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequented by and accessible to employees.

B. External Methods of Communication

- The Department’s Plan is available on the [Department's external website](#) or in print copy to anyone who requests it. The Department will make the Plan available in alternative formats when requested.
- The Department’s website, letterhead, and all job postings will include the statement “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 AND COMPLAINT PROCEDURES

The Department maintains the Discrimination/Discriminatory Harassment Policy (DPS #1502) (attached), which is designed to address discrimination and harassment in the workplace and in the provision of services to the public.

Moreover, the Department seeks to create a positive environment by maintaining policies that prohibit inappropriate, offensive, or bullying behavior. These policies are supported by the Department's complaint resolution policy, which provides a prompt and thorough process for investigating and resolving complaints. These policies are included in Appendix F:

- General Harassment/Inappropriate Workplace Conduct (DPS #1501)
- Investigation and Resolution of Employee Misconduct (DPS #1002)
- Employee Conduct (DPS #4063)



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Discrimination/Discriminatory Harassment

No. 1502

Applicability: All department employees, contractors, subcontractors, grantees, volunteers, student workers and interns.

POLICY

The Minnesota Department of Public Safety is committed to providing a workplace and public services which are free from discrimination, including sexual harassment and harassment based upon protected class status. It is the policy of the department that all employees are able to work in an environment free from discrimination and discriminatory harassment. The department will not tolerate discrimination or discriminatory harassment by its employees, contractors, subcontractors, grantees, student workers, interns or volunteers and will take appropriate corrective action against those individuals who violate this policy. This policy applies to conduct that occurs in the workplace and at any location that has a reasonable connection to the workplace.

This policy also applies to the handling of complaints against department employees, contractors, subcontractors, grantees, student workers, interns or volunteers alleged to have engaged in discrimination or harassment against a member of the public. All employees are expected to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from discrimination or discriminatory harassment. Employees and others who act under the department's authority who engage in discrimination or discriminatory harassment in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.

Acts of discrimination and discriminatory harassment are prohibited by State and federal law and by this policy. However, the department may take corrective actions when inappropriate behavior or actions occur, even if they are not so serious as to be unlawful.

This policy establishes a process through which complaints of discrimination and discriminatory harassment will be promptly, thoroughly, and respectfully handled and investigated. The department will not tolerate any reprisal or retaliation against any person who makes a complaint or participates in any investigation into allegations of discrimination or discriminatory harassment. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment. Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is also prohibited.

DEFINITIONS

Discrimination:

Discrimination is any conduct that adversely impacts the employment, work environment or provision of service to an individual based on the individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, familial status, age, disability, or membership or activity in a local commission.

Discriminatory harassment:

Discriminatory harassment is any behavior based on a protected class characteristic that unreasonably creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, derogatory comments, slurs, or jokes; or displaying objects, cartoons, or pictures of a derogatory or discriminatory nature.

Sexual harassment:

Sexual harassment is any sexually oriented conduct, whether it is intended or not, that is unwelcome and:

- 1) has the effect of creating a workplace that is hostile, offensive or humiliating,
- 2) submission to sexual conduct is made a term or condition of the individual's employment, or
- 3) unreasonably interferes with the individual's work performance.

Sexual harassment can occur between individuals of the opposite sex or same sex. Sexual harassment may include, but is not limited to, unwelcome sexual advances, sexually motivated physical conduct or other unwelcome verbal or physical conduct. Sexual behavior that does not rise to the level of illegal sexual harassment but that is inappropriate, disruptive, or creates a hostile work environment may also result in disciplinary action.

Employee:

Employee means all department employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers. While not employees, this policy also applies to volunteers, contractors, subcontractors and grantees.

Protected class:

Protected class status defined under Minnesota law include an individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, familial status, age, disability, or membership or activity in a local commission.

Retaliation or Reprisal:

Retaliation or reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy or an individual who participates in an investigation into such allegations.

ROLES AND RESPONSIBILITIES

Employees and Others Working Under the Department's Authority:

All employees, contractors, subcontractors, grantees, student workers, interns or volunteers or any other individual working under the department's authority are responsible for their own personal conduct in a manner consistent with the spirit and intent of this policy. Such individuals will refrain from engaging in any conduct in the work place or the provision of public services which constitutes discrimination or discriminatory harassment against others. Individuals covered under this policy are responsible for seeking assistance about how this, or any other policy, applies to them. Employees will provide appropriate information and assistance to any person who wants to file a complaint of discrimination or harassment. Such assistance may include referring the individual to a supervisor, the complaint information on the department website, or providing contact information for Internal Affairs/Affirmative Action.

Managers and Supervisors:

Managers and supervisors have a special responsibility to report allegations of discrimination or harassment. Supervisors shall immediately report any allegations of discrimination or harassment to the department's director of Internal Affairs/Affirmative Action. In addition, department administrators, managers, and supervisors are responsible for implementing and enforcing this policy, taking appropriate action when necessary and for enforcing all discrimination and sexual harassment articles in collective bargaining agreements.

Director of Internal Affairs/Affirmative Action:

Any claims of discrimination or discriminatory harassment or inappropriate behavior under this policy will be investigated by investigator(s) selected by the director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis.

- The director will monitor the progress of each investigation and make recommendations to the appropriate division director regarding the conclusion of each complaint.
- The director will work with the Human Resources director to provide necessary training to department employees regarding this policy.
- The director will report annually to the commissioner and all division directors the number of complaints filed under this policy.

HOW TO FILE A COMPLAINT OF DISCRIMINATION OR DISCRIMINATORY HARASSMENT:

The following internal complaint procedure is intended to help the department resolve concerns or complaints of sexual harassment and other types of discrimination and discriminatory harassment. Individuals are encouraged to use this procedure, but may also pursue information and remedies available through the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, or the courts. Individuals are advised to check with these agencies to determine the existence of time limitations for filing complaints.

1. Individuals who believe they have been harassed or otherwise discriminated against by an individual covered by this policy:
 - in the work place,
 - when receiving public services provided by the department, or
 - who have witnessed such behavior,are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly.
2. If managers or supervisors learn through an exit interview or by other means that an individual has left the department because of alleged harassment or discrimination, the division director or director of Human Resources will notify the director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the division director or director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the director of Internal Affairs/Affirmative Action.
3. Individuals are encouraged to file their concerns and complaints in writing using any format including the Formal Complaint of Alleged Employee Misconduct form. However, oral complaints will be accepted and processed. Complaints may be filed with the employee's supervisor, the director of Internal Affairs/Affirmative Action or the director of Human Resources, or anyone in a supervisory or management position in the department. The complaint does not need to be made through the employee's chain of command and can be made directly to the directors of Human Resources or Internal Affairs/Affirmative Action. If the complaint involves the employee's immediate supervisor, the complaint may be filed with any other supervisor or manager in the department of the directors of Human Resources or Internal Affairs/Affirmative Action.
4. The person who receives a concern or complaint involving allegations of discrimination or discriminatory harassment will immediately notify the director of Internal Affairs/Affirmative Action. While not required, the Formal Complaint of Alleged Employee Misconduct form may be used.
5. The director of Internal Affairs/Affirmative Action will direct and review any investigation brought under this policy. Whenever possible, the investigation will be completed within 60 days. If the investigation cannot be completed within 60 days, the director of Internal Affairs/Affirmative

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Action will inform the complainant of the status of the investigation and the expected date of completion.

6. The director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.
7. Any corrective action decision or recommendation will be made by the division director in consultation with the director of Human Resources.
8. The director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.
9. The director of Internal Affairs/Affirmative Action shall provide the Commissioner of the Minnesota Management and Budget Office with a summary of the investigation as required under Minnesota Administrative Rule 3905.0500 and Minnesota Statute § 43A.04.

ADDITIONAL RESOURCES

- The Civil Rights Act of 1964; 42 U.S.C. 2000, as amended
- The Americans with Disabilities Act of 1990; 42 U.S.C. 12131, as amended
- The Age Discrimination in Employment Act of 1975; 42 U.S.C. 6101
- Minnesota Human Rights Act, Minn. Stat. Ch. 363A
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1501, General Harassment/Inappropriate Workplace Conduct
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Applicable collective bargaining agreements and plans

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: July 15, 2014

Origination and Revision Dates: 4/1/05, 2/3/11

VI. **REASONABLE ACCOMMODATION POLICY**

Please see Appendix F for the Department's ADA policy, which adopts the State-wide policy, and its procedures.

Reasonable Accommodation Policy

State agencies must comply with all State and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All State agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and

A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Applicant

A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator

Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA. The Department has appointed the Director of Internal Affairs/Affirmative Action as the ADA Coordinator.

Direct Threat

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions

Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or

- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process

A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability

An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability

An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities

May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation

Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation

An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.

Modifications or adjustments may include, but are not limited to:

- Providing materials in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking; or
- Providing a reassignment to a vacant position.

Reassignment

Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person

Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship

A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A State agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

General Standards and Expectations

Individuals who may request a reasonable accommodation include

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;

- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

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- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

Agency responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

- Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100; and

- Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace.

Analysis for processing requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or

- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#).

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

Funding for reasonable accommodations

Each Division within DPS is responsible for funding reasonable accommodations that do not cause an undue hardship. Division Directors may authorize supervisors/managers to approve low-cost accommodations under \$100.00. The expenditure of funds for accommodations over this discretionary amount must be coordinated through the ADA Coordinator. When applicable, the ADA Coordinator, in cooperation with the appropriate Division, may seek reimbursement from the State of Minnesota's Accommodation Fund to offset the cost of a specific accommodation.

Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other

relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

VII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

The Department has detailed weather emergency and evacuation plans and procedures in place to ensure the safety of employees in the event of such an emergency. The National Oceanic Atmospheric Administration Weather Radio Station is monitored on a daily basis by the Safety Director, front desk staff, and Town Square Security. If a severe weather watch or warning is issued, the Department's front desk staff and Town Square Security will notify all staff by PA announcement.

Each work area within Town Square and Bremer Tower are assigned a Floor Warden. Floor Wardens are responsible for evacuation of Department employees and customers within their assigned areas of responsibility. Floor Wardens are assigned a radio for communication with the command post regarding the need to shelter in place or evacuate as necessary.

A copy of the Department's weather and emergency evacuation plans can be found on the [Department's internal website](#).

Everyone has a responsibility to develop their own personal emergency evacuation plan, which includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator works to develop a plan in consultation with the appropriate building and safety personnel. When developing a plan, safety needs will be determined on a case-by-case basis because they vary with each individual and building.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff and inform all staff that if additional assistance during an emergency may be needed, the individual should contact the Department's ADA Coordinator or Safety Director (listed below) to request the type of assistance they may need.

Lynn M. Mueller, ADA Coordinator, 651-201-7173, lynn.mueller@state.mn.us
Jason Amborn, Safety Director, 651-201-7380, jason.amborn@state.mn.us

Evacuation Options:

The Department has at least one mandatory fire drill and one weather emergency drill each year. All employees are required to participate in these drills. 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 buildings;
- Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone or other communication device, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place and they cannot communicate directly with the on-site command post, 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 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; and/or
- For areas equipped with an evacuation chair: Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an area is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair. The Department has an evacuation chair located on the 23rd floor of the Bremer Tower.

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 or PMDs 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 to notify 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 Department's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals 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 Department's buildings are equipped with fire alarm horn/strobes that sound an 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 commonly traveled route, individuals with visual disabilities may need assistance in evacuating. An employee 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;
- 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 signal is given.

VIII. GOALS AND TIMETABLES

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

Table 2. Underutilization Analysis and Hiring Goals for 2016-2018

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each job category within this Department. The fifth, sixth, and seventh columns show the Department’s hiring goals for each group in each job category.

Job Categories	Underutilization - # of Individuals			Hiring Goals for 2016-2018		
	Women	Racial/ Ethnic Minorities	Individuals With Disabilities	Women	Racial/ Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	-	-	-	-	-	-
Professionals	-	4	1	-	4	1
Protected Services: Sworn	19	12	10	6	5	1
Protected Services: Non-Sworn	14	-	-	5	-	-
Office/Clerical	-	-	-	-	-	-
Technicians	9	4	1	5	2	1
Service Maintenance	-	-	-	-	-	-

Availability:

The Department determined the recruitment area to be statewide for all job categories. In conducting its utilization analysis, the Department used the two factor analysis based on its determination that this analysis most accurately represents its hiring process. For many of the Department’s positions, the initial hire is made from an external source. But for movement within the Department (e.g., transfers or promotions), the most common pool of candidates is from internal sources. Therefore, it is appropriate to consider both internal and external factors when determining the availability of protected candidates in each job category.

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The Department used a modified Agency Appointment Summary by EEO4 category in preparing this Plan because the standard report does not separate the Protective Services: Sworn and Protective Services: Non-Sworn job categories.

The Department used the Annual Appointment Hiring Counts by Agency Report to calculate internal and external availability. The Department considered separating this data to reflect Protective Services: Sworn and Protective Services: Non-Sworn job categories. However, the standard report classifies some Protective Service: Sworn positions in either the Professionals category (e.g., Special Agents in Charge and Majors) or the Service Maintenance (e.g., State Trooper Trainees) job category, so the data does not accurately represent internal versus external hires. For this reason, the Department used the standard report's Protective Services category to calculate the internal and external availability percentages for both the Protective Services: Sworn and Protective Services: Non-Sworn job categories.

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:

In the Department, the population of women has improved or stayed the same in the following job categories: Officials/Administrators, Professionals, Protective Services: Non-Sworn, Office/Clerical, Technicians, and Service Maintenance. The population of women has not improved in the following job category: Protective Services: Sworn.

In the **Officials/Administrators** job category, the Department is not underutilized. This job category has a total employee population of 38, as compared to 40 employees in the 2014-2016 Plan year. Women currently represent 52.63% of the employee population. Because the Department is not underutilized in this job category, it has not set a hiring goal for the current Plan year.

The Department improved in the **Professionals** job category. Currently, this job category has a total employee population of 397, as compared to 381 in the 2014-2016 Plan. There is a slight increase in the population of women employees within this category. In the 2014-2016 Plan, the Department set a hiring goal of <10 women, and this goal was achieved. Because the Department is not underutilized in this job category, it has not set a hiring goal for the current Plan year.

The Department improved in the **Protective Services: Non-Sworn** job category. This job category has a total employee population of 197, as compared to 189 employees in the 2014-2016 Plan year. In the 2014-2016 Plan, the Department was underutilized in this job category by 24 women, and it set a goal of hiring <10 women. This goal was achieved. For the current Plan year, the Department is underutilized by 14 women. The Department has set a new goal of adding five women through new hires to address the continuing underutilization of women. This goal was set by considering the nature of the position, the prior goal from 2014-2016, and the retention rate within this category. The Department did not seek to eliminate the underutilization in the current plan year because the retention rates and availability

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rates do not support the Department's ability to meet this goal at this time. The Department, to the extent possible, will attempt to exceed its goal in this category, as it did in the 2014-2016 Plan year. To reach this goal, the Department, through the Affirmative Action Officer, will ensure that all selection processes are conducted in a manner that allows every applicant an opportunity to demonstrate the skills needed to successfully complete the job. This will occur by using the monitoring the hiring process form, as well as by working one-on-one with supervisors and by providing training on bias to all employees (including those involved in the hiring process). The Department is also increasing its presence in the community by attending job fairs and by developing relationships with community groups through MNCARRS, ACCESS, and other networking events. Finally, the Department recently created promotional materials that reflect the diverse workforce the Department is seeking to create. These materials are typically used in tandem with job fairs and other networking events.

The Department remained the same in the **Office/Clerical** job category. This category has a total employee population of 450, as compared to 452 in the 2014-2016 Plan year. Women currently represent 84.44% of the total employee population. Since the Department is not underutilized in this category, it has not set a hiring goal.

The Department improved in the **Technicians** job category. Currently, this category has a total employee population of 161, as compared to 173 in the 2014-2016 Plan year. The Department met its 2014-2016 goal of hiring <10 women. For the current Plan year, the Department is underutilized by nine women. The Department remains committed to addressing the remaining underutilization of women by setting a hiring goal of five women. The Department did not set a goal to eliminate the underutilization because such a goal is unreasonable in light of the declining job availability rate and historical separation rates. To reach this goal, the Department, through the Affirmative Action Officer, will ensure that all selection processes are conducted in a manner that allows every applicant an opportunity to demonstrate the skills needed to successfully complete the job. This will occur by using the monitoring the hiring form, as well as by working one-on-one with supervisors and by providing training on bias to all employees (including those involved in the hiring process). The Department is also increasing its presence in the community by attending job fairs and by developing relationships with community groups through MNCARRS, ACCESS, and other networking events. Finally, the Department recently created promotional materials that reflect the diverse workforce the Department is seeking to create. These materials are typically used in tandem with job fairs and other networking events.

The Department also improved in the category of **Service Maintenance** due to the declining availability of women. As a result, the Department is no longer underutilized in this category. Because the Department has very few employees in this category and it is a male-dominated job group, efforts will be made to recruit and hire women into these positions as they become available.

The Department did not improve in the **Protective Services: Sworn** category. This job category has a total employee population of 669, as compared to 644 employees in the 2014-2016 Plan year. The Department set a hiring goal of <10 women, and ultimately hired <10 women in this category. These

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hires were offset by <10 retirements by female employees. The goal for the current Plan year is six women, which will be achieved by continued emphasis on recruiting and participation in the Law Enforcement Training Opportunity (“LETO”) program. Recruitment will be led by the State Patrol and its recruiter, and their efforts will be supported by the Affirmative Action Officer and Human Resources. This program supports diverse applicants in meeting the higher education qualifications required by law for all state troopers. LETO participants are compensated while spending approximately October through December completing the prerequisite educational requirements. Then, in January, the LETO participants continue their training by participating in the Training Academy, which is required for all state troopers. The Training Academy, and by extension, the LETO program, rely on funding from the Legislature. In prior years, the timing of this funding limited the State Patrol’s ability to actively recruit and promote the LETO program because it could not guarantee that it would have adequate funding to support a hiring process until shortly before the selection process began. However, in May 2016, the Legislature granted the State Patrol funding for the Training Academy for the next several years. This change gives the Department a greater opportunity to seek out potential applicants from diverse backgrounds to take part in its LETO program. The Department recognizes that the current goal of six does not fully address the current underutilization. However, the current goal is appropriate in light of the unique hiring/training process for State Patrol troopers. The Training Academy, which is the training program for all troopers, typically occurs from January to May. The LETO program, which is the program that helps applicants meet the statutorily-required educational requirements to become a trooper, typically occurs from October until December. Additionally, the application process for becoming a trooper is lengthy. It begins in approximately June and ends in late summer/early autumn. The length of the training process (the Training Academy and, potentially, the LETO program) combined with the in-depth application process means recruiting for both the Training Academy and the LETO program occurs in the prior year. For example, this year’s Training Academy is the 2017 trooper class. Recruiting for this class began in 2015 and ended in about May 2016. This timing affects the Department’s goals, because during the 2016-2018 Plan year, it can only impact recruiting for the 2018 and 2019 programs. It also reflects that, for the purpose of this Plan, the Department will only be able to measure its results based on the 2018 program. (The 2019 class will be counted in the 2018-2020 Plan year.) For this reason, the Department has selected six employees as its current goal. However, if recruiting efforts are successful, the Department would expect to see a similar increase in the 2019 program, even though that recruiting year is outside the timeframe of the 2018-2020 Plan.

Minorities:

In the Department, the population of minority employees has improved or stayed the same in all job categories.

In the **Officials/Administrators** job category, the Department is not underutilized. For the 2014-2016 Plan year, the Department was underutilized by one minority employee, so it set a goal to add one employee to this job category. This goal was not achieved due to the small number of separations in this job category. For the current Plan year, the availability percentage of minorities has decreased from 2.89% to 1.06%. As a result of this decrease, the Department is no longer underutilized. However, the

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Department remains committed to diversifying its work force at all levels. Even though it remains difficult to hire in this category due to declining utilization rates for minorities in this job category and the low number of separations in this job category, the Department will consider promotional opportunities for existing employees. To do so, the Affirmative Action Officer will review position descriptions from jobs across the Department to determine whether certain positions would be appropriate in terms of skills and education to act as “stepping stones” into leadership opportunities. Once these positions are identified, the Department, through supervisors, will work with these employees to promote leadership development, so when opportunities become available, these employees are well-prepared to participate in the selection process. Additionally, the Department will train supervisors to identify transferable skills as a valid method of meeting job qualifications to promote the advancement of candidates with diverse and non-traditional backgrounds. With respect to any external hires, the Department recognizes that its recruiting and hiring processes may be affected by the community’s perceptions of the Department as a law enforcement agency. Therefore, the Department has developed promotional materials that it uses at employment recruiting events to show the wide range of jobs available within the Department. When appropriate, the Department will also utilize the State’s Executive Recruiter to increase the diversity of its applicant pool.

The Department improved in the **Professionals** job category. Currently, this category has a total employee population of 397, as compared to 381 in the 2014-2016 Plan year, and has experienced an increase in its population of minority employees. In the 2014-2016 Plan, the Department set a goal of hiring <10 minorities, and this goal was achieved. Because the availability rate also increased, the Department is currently underutilizing this population. For the 2016-2018, the Department has set a new goal of adding four minority employees through increased recruiting. The Department will accomplish this increased goal through active monitoring of the hiring processes, including training for hiring supervisors on biases, careful consideration of internal promotional opportunities, and increased recruiting. Specifically, the Department, through the Affirmative Action Officer, will ensure that all selection processes are conducted in a manner that allows every applicant an opportunity to demonstrate the skills needed to successfully perform the job. This oversight will occur by using the monitoring the hiring process form. The Affirmative Action Officer will analyze the information in this form, and before approving any selection process, she will require hiring supervisors to correct any inequities in the selection process that limit diverse applicants’ access to equal employment opportunities. If the identified inequities cannot be remedied, the entire selection process will be re-conducted to ensure fairness. The Affirmative Action Officer will also providing training on bias to all employees (including those involved in the hiring process) to increase employee awareness about the impact bias can have on employment processes and workplace culture. The Department is increasing its recruitment efforts in the community by attending job fairs and by developing relationships with community groups through MNCARRS, ACCESS, and other networking events. To support these recruitment efforts, the Department recently created promotional materials that reflect the diverse workforce the Department is seeking to create. These materials may also be used for other networking opportunities that arise, like college fairs. Finally, the Department will utilize advertising sources, such as MMB’s email Listserv, to reach diverse communities.

The Department remained the same in the **Protective Services: Sworn** job category. Currently, this job category has a total employee population of 669, as compared to 644 employees in the 2014-2016 Plan year. The percentage of minority employees increased to 6.28% of the total employee population; however, increasing availability rate means the Department's underutilization rate remains the same. In the 2014-2016 Plan year, the Department set a goal of hiring <10 minorities. This goal was partially achieved as this category increased by <10 minority employees. However, the full goal was not achieved because of the Department's limited ability to recruit diverse applicants for the Training Academy, including the LETO program. For the upcoming Plan year, recruitment will be led by the State Patrol and its recruiter, and their efforts will be supported by the Affirmative Action Officer and Human Resources. Through the LETO program, diverse applicants are able to obtain the higher education qualifications required by law for all state troopers. LETO participants complete these prerequisite education requirements by attending classed from October through December, and they are compensated for their time. Then, in January, the LETO participants continue their training by participating in the Training Academy, which is required for all state troopers. The Training Academy, and by extension, the LETO program, rely on funding from the Legislature. In prior years, the timing of this funding limited the State Patrol's ability to actively recruit and promote the LETO program because it could not guarantee that it would have adequate funding to support a hiring process until shortly before the selection process began. However, in May 2016, the Legislature granted the State Patrol funding for the Training Academy for the next several years. This change gives the Department a greater opportunity to seek out potential applicants from diverse backgrounds to take part in its Training Academy, including the LETO program. Because of this funding the Department's goal for the current Plan year will be set at five. Although this goal does not fully address the underutilization, this goal is appropriate in light of the unique hiring/training process for State Patrol troopers. The application process for trooper applicants begins in approximately June and ends in late summer/early autumn. The training process (the Training Academy and, potentially, the LETO program) combined with the in-depth application process means recruiting for both the Training Academy and the LETO program occurs in the preceding year. For example, this year's Training Academy is the 2017 trooper class. Recruiting for this class began in 2015 and ended in May 2016. This timing affects the Department's goals, because during the 2016-2018 Plan year, it can only impact recruiting for the 2018 and 2019 programs. It also reflects that, for the purpose of this Plan, the Department will only be able to measure its results based on the 2018 program. (The 2019 class will be counted in the 2018-2020 Plan year.) For this reason, the Department has selected five as its current goal. However, if recruiting efforts are successful, the Department would expect to see a similar increase in the 2019 program, even though that recruiting year is outside the timeframe of the 2018-2020 Plan.

The Department remained the same in the **Protective Services: Non-Sworn** job category. This job category has a total employee population of 197, as compared to 189 employees in the 2014-2016 Plan year. Minorities currently represent 15.23% of the total employee population, which is an increase over the prior Plan year. For the 2016-2018 Plan year, the two factor analysis reveals no underutilization, and the Department has not set a hiring goal for this job category.

The Department improved in the **Office/Clerical** job category. This category has a total employee population of 450, as compared to 452 in the 2014-2016 Plan year. Through the hiring of 33 minority employees, minorities currently represent 14.67% of the total employee population. In part, this increase may be due to the increased availability rate (9.77% (2014) to 12.25% (2016)). Since the Department is not underutilized in this category, it has not set a hiring goal.

The Department improved in the **Technicians** job category. Currently, this category has a total employee population of 161, as compared to 173 in the 2014-2016 Plan year. For the 2014-2016 Plan year, the Department set a hiring goal of four minorities to reduce an underutilization of eight minority employees. Despite not meeting this goal due to a decline in the overall number of positions available within the division, the Department did make progress and the minority population increased to [REDACTED]% of the total employee population. Since the two factor analysis shows minorities are underutilized by four employees in this job category, the Department has set a goal of hiring two minority employees. While this goal does not fully correct the underutilization that exists, the Department believes the separation rate within this category and the availability rate make this goal sufficiently ambitious, but achievable. To reach this goal, the Department, through the Affirmative Action Officer, will ensure that all selection processes are conducted in a manner that allows every applicant an opportunity to demonstrate the skills needed to successfully complete the job. This will occur by using the monitoring the hiring form, as well as by working one-on-one with supervisors and by providing training on bias to all employees (including those involved in the hiring process). The Department is also increasing its presence in the community by attending job fairs and by developing relationships with community groups through MNCARRS, ACCESS, and other networking events. The Department recently created promotional materials that reflect the diverse workforce the Department is seeking to create. These materials are typically used in tandem with job fairs and other networking events. Finally, the Department will utilize advertising sources, such as MMB's email Listserv, to reach diverse communities.

The Department improved in the **Service Maintenance** job category. There has been no change in the total employee population, which remains at 14 employees. This category does not currently employ any minority employees, and the availability rate is 0.00%. This job category also experiences low turnover; during the fiscal years of 2015 and 2016, only one position opened within the job category. As these positions become available, the Department will make efforts to recruit and hire minorities into this job category.

Individuals with Disabilities:

In the Department, the population of individuals with disabilities has improved or stayed the same in the following job categories: Officials/Administrators, Professionals, Protective Services: Non-Sworn, Office/Clerical, Technicians, and Service Maintenance. The population of individuals with disabilities has not improved in the following job category: Protective Services: Sworn.

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The Department remained the same in the **Officials/Administrators** job category. Currently, this category has a total employee population of 38, as compared to 40 in the 2014-2016 Plan year. Individuals with disabilities currently represent [REDACTED]% of the total employee population. Because the Department is not underutilized in this category, the Department has not set a hiring goal for the current Plan year.

The Department improved in the **Professionals** job category. Currently, this category has a total employee population of 397, as compared to 381 in the 2014-2016 Plan year. Individuals with disabilities represent 6.3% of the total employee population, which is an increase over the prior Plan year. The Department set a goal of hiring <10 individuals with disabilities, and this goal was achieved. Since the two factor analysis shows individuals with disabilities are still underutilized by one employee in this job category, the Department has set a goal of hiring one employee with a disability for the 2016-2018 Plan year.

The Department remained the same in the **Protective Services: Non-Sworn** job category. This category has a total employee population of 197, as compared to 189 in the 2014-2016 Plan year. Individuals with disabilities represent 8.12% of the total employee population. Like in the prior Plan year, the two factor analysis reveals no underutilization. For this reason, the Department has not set a hiring goal.

The Department improved in the **Office/Clerical** job category. The Department encourages supervisors to make referrals to the ADA Coordinator, and it supports employees by providing a variety of accommodations. Through these efforts, the Department has seen an increase in the number of employees reporting disabilities in the Office/Clerical category. This category has a total employee population of 450, as compared to 452 in the 2014-2016 Plan year. Individuals with disabilities represent 14.67% of the total employee population, which is a significant increase over the prior Plan year when individuals with disabilities represented only 7.74% of the total population. This increase was achieved despite the availability rate, which remains at 7.33%. Since the Department is not underutilized in this category, it has not set a hiring goal.

The Department improved in the **Technicians** job category. Currently, this category has a total employee population of 161, as compared to 173 in the 2014-2016 Plan year. Individuals with disabilities represent [REDACTED]% of the total employee population, which is an increase from the prior Plan year. The Department set a hiring goal of two employees for the 2014-2016 Plan year. During this time, <10 employees with disabilities were hired. Since the two factor analysis shows individuals with disabilities are still underutilized by one individual with a disability, the Department has set a hiring goal of one. To reach this goal, the Department, through the Affirmative Action Officer, will ensure that all selection processes are conducted in a manner that allows every applicant an opportunity to demonstrate the skills needed to successfully complete the job. This will occur by using the monitoring the hiring form, as well as by working one-on-one with supervisors and by providing training on bias to all employees (including those involved in the hiring process). The Department is also increasing its presence in the community by attending job fairs and by developing relationships with community groups through

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MNCARRS, ACCESS, and other networking events. The Department recently created promotional materials, which are typically used in tandem with job fairs and other networking events. Finally, when the opportunity is available, the Department will seek to employ individuals with disabilities through the Connect 700 program. Human Resources, along with the ADA Coordinator, will work with supervisors to facilitate the program and help supervisors understand their roles and responsibilities under the ADA.

The Department remained the same in the **Service Maintenance** job category. There has been no change in the total employee population, which remains at 14 employees. Individuals with disabilities represent [REDACTED]% of the total employee population. Like the prior Plan year, the Department is not underutilized in this category, and it has not set a hiring goal.

The Department did not improve in the **Protective Services: Sworn** job category. Currently, this job category has a total employee population of 669, as compared to 644 employees in the 2014-2016 Plan year. Individuals with disabilities represent [REDACTED]% of the total employee population. The availability rate of individuals with disabilities decreased from 3.15% (2014) to 2.65% (2016). In the prior Plan year, the Department was underutilized by eight individuals with disabilities and the hiring goal was set at one. This goal was not met because of the difficulty of accommodating individuals with physical disabilities in this position. Additionally, individuals in this category have demonstrated a reluctance to self-identify as an individual with a disability. For the current Plan year, the hiring goal will be set at one given the decreased availability. The Department will increase its efforts to provide training regarding the definition of a disability under the ADA. Additionally, the Department will provide all employees with reminders to self-identify as a way of recognizing the diversity that likely already exists in this job category. Finally, to help meet its goal, the Department will seek to employ individuals with disabilities through the Connect 700 program if the opportunity arises. Human Resources, along with the ADA Coordinator, will work with supervisors to facilitate the program and help supervisors understand their roles and responsibilities.

IX. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

Through Executive Order 15-02, Governor Dayton established the Diversity and Inclusion Council (“Council”) to improve the recruiting and retention of State employees from diverse backgrounds. On July 1, 2015, the Council submitted its final report (“Report”) to Governor Dayton. This report included findings from the Employment Practices Committee, which assessed the current condition of diversity and inclusion in State government, through discussions, data collection, and surveys.

The Employment Practices Committee identified five “perceived and documented barriers to cultivating a more diverse and inclusive workplace for State government employees.” (July 1, 2015 Report, p. 12). The Department’s review of these five barriers provided a starting place for formulating its objectives and its action steps.

Objective One in this Plan addresses barrier 3 and barrier 4: “Lack of external outreach and communication” and “Unclear intentional/deliberate hiring and recruitment strategies.” (July 1, 2015 Report, p. 13-14). The Department’s action steps focus on building a diverse workforce by identifying any existing barriers within the Department’s selection processes, performing recruitment outreach, and training employees on diversity in the workplace.

Objective Two addresses barrier 5: “Poor retention can be caused by poor workplace inclusion of new employees.” (July 1, 2015 Report, p. 14). To improve retention and promote inclusiveness, the Department’s action steps focus on implementing additional bias training, identifying and addressing problematic trends in separations, and developing initiatives to address work areas that lack inclusiveness.

Objective Three addresses barrier 2: “Leaders need consistent message, support, and accountability.” (July 1, 2015 Report, p. 12). The action steps for this objective state that the Department will share critical information with leaders. Through this exchange of information and data, the Department will send a consistent message to leaders about their role in supporting the Department’s affirmative action obligations. Leaders will have increased opportunities to access support and education in meeting their affirmative action obligations.

Objective #1: Build a diverse workforce by eliminating any existing barriers to equal employment opportunity in the Department.

Action Steps:

- Conduct an assessment of the selection processes used by supervisors and Human Resources to determine whether any barriers to equal employment opportunity exist.
 - The Affirmative Action Officer will conduct the assessment. The Affirmative Action Officer is an attorney experienced in reviewing selection processes to determine compliance with affirmative action and civil rights laws. There is no reporting relationship between the Human Resources Staff and the Affirmative Action Officer. Supervisors and Human Resource personnel involved in recruitment and selection will be asked to participate through interviews and surveys.

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- The assessment will study how supervisors, in connection with Human Resources, review job postings for preferred qualifications, develop recruitment plans, determine job assessments, review applicants, select interview panels, and conduct interviews.
- The results of the assessment will be communicated to the Commissioner's Office, with recommendations based on the assessment's findings.
- The assessment will begin in January 2017 (tentative completion date: April 2017).
- Develop strategic partnerships with organizations, associations, and educational institutions to increase the Department's ability to perform recruitment outreach.
 - The Affirmative Action Officer will develop strategic partnerships through MNCARRS and with other community organizations.
 - As appropriate, the Affirmative Action Officer will identify and seek out strategic partnerships with organizations that may be able to offer assistance with a special project that targets an area of underutilization.
 - The Affirmative Action Officer will develop a relationships with these community organizations by identifying key stakeholders and recognizing opportunities for collaboration between the Department and the community organizations. When appropriate, the Affirmative Action Officer will facilitate a partnership for the purpose of meeting the Department's employment needs.
 - The timeline for this action step is ongoing.
- Conduct a study of position descriptions within various Divisions to determine the feasibility of creating a career mapping program that would allow internal employees to gain new skills and advance within the Department.
 - The Affirmative Action Officer will select 2-4 divisions that have a sizeable number of entry-level positions that experience frequent movement. Division Directors, supervisors, and, if appropriate, employees within the identified positions will be asked to contribute information through either formal or informal means.
 - For the first part of the study, the Affirmative Action Officer will conduct a review of the selected position descriptions to determine whether those positions would be appropriate in terms of skills and education to act as "stepping stones" into other more advanced opportunities. This review will include an assessment of which transferable skills each job may develop that would allow internal candidates to step into positions that offer a promotional opportunity.
 - The second part of the study will focus on the feasibility of implementing such a program across multiple divisions and will include an assessment the processes that would need to be in place to support employees and supervisors.
 - The results of the study will be communicated to the Commissioner's Office. Depending on the results of the study, additional steps may be taken to implement this program.
 - The study will begin in March 2017 (tentative completion date: July 2017).
- Support and provide on-going evaluation for the State Patrol's efforts to increase diversity in its applicant pool by using the Law Enforcement Training Opportunity ("LETO") to provide educational training sufficient to meet Peace Officer Standards and Training ("POST") licensing

requirements. The guaranteed funding authorized by Chapter 189, Article 4, Section 7 (d) of the 2016 Session Laws for fiscal years 2018 and 2019 will allow for increased recruitment efforts for the upcoming years. The effectiveness of previous recruitment efforts was previously limited by the uncertainty of funding.

- The State Patrol will be responsible for completing this action step.
- In addition to the State Patrol's review of data and processes, Affirmative Action Officer will provide an external review in order to identify opportunities that will assist the State Patrol in recruiting and hiring of diverse individuals.
- The Affirmative Action Officer will support recruitment efforts by attending recruitment events, like career fairs and college visits. She will also take an active role monitoring the application process, which includes written testing, physical testing, interviews, background checks, and mental and physical exams, as well as the final selection process, to ensure that the process does not limit minorities, women, or individuals with disabilities.
- The timeline for this action step is ongoing.

Evaluation:

This objective is new, but several of the action steps were drawn from the 2014-2016 Plan due to their effectiveness. The Department will continue providing comprehensive training to all new employees during orientation. Additionally, the Department, through the Affirmative Action Officer, will maintain and cultivate new partnerships that enable it to perform effective recruitment outreach when opportunities within the Department become available. Finally, the State Patrol's LETO program continues to increase the number of qualified women and minority applicants. These increases should continue with the guaranteed funding for State Patrol Training Academy in fiscal years 2018 and 2019.

Objective #2: Create an inclusive organizational culture within the Department.

Action Steps:

- Encourage employees and applicants to request reasonable accommodations when necessary to perform the essential functions of the job or to apply for a position.
 - The Affirmative Action Officer/ADA Coordinator, with the help of supervisors, will perform this action step.
 - At New Employee Orientation training, division-specific trainings for supervisors and employees, and through Department-wide emails, the ADA Coordinator will notify employees of their right to request accommodations.
 - Affirmative Action Officer/ADA Coordinator will process reasonable accommodation requests within 30 days of the request (or with notice to the requester, within 30 days of the receipt of the medical provider's information).
 - The timeline for this action step is ongoing.
- Incorporate inclusion and bias training in the curricula of supervisor, leadership, and employee development programs, and continue to provide training on respectful communications, harassment, and discrimination.

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- The Affirmative Action Officer and the Department's Employee Development Specialist will perform this action step with the support of Division Directors, as appropriate.
- The Employee Development Specialist will develop two one-hour long training videos on inclusion and bias, which will become part of the Department's training program. With the support of the Affirmative Action Officer, the Employee Development Specialist will create a plan for utilizing these videos as part of the Department's employee development trainings. (Tentative completion date: February 2017)
- The Affirmative Action Officer and the Employee Development Specialist will work together to identify and offer training opportunities for existing employees that further develop employees' awareness of respectful communication and their responsibility to help create and maintain a workplace free from discrimination, harassment, fear and violence. The funding for this training will be through the Affirmative Action Officer's budget, and the Department will seek assistance from vendors to accomplish this action step, if appropriate. Otherwise, the Department will utilize community resources and internal resources to provide training. (Tentative completion date: trainings will be identified and scheduled before July 2017, so these trainings can be included in the 2017-2018 training calendar)
- The Affirmative Action Officer, through division-specific trainings on leadership and employee development, will address inclusion and bias in the workplace, and as appropriate, the videos developed by the Employee Development Specialist will become part of the curricula. (Tentative completion date: ongoing)
- The Affirmative Action Officer will revise the New Employee Orientation Training on respectful communication, discrimination, and harassment to include training on inclusion and bias in the workplace. (Tentative completion date: January 2017)
- The Affirmative Action Officer will develop training on bias in the hiring process for employees involved in the selection process. Training will cover these topics: reviewing job descriptions for equal employment barriers, recruiting diverse candidates, selecting appropriate, job-related assessments, creating an interview panel, developing interview questions and benchmarks, and evaluating candidate responses. (Tentative completion date: first class by September 2017)
- Explore Employee Resource Groups and their effect on employee retention.
 - The Affirmative Action Officer will perform this action step.
 - The Affirmative Action Officer will connect with leaders from state agencies and private entities for the purpose of researching how employee resource groups function within their respective organizations and how these groups affect employee retention. If possible, the Affirmative Action Officer will collect sample policies related to employee organization groups.
 - The Affirmative Action Officer will summarize the collected information and research for Commissioner's Office to determine whether employee resource groups may contribute to the Department's organizational culture.
 - (Tentative completion date: May 2017)

Evaluation:

This objective is new, but the following action steps were drawn from the 2014-2016 Plan due to their effectiveness. The Department remains committed to providing reasonable accommodations for individuals with disabilities. In 2014-2016, the Department utilized the State's Accommodation Fund to help fund requests that allowed employees with disabilities to remain in the workplace. The Department's ADA Coordinator will continue to assist supervisors and employees with the accommodation process and makes the accommodation decision after engaging in the interactive process. With respect to training, the Department found its New Employee Orientation training to be successful in teaching new employees about the Department's policies and expectations related to respectful communication, harassment, and discrimination. This training has also been very successful in giving the Affirmative Action Officer an opportunity to connect with new employees, so when issues arise, employees have a resource. For this reason, this training has been retained, and the Department has added new components to address bias and inclusion. Additionally, the Department has identified some new opportunities for training for its current workforce.

Objective #3: Equip Department leaders, supervisors, and managers with diversity and inclusion knowledge and skills to effectively support affirmative action efforts.

Action Steps:

- Provide the Commissioner's Office and Division Directors with EEO-4 and other related data, like exit interviews and quarterly workforce diversity reports, that enables them to monitor the organizational culture and affirmative action efforts on a Department-wide basis and a Division-level basis.
 - The Affirmative Action Officer, in partnership with Human Resources, will perform this action step.
 - The Affirmative Action Officer will provide quarterly workforce diversity reports to the Division Directors and the Commissioner's Office. (Tentative completion date: ongoing)
 - On a monthly basis, Human Resources will continue to provide EEO-4 data to the Affirmative Action Officer, and the Affirmative Action Officer will review this data monthly to identify any apparent trends. (Tentative completion date: ongoing)
 - The Affirmative Action Officer and Human Resources will monitor voluntary separations and exit interviews to identify employee groups and work areas with higher than expected attrition rates. (Tentative completion date: ongoing)
 - The Affirmative Action Officer will develop a template for providing EEO-4 and other related data to Division Directors and the Commissioner's Office on a monthly basis. (Tentative completion date: ongoing)
 - If any of the quarterly or monthly data reveals a concerning trend, the Affirmative Action Officer will initiate and oversee the Department's response. As appropriate, Division Directors and supervisors will be included in creating and implementing the Department's response, which could include: training for supervisors, counseling for supervisors or employees groups (e.g., EAP), investigations into allegations discrimination or harassment, or job/area restructuring to address issues/eliminate inequities. (Tentative completion date: ongoing)

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- Provide Division Directors with regular updates and feedback on affirmative action goals and strategies.
 - The Affirmative Action Officer, in partnership with the Commissioner's Office, will perform this action step.
 - The Commissioner's Office will support the Department's diversity and inclusion efforts by developing a shared understanding with leaders through the Division Directors' meetings about diversity and inclusion. This shared understanding will include that achieving diversity takes commitment and hard work from every member of the team.
 - At the monthly Division Directors' meeting, the Affirmative Action Officer will provide an update of affirmative action-related information, such as progress towards meeting affirmative action goals and objectives, data trends related to affirmative action, and training opportunities for employees/supervisors. (Tentative completion date: ongoing/monthly)
 - The Affirmative Action Officer will review the evaluation form used for Division Directors annually to ensure that diversity and inclusion are integral parts of the evaluation process. If the Affirmative Action Officer's review reveals issues or opportunities within the evaluation forms, the Affirmative Action Officer will present these findings to the Commissioner for further review and potential action. (Tentative completion date: yearly)

- Continue to provide education to Department supervisors and managers about affirmative action and their responsibilities in implementing the Plan.
 - The Affirmative Action Officer will perform this action step, with help from Human Resources and the Commissioner's Office.
 - The Affirmative Action Officer, through her involvement with the hiring process will educate Department supervisors and managers about affirmative action and their responsibilities through one-on-one conversations and support during the selection process. (Tentative completion date: ongoing)
 - Additionally, the Affirmative Action Officer, with help from Human Resources and the Commissioner's Office, will identify Department supervisors and managers who may be dealing with issues that implicate affirmative action and the Department's goals and objections under the Plan. The Affirmative Action Officer will then provide support and guidance to Department supervisors and managers to ensure that their actions properly reflect the Plan's objectives. (Tentative completion date: ongoing)

Evaluation:

While this objective is new, it contains both new and old actions steps. These action steps have been strategically combined to develop leaders within the Department who understand and are committed to the Department's efforts to achieve a diverse workforce and an inclusive work environment. The new action steps focus on data because monitoring provides a valuable insight into the Department's progress towards affirmative action goals.

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

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

The Department is committed to maintaining a successful affirmative action program. The Department will evaluate its selection processes to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. Directors, managers, and supervisors will work closely with Human Resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and other selection steps to ensure that equal opportunity and affirmative action is carried out.

As part of the Department's process, the Director of Internal Affairs/Affirmative Action monitors all the Unlimited Classified hires and the Non-Competitive Qualifying hires in job groups where a disparity exists using the State of Minnesota Monitoring the Hiring Process form. Under the state rules governing the statewide affirmative action program, this evaluation requires the Affirmative Action Officer to conduct a pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals. This procedure is followed when there is an underutilization in the job class and a preferred candidate is not a protected group member (e.g. female, minority, or person with a disability) that would address the underutilization and there are protected group applicants who met the minimum qualifications.

The Director of Internal Affairs/Affirmative Action reviews all hiring recommendations for vacancies filled from an eligible list containing interested protected group members. Hiring supervisors are informed that they are filling a vacancy in a position for which affirmative action goals have not been met. The Department has a consistent process for informing hiring supervisors of their responsibilities that is articulated in its Pre-Hire Review Procedure. Under this procedure, Human Resources is responsible for notifying the hiring supervisor that there is an underutilization and that affirmative action goals have not been met for one or more protected group(s) and that member(s) of those group(s) are on the eligible list. Human Resources also informs the hiring supervisor that there are protected group candidates in the applicant pool and they must obtain approval from the Affirmative Action Officer if they do not select a protected group applicant. Through this process, Hiring supervisors are made aware that there are protected group members on the eligible list and that they must have approval from the Internal Affairs/Affirmative Action Director prior to making an offer of employment.

When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation for individuals with disabilities to allow the candidate equal opportunity to participate in the interview process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

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

Under the Department's Pre-Hire Review Procedure, if a hiring supervisor recommends a non-protected group applicant, the supervisor must: (1) Provide a written rationale based on knowledge, skills, and abilities required for the position as provided in the job posting if the hiring supervisor decides not to offer the position to a protected group applicant; (2) Communicate the interview process and selection decision and rationale to their supervisor; and (3) Complete the hiring justification form and send it to the Affirmative Action Officer. The Affirmative Action Officer then reviews the rationale, the position description, the posted job qualifications, the protected group member's application, and any other relevant documentation to determine whether to approve the recommendation. Any time the Department cannot justify a hire, the Department considers it a missed opportunity. Department leadership will be asked to approve the missed opportunity. Finally, the Affirmative Action Officer informs the hiring supervisor and Human Resources of the final decisions to proceed with the hiring process, including the offer to the applicant. Throughout the process, the Director of Human Resources and the Director of Internal Affairs/Affirmative Action work together to ensure that no offer of employment is given without the necessary approval.

As part of its evaluative process, the Director notifies the Division Directors about their hiring practices as it relates to protected group applicants quarterly. This information is compiled for Division Directors to use to evaluate their hiring practices. As appropriate, the Affirmative Action Officer will share Division summary data with all Directors for the purpose of learning from past experiences. The Department also will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

The following procedure is attached:
Pre-Hire Review Procedure

Pre-Hire Review Procedure

State rules governing the statewide affirmative action program specify that a procedure must be developed in each Department which “requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals.” This procedure must be followed when there is an underutilization in the job class and a preferred candidate is not a protected group member (e.g. female, minority, or person with a disability) that would address the underutilization and there are protected group applicants who met the minimum qualifications.

Before an offer of employment is made, the hiring supervisor must submit written justification and receive approval from the Affirmative Action Officer to proceed with the hiring process.

PROCESS

1. The Office of Human Resources will:
 - a. Notify the hiring supervisor that there is an underutilization and that affirmative action goals have not been met for one or more protected group(s) and that member(s) of those group(s) are on the eligible list.
 - b. Advise the hiring supervisor that they must obtain approval from the Affirmative Action Officer if they do not select a protected group applicant and there are protected group candidates in the applicant pool.

2. Hiring Supervisor will:
 - a. Determine who to interview based on objective criteria including the minimum and preferred qualifications posted for the position.
 - b. Not interview any applicants who do not meet the minimum qualifications posted for the position.
 - c. Provide a written rationale based on knowledge, skills, and abilities required for the position as provided in the job posting if the hiring supervisor decides not to offer the position to a protected group applicant.
 - d. Communicate the interview process and selection decision and rationale to their supervisor.
 - e. Complete the hiring justification form and send it to the Affirmative Action Officer.

INFORMATION REQUIRED

1. Human Resources will provide the hiring supervisor and the Affirmative Action Officer with the applicant list and specific instructions on the hiring obligations including applicable affirmative action responsibilities.
2. Human Resources will provide the hiring justification form to the hiring supervisor. It must be completed by the hiring supervisor and provided to the Affirmative Action Officer. This information should also include all individual interview scores and any additional ratings for those interviewed including any minimum passing score.
3. When necessary, the Affirmative Action Officer may require the following additional information:
 - a. Resumes for the protected group applicants and the preferred candidate.
 - b. Copy of the interview questions, additional exercises and answers for the protected group applicants and the preferred candidate.

DECISION

1. The Affirmative Action Officer will:
 - a. Review the rationale submitted by the hiring supervisor and approve or disapprove the request to move forward in the hiring process with the selected candidate.
 - b. Analyze the documentation to determine if the proposed hire will be considered a non-affirmative justified hire or if it will result in a missed opportunity.
 - i. If necessary, meet with the hiring supervisor and/or their supervisor regarding the hiring decision.
 - c. Inform the hiring supervisor and Human Resources of the final decisions to proceed with the hiring process.
 - d. Discuss with the hiring supervisor the implications of bypassing applicants who fill an underutilization.
 - e. Inform the Commissioner and all Division Directors on a quarterly basis of the hiring decisions including any missed opportunities.

B. Pre-Review Procedure for Layoff Decisions

The Human Resources Director in conjunction with the Affirmative Action Officer are responsible for reviewing all pending layoffs to determine their effect on the Department's affirmative action goals and timetables.

If it is determined that there is an adverse impact on any protected groups, the Department 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 Department will determine if other alternatives are available to minimize the impact on protected groups.

C. Other Methods of Program Evaluation

The Department submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the Department'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 Department also evaluates the 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;
- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with Department leadership on a periodic basis and makes recommendations for improvement.

XI. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure that the Department's recruitment efforts attract and obtain qualified applicants, enhance the image of State employment, and assist in meeting the affirmative action goals to achieve a diverse workforce.

Recruitment costs incurred during the 2016-2018 Plan year total: \$57,592.00. This total includes the recruiting costs incurred by the Minnesota State Patrol ("State Patrol") and paid for out of its separate budget.

Below are various recruitment methods or strategies utilized by the Department during the past year.

A. Advertising Sources

The Department has utilized the following advertising outlets:

- Minnesota Works;
- MMB's Workforce Diversity email list;
- LinkedIn;
- Yahoo Professional;
- Star Tribune on-line;
- CareerBuilder.com;
- Monster.com;
- National Association of Pipeline Safety Representatives (Office of Pipeline Safety);
- Conference Email List - UMN/MNDOT/DHS/DPS collaboration (Office of Justice Programs);
- College and University Career websites;
- Career Centers & Recruitment Event websites;
- Diverse Newspapers (Hmong Times, Asian Pages, MN Spokesman Recorder, Women's Pages);
- Professional Human Resources Organizations (Minnesota Association of Colleges and Employers);
- Peace Officers Standards and Training website (State Patrol);
- Social Networking websites (e.g., Facebook and Twitter);
- Major Television and Print Media; and
- Local Radio Stations (including 93X and KMOJ (Urban radio stations)).

Besides the sources listed above, Human Resources continues to partner with the State Recruiter for high level (18M) vacancies.

The State Patrol's focus on social media advertising (in particular, Facebook and Twitter) is very successful at reaching a variety of demographics in a timely manner. This advertising includes the "live" *Ask a Trooper* segments and posting fliers/brochures. The State Patrol relies heavily on online advertising for events like the 2016 Minnesota State Patrol Summer Academy and the 2016 Women in Law Enforcement Information Session. The State Patrol also has prepared a recruitment video that

features Troopers who are either female, diverse and/or veterans. It is a dynamic piece that gives a more personal look into the life of a State Trooper by highlighting the many benefits of becoming a Minnesota State Trooper, such as Trooper Training Academy and the opportunity for specialization and advancement in the Department.

B. Job and Community Fairs

The Department's Human Resources staff members perform multiple roles within the division. There is no single staff member dedicated to recruiting. While the Department strives to participate in as many career fairs as possible, attending these events limits the work the staff members can perform in their other roles. This means the Department must focus its staffing resources on a limited number of fairs. Additionally, there is no Department-wide recruiting budget, and only limited funding for recruitment is available. Job and community fairs cost money to attend, and while not strictly required, attendees at job fairs typically bring promotional materials that promote their agency. These types of costs also limit the Department's ability to recruit through these methods. Although the Department's funding for these events is limited, the Department recognizes the importance of these events. Therefore, the Department will continue to evaluate which events provide the Department the best opportunity to recruit a diverse workforce to ensure its limited resources are utilized in the most effective way.

The State Patrol attended approximately 47 job fairs and community events during the reporting period, including:

- Rondo Days Parade and Fair (Focus on African American Community);
- Cinco De Mayo Parade and Fair (Focus on Latino Community);
- Minneapolis Public Safety Career Fair (Urban Population-High Diversity);
- Minnesota State Fair-State Patrol Day;
- Camp Ripley Community Appreciation Day (Military);
- Girls Career and College Conference (NW Suburban High School diverse women);
- Martin Luther King Jr. Diversity Career Fair (Sponsored by the NAACP);
- Diversity Job & Internship Fair at St. Cloud State University; and
- Bolder Options Career Night (Non-Profit/Serving Diverse and Underserved Youth).

C. College and University Recruitment Events

The State Patrol attempts to make annual appearances at all of the Minnesota colleges and universities with certified Law Enforcement/Criminal Justice training programs. The State Patrol also attends college fairs at schools that do not have a law enforcement program to reach potential candidates for the non-traditional Law Enforcement Training Opportunity ("LETO") program. The LETO program accepts non-traditional candidates that have graduated with other types of degrees from a regionally accredited college or university. Through this program, non-traditional candidates are paid a wage while earning the law enforcement credits needed to become a State Trooper. Immediately after the candidates complete the LETO program, they join the Training Academy, which is the State Patrol's training program. This scheduling allows both traditional and non-traditional State Trooper candidates to

complete the 16-week training together. Because this program targets non-traditional candidates and offers paid training, the LETO program reaches a diverse group of potential candidates.

The Department will continue the LETO program for the 2016-2018 Plan year because it has determined that the LETO program is an effective recruiting tool that allows the State Patrol to reach diverse individuals. For example, for the 2017 Training Academy, the LETO program enabled the State Patrol to enroll 5 diverse applicants. The Department considers this number a sign of the program's effectiveness since the program's funding only became certain in the late spring of 2016. In the coming years, the Department believes the certainty of funding will contribute to the effectiveness of this program.

College and university recruitment events include:

- University of Minnesota Career Fair;
- North Dakota State University Career Fair;
- Moorhead Technical College Career Fair;
- Winona State University Criminal Justice Club;
- St. Cloud State University Career Fair and Diversity Conference;
- North Hennepin Community College (Presentation to Diverse Student Groups);
- Minneapolis Community and Technical College (Service Learning Class Presentation);
- Alexandria Technical College Career Fair;
- Central Lakes College Career Fair;
- Minnesota State University-Mankato Career Fair and Panel Interview;
- Minnesota State University Job and Internship Fair (Consortium Career Event);
- Bemidji State University;
- Fond Du Lac Technical and Community College;
- Hibbing Community College; and
- Rochester Community and Technical College.

D. Recruitment for Individuals with Disabilities

1) Review of job postings for physical and sensory requirements and follow the Guidelines for Inclusive Job Postings.

- The Department 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, the Department will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.

2) Self-Identification

- At the time of application and once a year, the Department will communicate to our employees that it collects summary data related to the number of individuals with disabilities who have applied for positions and who are in the workforce. The Department will inform

employees that this summary data is collected to help determine needed improvements in terms of recruitment, selection, and retention of individuals with disabilities.

3) Supported Worker

- When the Department posts a position, it will review the position for tasks that can be completed by a supported worker. We will work with DEED - Vocational Rehabilitation Services ("VRS") or the MMB State ADA Coordinator to assist these efforts.

4) 700-Hour Program

- Where possible, the Department will utilize the 700-hour program which allows it to hire an individual with a disability and provide them training. At the end of this period, the Department can hire the individual.

5) Accessibility Campaign

- The Department will distribute marketing material and resources to employees 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.

6) Reasonable Accommodation

- The Department will prominently display on its career site that the Department will provide reasonable accommodation to qualified individuals with a disability who apply for positions. Once hired, the Department will educate employees and supervisors and managers on accommodating employees in the workplace.

7) Strategic Partnerships

- The Department will build strategic partnerships 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 candidates to open positions. The Department will work to inform VRS or SSB when a position is posted or prior to a posting if possible about the positions. Additionally, The Department will post positions for at least 7 days to ensure equal opportunity to apply for the position.

8) Self-Analysis

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

9) Reporting

- The Department 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

Individual Divisions build relationships with schools and community organizations related to the Division's work. For example, the Division of Emergency Communication Networks Response works with the University of Minnesota's Humphrey School of Public Affairs to engage students in public safety projects. Besides cultivating an interest in public safety, these projects expose students to employment opportunities within State. Similarly, the Bureau of Criminal Apprehension speaks with college classes and student groups at both Metro State University and Century College to develop student interest in digital forensics.

The State Patrol, through its recruiter, Public Information Officers, and area State Troopers, have attended schools in the African American, Hmong, Somali, and Hispanic communities. Other outreach methods used to advertise the State Troopers include:

- Meetings with other law enforcement Recruitment and Community Engagement Team members, including Minneapolis Police Department, Dakota County Sheriff's Office, and Ramsey County Sheriff's Office;
- Regular contact and communication with diverse peace officer associations (Black, Latino, Asian, Somali and Women's associations);
- High School Career Prep Partnership Programs, including the NW Suburban Integration School District;
- Career Day Presentations at area high schools and Gone to Soon presentations for teen driving safety;
- Direct contacts and referrals from Troopers, community members, or law enforcement agencies;
- Classroom instruction at Southeast Metro 916's law enforcement program class;
- Networking with other Law Enforcement Explorer Posts and Board Committee members;
- Presence at the Minnesota State Patrol Law Enforcement Explorer Conference; and
- Recruitment Presentations to College Criminal Justice Clubs.

F. Internships

The Department utilizes two paid internship programs promoted by the Governor's Office: Urban Scholars and Star of the North Fellowships. Additionally, four scholarship programs are regularly advertised on the Department's website for fall, spring, and summer interns. The sponsoring Divisions are the State Patrol, Homeland Security and Emergency Management, and the Bureau of Criminal Apprehension (two separate internships in Investigations Forensics). During the prior Plan year, the Office of Communication for the Department also hosted several interns. The State Patrol internship program makes every effort to recruit diverse candidates as internship candidates. Interns are placed in one of the eleven Patrol Districts across the State where they are exposed to the many facets of the State Patrol and the Department.

The State Patrol also created a new Summer Academy geared towards recruiting current and recent college graduates who are interested in law enforcement. The recruitment efforts for this program focused heavily on women, diverse populations, and individuals proficient in a non-English language.

The program received a great deal of interest across the State. Forty applicants were selected to participate from a total applicant pool of 60. The remaining applicants were placed on an alternate list. The current demographics of accepted applicants is 37.5% diverse (women and minorities). Several of the accepted applicants will also receive internship credit from their college/university.

Using social media, the State Patrol also increased its recruitment efforts for the State Patrol Explorer Post #518. Area youth interested in law enforcement also received a direct mailing regarding this opportunity. The current demographics of the Explorer Post includes diverse members.

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

The Department 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. It will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

H. Additional Recruitment Activities

The Human Resources Division participates in Minnesota Management and Budget's bi-monthly State Recruiters meetings and the bi-monthly Executive Order 14-14 Advisory Group meetings. The Department is developing recruitment materials to promote the employment opportunities within its Divisions.

The State Patrol Recruitment Program has focused on targeted recruitment of women and diverse applicants in order to capture and sustain the interest of potential applicants prior to the yearly hiring process. The Recruitment Coordinator sets up meetings with candidates to discuss, in person, what the State Patrol has to offer and how the hiring process works. These meetings are extremely beneficial to the targeted recruitment of diverse applicants because they help candidates evaluate the State Patrol and their ability to be successful as a Trooper. The State Patrol follows up with candidates on a regular basis to provide updates on hiring opportunities within the Division and to form a working relationship with potential applicants.

In addition, the State Patrol hosted a Women in Law Enforcement Info Session on April 23, 2016. The event was staffed by female State Troopers and featured a recruitment component, question and answer session, and a practice physical fitness test. The feedback from this event was very positive from all attendees. Several attendees plan to apply during the upcoming hiring process and believe that the session better prepared them to be successful in the hiring process. Of those that attended, several women also represented minority populations.

XII. RETENTION PLAN

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

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

Patti Bennett, Human Resources Staffing Supervisor, 651-201-7378, patricia.bennett@state.mn.us

B. Separation and Retention Analysis by Protected Groups

The Director of Internal Affairs/Affirmative Action analyzes the annual separation data to determine whether gender, ethnicity or disability status appeared to play a role in the separation of employees. In addition to considering gender, minority, and disability status, the Department also considered the EEO work group in analyzing the data. This category allows the Department to determine whether a particular work group is prone to increased separation based on gender, minority, or disability status. While statistics cannot determine the reasons for a particular action, if the numbers reflect unexpected results, it is a starting point to gather more information regarding a particular set of separations. This analysis focuses on dismissal or non-certification, resignation, retirement, and layoff as reasons for separation from the Department.

For the 2014-2016 Plan year, there were no separations in the Service Maintenance category. The Department has attached the separation analysis worksheet for this job category, which appears blank because there is no separation data.

In fiscal years 2015 and 2016, the Department had 310 total separations, which included 125 resignations and 159 retirements. These numbers reflect an 11.9% increase in overall separations, as well as an increase in resignations (14.4%) and in retirements (22.6%), as compared to the 2014-2016 Plan cycle. Women constituted 53.6% of all resignations, while women constituted only 36.48% of retirements. This gender difference may be explained by the greater number of men in the Protective Services: Sworn job category who retire at age 55. In the current Plan year, there were 59 male retirements the Protective Services: Sworn category, which constitutes 37% of the total retirements for the Department. By comparison, a greater number of women work in job groups that do not have a mandatory retirement age. The number of individuals with disabilities who retired during the current Plan year also increased due to the retirements in the Protective Services: Sworn and Protective Services-Non-Sworn category. With respect to resignations, minority resignations have increased in two job categories: Protective Services: Non-Sworn and Office/Clerical. In part, this data reflects the high turnover of low-skilled employees in these categories. The Department, through the Affirmative Action Officer, will continue to monitor this data in the 2016-2018 Plan year. If trends continue or a pattern emerges, the Affirmative Action Officer will address the concern by conducting a more detailed review of data and of any other relevant information, such as exit interviews. Once the Affirmative Action Officer has gathered the information, she will coordinate a meeting with the Division Director to discuss the concern. If necessary, additional Department personnel will be included. Based on these conversations, as well as the data gathered by the Affirmative Action Officer, the Department will implement the appropriate retention efforts to ensure an inclusive workplace for all employees. These efforts will be led by division personnel and monitored by the Affirmative Action Officer.

In fiscal years 2015 and 2016, the Department had 23 dismissal/non-certifications, which constituted 7.42% of the total separations. In comparison to the prior Plan year, the total number of dismissal/non-certifications for the Department decreased slightly. A majority of these separations occurred in the Office/Clerical category. The Department continues to gather data and monitor this finding.

C. Methods of Retention of Protected Groups

The Department of Public Safety recognizes that investment in human resources is the best way to ensure an efficient and talented workforce. Many of the positions in the department are skilled jobs that require high levels of experience and training. To retain employees, the Department invests in individual employee development. Every supervisor is encouraged to afford their subordinates an individual development plan established as part of the employee's annual performance review. This plan may identify training and development opportunities for the employee.

The Department offers an annual Employee Development and Training Program consisting of various courses including, but not limited to: leadership, technical, managerial and supervisory, diversity and accessibility, organizational, customer service, communication and interpersonal skills. For example, in fiscal year 2016, the Training Program offered a *Women in Leadership* certificate program through Century College. The program consisted of a four-part training series focusing on effective leadership, managing high performance teams, relationship building and navigating change. As a result of this experience, approximately nine employees developed an ongoing, employee-led Women in Leadership group whose express purpose is to "unite and empower women of DPS to grow and succeed."

Additionally, most Divisions within the Department offer employees specialized training designed to build and enhance a competent and skilled workforce. For example, the Division of Alcohol and Gambling Enforcement has a two-year contract in place with Century College in White Bear Lake, Minnesota that allows its staff to access various course offerings through Century College's Performance Plus Learning Partners ("PPLP"). PPLP offers various courses in communication, management, and conflict resolution. The Division of Alcohol and Gambling Enforcement also encourages professional development by sending its agents to the Bureau of Criminal Apprehension to attend management courses and various conferences on tribal relations and gaming and liquor regulations. The Bureau of Criminal Apprehension offers these trainings to employees of other Divisions on a fee-basis, as well. Likewise, the State Fire Marshal actively reaches out to its employees to offer additional training opportunities. In 2015, this Division had over 30% of its employees attend continuing education courses above and beyond what the Division offered in-house.

The Department also retains employees through positive reinforcement. To accomplish this, the Department has an Employee Recognition Program to motivate employees to take pride and satisfaction in their jobs and recognize their accomplishments.

Another part of the Department's retention efforts focus on creating and maintaining a safe and respectful work environment. To ensure such an environment, all employees are held accountable for their own actions and expected to adhere to the Department's policies. All new employees are trained

DEPARTMENT OF PUBLIC SAFETY
AFFIRMATIVE ACTION PLAN 2016-2018

in respectful communication in the workplace and the prevention of discrimination and harassment. Managers and supervisors are held accountable to ensure that affirmative action programs are implemented, including efforts to affirmatively retain and promote protected group employees.

Finally, the Department makes every effort to retain its protected group employees. All employees separating from employment are requested to complete an exit interview to afford the employee the opportunity to provide the Department with input relative to experiences, feelings and perceptions upon the employee's departure from the Department. This interview assists the Department in its efforts to identify areas of strengths and challenges that should be addressed and to continually improve the work environment. The Director of Internal Affairs/Affirmative Action follows up with each former employee who indicates on the exit interview questionnaire or during an exit interview that the employee felt unfairly treated based on a protected group status.

APPENDIX

A. Complaint of Discrimination/Harassment Form

STATE OF MINNESOTA
Department of Public Safety

FORMAL COMPLAINT OF ALLEGED EMPLOYEE MISCONDUCT

The information you provide may become part of an administrative investigation conducted at the direction of the Minnesota Department of Public Safety Internal Affairs/Affirmative Action and may be classified as private or confidential data under Minnesota State Statute Chapter 13. The information you supply may also be used in a grievance hearing, arbitration or other appeal procedure and it may become necessary for you to testify at these hearings. Your contact information is requested so that you can be contacted to provide additional information. You are not legally required to supply the data, however if you do not provide it, it may impact the ability to fully investigate your concerns. The information will be made available only to those with a legitimate business need to know the information and to those authorized by state and federal law.

Name of complainant:

Address: City: State: Zip:

Telephone numbers: Home: Work: Cell:

E-mail address:

Provide as much information as possible:

Name of employee(s) involved:

(If no name is available, any other identifying information, i.e. badge number, description of employee)

Date and time of incident:

Location:

Description of Incident (include additional pages as necessary):

Names of possible witnesses and contact information, including email and cell phone if possible:

The information I have provided is true and accurate to the best of my knowledge.

Signature of complainant

Date

Return the completed form to:
Minnesota Department of Public Safety
Internal Affairs/Affirmative Action
445 Minnesota Street, Suite #530
St. Paul, Minnesota 55101-5530

B. Employee/Applicant Request for ADA Reasonable Accommodation Form



STATE OF MINNESOTA – DEPARTMENT OF PUBLIC SAFETY

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 – Department of Public Safety
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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C. Department Profile and Organizational Chart

The Department of Public Safety, through its divisions works in partnership with city, county, state, federal and not-for-profit agencies to improve safety for Minnesotans and those who visit our state. The Department is comprised of 14 divisions where approximately 2,000 employees operate programs in the areas of law enforcement, crime victim assistance, traffic safety, alcohol and gambling, emergency communications, fire safety, pipeline safety, driver licensing, vehicle registration and emergency management. The Department's activity is anchored by three core principles: education, enforcement and prevention, and supports the statewide outcome that people in Minnesota are safe.

The Department's organizational chart can be found on the [Department's external website](#).

D. Underutilization Analysis Worksheets

WOMEN									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	38	20	52.63%	50.89%	19	-1	-2	Same	1
Professionals	397	222	55.92%	55.84%	222	0	1	Improved	1
Protective Services: Sworn	669	66	9.87%	12.78%	85	19	17	Not improved	2
Protective Services: Non-sworn	197	61	30.96%	38.25%	75	14	24	Improved	10
Office/Clerical	450	380	84.44%	72.24%	325	-55	-55	Same	0
Technicians	161	71	44.10%	49.86%	80	9	16	Improved	7
Service Maintenance	14	<10	REDACTED	7.14%	<10	0	2	Improved	2
Totals	1926	821	42.63%						

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MINORITIES									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	38	<10	REDACTED	1.06%	<10	0	1	Improved	1
Professionals	397	31	7.81%	8.81%	35	4	5	Improved	1
Protective Services: Sworn	669	42	6.28%	8.01%	54	12	12	Same	0
Protective Services: Non-sworn	197	30	15.23%	13.92%	27	-3	-4	Same	1
Office/Clerical	450	66	14.67%	12.25%	55	-11	4	Improved	15
Technicians	161	<10	REDACTED	7.45%	>10	4	8	Improved	4
Service Maintenance	14	<10	REDACTED	0.00%	<10	0	1	Improved	1
Totals	1926	177	9.19%						

INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Indiv. with Disabilities in Group	% of Indiv. with Disabilities in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized	AAP 2014-2016 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/Administrators	38	<10	REDACTED	5.50%	<10	0	0	Same	0
Professionals	397	25	6.30%	6.55%	26	1	4	Improved	3
Protective Services: Sworn	669	<10	REDACTED	2.65%	>10	10	8	Not improved	2
Protective Services: Non-sworn	197	16	8.12%	7.84%	15	-1	-3	Same	2
Office/Clerical	450	66	14.67%	7.33%	33	-33	-2	Improved	31
Technicians	161	10	6.21%	6.56%	11	1	6	Improved	5
Service Maintenance	14	<10	REDACTED	14.29%	<10	0	0	Same	0
Totals	1926	129	6.70%						

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).

Job Category:

Officials and Administrators

A	ASSIGNED WEIGHT (%)
Internal Availability	86.00%
External Availability	14.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN		MINORITIES		INDIVIDUALS WITH DISABILITIES		
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	
Internal Availability	B	52.63%	45.26%	D	0.00%	F	5.26%	4.52%
External Availability	C	40.20%	5.63%	E	7.60%	G	7.00%	0.98%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
50.89%	1.06%	5.50%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	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.

Job Category:

Professionals

A	ASSIGNED WEIGHT (%)
Internal Availability	64.00%
External Availability	36.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN		MINORITIES		INDIVIDUALS WITH DISABILITIES			
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics		
Internal Availability	B	55.92%	35.79%	D	7.81%	5.00%	F	6.30%	4.03%
External Availability	C	55.70%	20.05%	E	10.60%	3.82%	G	7.00%	2.52%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
55.84%	8.81%	6.55%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

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

Job Category:

Protective Service - Sworn

A	ASSIGNED WEIGHT (%)
Internal Availability	75.00%
External Availability	25.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN		MINORITIES		INDIVIDUALS WITH DISABILITIES			
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics		
Internal Availability	B	9.87%	7.40%	D	6.28%	4.71%	F	1.20%	0.90%
External Availability	C	21.50%	5.38%	E	13.20%	3.30%	G	7.00%	1.75%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
12.78%	8.01%	2.65%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

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

Job Category: Protective Service - Non Sworn

A	ASSIGNED WEIGHT (%)
Internal Availability	75.00%
External Availability	25.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN	
		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	30.96%	23.22%
External Availability	C	60.10%	15.03%

		MINORITIES	
		Initial Statistics (%)	Weighted Statistics
	D	15.23%	11.42%
	E	10.00%	2.50%

		INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics
	F	8.12%	6.09%
	G	7.00%	1.75%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
38.25%	13.92%	7.84%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

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

Job Category:

Office Clerical

A	ASSIGNED WEIGHT (%)
Internal Availability	42.00%
External Availability	58.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN		MINORITIES		INDIVIDUALS WITH DISABILITIES			
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics		
Internal Availability	B	84.44%	35.46%	D	14.67%	6.16%	F	7.78%	3.27%
External Availability	C	63.40%	36.77%	E	10.50%	6.09%	G	7.00%	4.06%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
72.24%	12.25%	7.33%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

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

Job Category:

Technicians

A	ASSIGNED WEIGHT (%)
Internal Availability	56.00%
External Availability	44.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN		MINORITIES		INDIVIDUALS WITH DISABILITIES			
		Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics	Initial Statistics (%)	Weighted Statistics		
Internal Availability	B	44.10%	24.70%	D	4.97%	2.78%	F	6.21%	3.48%
External Availability	C	57.20%	25.17%	E	10.60%	4.66%	G	7.00%	3.08%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
49.86%	7.45%	6.56%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

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

Job Category: Service Maintenance

A	ASSIGNED WEIGHT (%)
Internal Availability	100.00%
External Availability	0.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN	
		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	7.14%	7.14%
External Availability	C	44.40%	0.00%

		MINORITIES	
		Initial Statistics (%)	Weighted Statistics
	D	0.00%	0.00%
	E	19.50%	0.00%

		INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics
	F	14.29%	14.29%
	G	7.00%	0.00%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
7.14%	0.00%	14.29%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

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

E. Separation Analysis by Protected Groups Worksheets

TOTAL SEPARATIONS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	23	7.42%	15	65.22%	<10	REDACTED	<10	REDACTED
Resignations	125	40.32%	67	53.60%	22	17.60%	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	159	51.29%	58	36.48%	<10	REDACTED	15	9.43%
Deaths	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Lay-off	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	310	100.00%	142	45.81%	35	11.29%	23	7.42%

OFFICIALS/ADMINISTRATORS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Individ w/Disabilities	Percentage of Individ w/Disabilities
Dismissal or Non-Certification		0.00%		0.00%		0.00%		0.00%
Resignations	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Deaths		0.00%		0.00%		0.00%		0.00%
Lay-off		0.00%		0.00%		0.00%		0.00%
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED

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PROFESSIONALS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Resignations	37	55.22%	22	59.46%	<10	REDACTED	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	27	40.30%	13	48.15%	<10	REDACTED	<10	REDACTED
Deaths		0.00%		0.00%		0.00%		0.00%
Lay-off	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	67	100.00%	38	56.72%	<10	REDACTED	<10	REDACTED

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PROTECTIVE SERVICES: SWORN								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Resignations	15	18.29%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	65	79.27%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Deaths		0.00%		0.00%		0.00%		0.00%
Lay-off		0.00%		0.00%		0.00%		0.00%
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	82	100.00%	<10	REDACTED	<10	REDACTED	<10	REDACTED

PROTECTIVE SERVICES: NON-SWORN								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Resignations	18	47.37%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	17	44.74%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Deaths	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Lay-off		0.00%		0.00%		0.00%		0.00%
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	38	100.00%	15	39.47%	<10	REDACTED	<10	REDACTED

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OFFICE/CLERICAL								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	15	17.86%	10	66.67%	<10	REDACTED	<10	REDACTED
Resignations	39	46.43%	27	69.23%	11	28.21%	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	29	34.52%	21	72.41%	<10	REDACTED	<10	REDACTED
Deaths	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Lay-off		0.00%		0.00%		0.00%		0.00%
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	84	100.00%	59	70.24%	19	22.62%	<10	REDACTED

TECHNICIANS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Individ w/Disabilities	Percentage of Individ w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Resignations	15	48.39%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Enhanced Separation		0.00%		0.00%		0.00%		0.00%
Retirement	14	45.16%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Deaths		0.00%		0.00%		0.00%		0.00%
Lay-off		0.00%		0.00%		0.00%		0.00%
Termination without Rights		0.00%		0.00%		0.00%		0.00%
Total Separations	31	100.00%	16	51.61%	<10	REDACTED	<10	REDACTED

SERVICE MAINTENANCE								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	0	0.00%		0.00%		0.00%		0.00%
Resignations	0	0.00%		0.00%		0.00%		0.00%
Enhanced Separation	0	0.00%		0.00%		0.00%		0.00%
Retirement	0	0.00%		0.00%		0.00%		0.00%
Deaths	0	0.00%		0.00%		0.00%		0.00%
Lay-off	0	0.00%		0.00%		0.00%		0.00%
Termination without Rights	0	0.00%		0.00%		0.00%		0.00%
Total Separations	0	0.00%	0	0.00%	0	0.00%	0	0.00%

F. Other Relevant Department Information, Policies, or Documents

Policy:	General Harassment/Inappropriate Workplace Conduct
Number:	1501
Applicability:	Department-wide
Maintained by:	Internal Affairs/Affirmative Action
Originated:	02/01/93
Effective:	02/03/11

Definitions

Inappropriate behavior-

Inappropriate behavior includes any hostile, abusive, degrading, intimidating, offensive, exploitative, or physical conduct. Inappropriate workplace behavior may include, but is not limited to, rudeness, exclusionary behavior, inappropriate joking, name calling, belittling, disrespectful, or profane language, or comments or actions that are perceived as threatening.

Bullying-

Bullying is frequent, persistent, and unreasonable behavior that demeans, intimidates, and humiliates employees, either as individuals or groups. Bullying may include, but is not limited to, hostile glares and other non-verbal behaviors, use of put-downs, exclusion and “the silent treatment,” and false accusations of mistakes and errors.

Note: Inappropriate behavior and/or bullying *does not* include actions taken by a supervisor that are within the scope of the supervisor’s responsibilities and would be considered reasonable and appropriate actions.

Employee-

Employee means all Department of Public Safety employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers.

Other covered individuals-

All individuals, such as volunteers and contractors, working in the Department of Public Safety workplace.

Reprisal-

Reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy.

Purpose

The purpose of this policy is to ensure that the Minnesota Department of Public Safety is a positive working environment free from inappropriate, offensive, or bullying behavior by providing a process through which complaints will be promptly, thoroughly, and respectfully handled and investigated.

Policy Statements

- It is the policy of the Minnesota Department of Public Safety that all its employees are able to work in a professional, respectful, and productive environment. The Department will not tolerate inappropriate or offensive behavior or bullying among its employees and will take appropriate corrective action against employees who violate this policy.
- Though not prohibited by law, some behaviors are simply unacceptable for the workplace and will be treated as such.
- This policy prohibits inappropriate workplace behavior by any employee, volunteer, or contractor of the Minnesota Department of Public Safety. This policy also prohibits inappropriate behavior by Department of Public Safety employees, volunteers, or contractors toward a member of the public.
- All employees are expected to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from inappropriate or offensive behavior and bullying.
- Employees are encouraged to report possible violations of this policy as soon as possible.
- Employees who engage in inappropriate behavior in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

Responsibilities

ALL EMPLOYEES, VOLUNTEERS, AND CONTRACTORS

- Are responsible for seeking assistance about how this, or any other policy, applies to them
- Are responsible for personal conduct in a manner consistent with the spirit and intent of this policy

MANAGERS AND SUPERVISORS

- Must seek clarification if there are questions about this policy
- Department administrators, managers, and supervisors are responsible for implementing and enforcing this policy and for enforcing all articles relating to inappropriate workplace behavior in collective bargaining agreements
- Managers and supervisors have a special responsibility to report allegations of inappropriate behavior; supervisors shall immediately report any allegation of prohibited conduct to the Department of Public Safety Director of Internal Affairs/Affirmative Action

DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION

- Any claims of inappropriate behavior under this policy will be investigated by investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis
- The Director of Internal Affairs/Affirmative Action will monitor the progress of each investigation
- The Director of Internal Affairs/Affirmative Action shall report annually to the Commissioner and all Division Directors the number of complaints filed under this policy

PROCEDURES TO FILE AN INTERNAL COMPLAINT

The following internal complaint procedure is intended to help the department and its employees resolve concerns or complaints about inappropriate workplace behavior:

1. Employees, volunteers, or contractors who believe they have been treated inappropriately in the workplace, or who have witnessed such behavior among other employees or covered individuals, are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly. If managers or supervisors learn through an exit interview or other means that an employee, volunteer, or contractor has left the department because of inappropriate treatment, the Division Director or Director of Human Resources will notify the Director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the Division Director or Director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the Director of Internal Affairs/Affirmative Action.
2. Individuals are encouraged to file their concerns and complaints in writing using the Formal Complaint of Employee Misconduct Form. However, oral complaints will be accepted and processed as well. Complaints may be filed with the employee's supervisor, the Director of Internal Affairs/Affirmative Action or the Director of Human Resources, or anyone in a supervisory or management position in the Department of Public Safety. If the complaint involves the employee's immediate supervisor, the complaint may be filed with any other supervisor or manager in the Department of Public Safety or the Directors of Internal Affairs/Affirmative Action or Human Resources.
3. The person who receives the concern or complaint will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the Complaint Intake Form may be used.
4. The Director of Internal Affairs/Affirmative Action will direct and review the investigation. The investigation shall be conducted within 60 days. If the investigation cannot be completed within 60 days, the Director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.

5. The Director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The Director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.
6. Any corrective action decision or recommendation will be made by the division director in consultation with the Director of Human Resources and/ or the Labor Relations Manager.
7. The Director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.

Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

Other applicable policies, authority, or resources

- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1502, Discrimination/Discriminatory Harassment
- Department of Public Safety Complaint Intake Form
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Applicable collective bargaining agreements and plans

Date this policy was last revised: 4/1/05

Approved for implementation and distribution: Mary Ellison, 2/3/11

Policy: Investigation and Resolution of Employee Misconduct

Number: 1002

Applicability: Department-wide

Maintained by: Internal Affairs/Affirmative Action

Originated: 12/30/1998

Effective: 6/12/12

Definitions

Administrative Inquiry-

An administrative inquiry is conducted by Internal Affairs/Affirmative Action when an issue is raised by an employee or citizen involving the application of existing policies, procedures and/or work rules. It may also be used for allegations of serious misconduct where the facts are vague and an inquiry is needed to determine whether the alleged actions occurred before the initiation of an investigation using the formal process.

Case Manager-

The case manager is an Internal Affairs investigator assigned to monitor and to assist division supervisors in conducting an employee misconduct investigation.

Complainant-

The complainant is a person who files a complaint alleging misconduct by a department employee or other covered individuals

Discontinued-

An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

Employee-

Employee means all Department of Public Safety employees including full-time, part-time, temporary, intermittent, seasonal, or emergency workers, interns and student workers.

Exonerated-

An employee or other covered individual will be exonerated of the allegations of employee misconduct when the investigation supports a finding that the alleged actions did not occur, the employee or other covered individual named in the complaint was not involved in the acts giving rise to the alleged

misconduct allegation, or the alleged acts occurred and were in accordance with policy and otherwise appropriate.

Formal Process-

The formal process is used when an employee or citizen requests that the complaint be provided to Internal Affairs/Affirmative Action for investigation, or the person submits a Formal Complaint of Alleged Employee or other covered individual Misconduct directly to Internal Affairs/Affirmative Action. All complaints made under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment must use the formal process.

Informal Process-

The informal process is used when an employee or citizen brings allegations of employee misconduct to the direction of a supervisor or to another, including Internal Affairs/Affirmative Action, and requests the supervisor to handle the matter as a performance matter which does not involve a signed complaint. This process cannot be used for allegations which fall under the purview of Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment.

Insubordination-

The intentional refusal of an employee or other covered individual to follow the reasonable and appropriate direction or lawful order of a supervisor acting within the scope of their position.

Internal Affairs/Affirmative Action-

IA/AA, sometimes referred to as IAD, is the department's internal investigative unit, under the direction of the Director of Internal Affairs/Affirmative Action, who is the department's Affirmative Action Officer and Americans with Disabilities Act Coordinator and reports to the Commissioner.

Licensed Peace Officer-

Any employee of the department who has the powers of arrest pursuant to Minn. Stat. § 626.843, subd. 1 (c).

Misconduct-

Misconduct includes actions which violate departmental or divisional policies and are considered performance matters, or actions and behaviors which reflect negatively upon the department, the employee's or other covered individual's ability to perform necessary job duties.

Not Sustained-

The recommended conclusion of an investigation will be "not sustained" when the investigation cannot determine whether the alleged actions occurred or not.

Other Covered Individuals-

All individuals, such as volunteers, contractors or grantees working in or on behalf of the Department of Public Safety, are covered individuals under this policy.

Performance Matter-

Work performance that fails to meet the standards established by the responsible division or department. Examples include, but are not limited to: excessive errors, substandard production rates, tardiness, absenteeism, and sick leave abuse.

Poor Public Relations-

Conduct by an employee or other covered individual toward a customer or citizen that was indifferent, rude, unprofessional, hostile, or otherwise likely to create a negative opinion of the department, its programs or its employees.

Serious Misconduct -

Serious misconduct includes but is not limited to the following:

- Any criminal offense other than petty misdemeanor traffic offenses;
- Actions covered under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment;
- Conduct which violates a person's civil rights or otherwise violates civil laws
- Conduct which violates applicable state, departmental or divisional policies and would not be considered a performance matter.

Subject-

The subject of an investigation is the person who is alleged to have engaged in the acts or behaviors being complained about.

Sustained-

The recommended conclusion of an investigation will be "sustained" when the investigation supports a finding that the employee or other covered individual engaged in the alleged actions.

Purpose

The purpose of this policy is to ensure the public's confidence in the work performed by Department of Public Safety employees, contractors, grantees or other covered individuals. The Department strives for continuous quality performance of such individuals by providing a process through which complaints will be promptly, objectively, thoroughly and respectfully handled and investigated. This policy is designed to facilitate effective administrative investigations without compromising the ability to prosecute criminal cases when appropriate.

Policy Statements

- It is the policy of the Minnesota Department of Public Safety that alleged reports of misconduct or performance matters will be handled and investigated in an appropriate manner.
- Members of the public and all employees and other covered individuals are encouraged to report acts of misconduct and will be assisted in making the complaint, when asked, in a friendly and non-intimidating manner.
- All employees and other covered individuals are expected to conduct themselves in a professional manner, with dignity and respect for others, and in accordance with all applicable state, department and division policies and procedures.
- Employees and other covered individuals who engage in behavior which violates applicable state, department or division policies can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal or retaliation against a person who has filed a complaint alleging misconduct or who has participated in any such investigation. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

Responsibilities

ALL EMPLOYEES, VOLUNTEERS, CONTRACTORS, GRANTEEES AND OTHER COVERED INDIVIDUALS WILL:

- Seek assistance about how this or any other policy applies to them.
- Perform job responsibilities in a professional manner and in accordance with standards established by the department or responsible division.
- Avoid behavior that is or could be perceived as misconduct or serious misconduct.
- Comply with all applicable state, department and division policies and procedures.
- Report violations of misconduct by employees or other covered individuals in accordance with this policy.
- Assist persons asking for help to file a complaint.
- Cooperate with any internal investigation.
- Refrain from conducting any investigation into employee conduct or performance when it is not part of their regular duties and without supervisory permission.

DIRECTORS, MANAGERS AND SUPERVISORS WILL:

- Ensure that employees and other covered individuals are aware of the provisions of this policy and other applicable state, department or division policies.
- Seek clarification if there are questions about this policy.
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary.
- Report allegations of employee, contractor or grantee misconduct as appropriate.
- Respond appropriately to all allegations of misconduct which are received by them.
- Investigate allegations related to performance matters, and all complaints referred to them by Internal Affairs/Affirmative Action thoroughly, objectively and timely.

DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION WILL:

- Determine the appropriate method of investigation for complaints of alleged misconduct by employees and other covered individuals.
- Refer all complaints which are determined to be performance matters to the appropriate division and Human Resources for investigation.
- Assist supervisors, managers and division directors with investigations when appropriate.
- Consult with Human Resources to ensure investigations are conducted in compliance with collective bargaining agreements and plans.
- Assign an investigator for all allegations involving serious misconduct.
- Report annually to the Commissioner and all Division Directors the number of complaints filed under this policy.

HUMAN RESOURCES WILL:

- Assist supervisors, managers and division directors with performance matter investigations.
- Assist supervisors and managers in developing division specific policies.
- Assist supervisors, managers and division directors regarding appropriate disciplinary action.
- Refer all complaints which are perceived to be misconduct to the Internal Affairs/Affirmative Action Division and appropriate division for investigation.

PROCEDURE

Any division policy related to employee misconduct investigations will comply with this policy.

Acceptance of Complaints

- A complaint may be reported to any department employee. Complaints must be accepted in any form; in writing, in person, by telephone, by email, by fax, and may be made anonymously. Anonymous complaint will be given due consideration based on the totality of the circumstances.
- The Formal Complaint of Alleged Employee Misconduct form (1002-02) may be used as a convenient means of documenting a complaint alleging employee misconduct. It will be provided to any individual wishing to make such a complaint, but it is not required to be used.
- A person receiving a complaint in any form other than writing may use the Complaint Intake form (1002-01) to assist them in documenting the complaint.
- Any employee will assist another in making a complaint, if they are asked to help. The employee will provide information about how to make a complaint even when the complaint is about them.
- Any employee receiving a complaint should forward the information to an appropriate individual who has a job responsibility to take appropriate action. For example, a supervisor or manager. However, the complaint should not be forwarded to the individual about whom the complaint is made.
- All complaints alleging conduct which is defined by this policy as serious misconduct or any complaint alleging discrimination/discriminatory harassment under DPS Policy No. 1502 will be immediately forwarded to the Director of Internal Affairs/Affirmative Action.

Investigation of Complaints

- All complaints received by Internal Affairs/Affirmative Action will be reviewed and when possible will be assigned to the employee's division director or supervisor for investigation in consultation with Human Resources.
- Internal Affairs/Affirmative Action will investigate all complaints alleging serious misconduct unless the Director of Internal Affairs/Affirmative Action determines that another investigator is appropriate. When applicable, the director will assign another DPS investigator or contract with an independent investigator to complete the investigation. An Internal Affairs/Affirmative Action investigator will be assigned to case manage the investigation.
- All complaints alleging performance matters will be referred to the division director or appropriate supervisor or manager to conduct the investigation in consultation with Human Resources. Internal Affairs/Affirmative Action will only conduct investigations alleging performance matters when requested to do so by the Commissioner, Human Resources, or Division Director. Internal Affairs/Affirmative Action investigators will provide assistance to supervisors conducting their investigations when requested.
- Investigations into complaints of employee misconduct that are initiated by a department supervisor which is likely to result in the loss of compensation to the employee, either through suspension or discharge, should be forwarded to the Director of Human Resources when the allegations relate to performance matters and to the Director of Internal Affairs/Affirmative Action when the allegations relate to serious misconduct. It is important that department supervisors report the action to someone. It is the responsibility of the Directors of Human Resources and Internal Affairs/Affirmative Action to communicate and ensure the proper handling of the investigation.
- All investigations will be conducted in accordance with applicable collective bargaining agreements and plans, state and federal law including the Peace Officer Discipline Procedure Act, Minn. Stat. § 626.89.
- An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

Notification of Results

- All investigations conducted or case managed by Internal Affairs/Affirmative Action will be reviewed by the Director of Internal Affairs/Affirmative Action who will make recommended findings, conclusions and other recommendations as appropriate to the appropriate Division Director.
 - Internal Affairs/Affirmative Action will notify the complainant when the investigation is complete.
 - The subject(s) of the investigation will be notified of the result of the investigation by the Division Director, or as otherwise designated by the Division Director.
 - When disciplinary action is taken, the subject(s) and the appropriate collective bargaining representative will be notified of the intent to take appropriate action by the Division Director, or as otherwise designated by the Division Director.

- All investigations conducted within the division will be handled in accordance with divisional policy or as recommended by Human Resources.
 - The appropriate supervisor, or as otherwise designated by the Division Director, will notify the complainant directly when the investigation is complete. If the investigation was referred to the division by Internal Affairs/Affirmative Action, the division also must notify Internal Affairs/Affirmative Action of the conclusion and result of the investigation.
 - The subject(s) of the investigation will be notified of the result of the investigation by the appropriate supervisor, or as otherwise designated by the Division Director.
 - When disciplinary action is taken, the subject(s) and appropriate collective bargaining representative will be notified of the intent to take appropriate action by the appropriate supervisor, or as otherwise designated by the Division Director.
- All information provided to subjects and complainants will be in accordance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, the Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89, applicable collective bargaining agreements and plans and other applicable state and federal law.

Criminal Investigations

- If criminal charges are made against a department employee or other covered individual, Internal Affairs/Affirmative Action is responsible for the administrative investigation. All complaints which stem from criminal charges, or allege criminal activity will be referred to Internal Affairs/Affirmative Action.
- When Internal Affairs/Affirmative Action receives information alleging criminal activity, it will bring matters to the attention of the Commissioner, Human Resources Director and the Division Director when appropriate.
- The Commissioner or appropriate Division Director will ensure that any criminal complaint is referred to the appropriate jurisdiction.
- Internal Affairs/Affirmative Action will cooperate and coordinate with the department conducting the criminal investigation to ensure that evidence is obtained and the criminal investigation is not compromised.
- Internal Affairs/Affirmative Action may conduct its administrative investigation concurrent with the criminal investigation or once the criminal investigation is complete. Internal Affairs/Affirmative Action will determine the appropriate course of the administrative investigation so that it does not compromise any criminal investigation or prosecution.
- Internal Affairs/Affirmative Action will determine when the subject(s) will be interviewed in the administrative investigation and if the subject(s) will be compelled to participate in the interview.
 - Internal Affairs/Affirmative Action will ensure the subject receives the appropriate notice consistent with state and federal law.
 - Internal Affairs/Affirmative Action will maintain information received through an administrative investigation in accordance with state and federal law and in a manner which will not interfere with any criminal investigation or criminal prosecution.

- Unless court ordered, or otherwise required by federal or state law, Internal Affairs/Affirmative Action will not provide information from a compelled statement of the subject in a criminal investigation to any criminal investigator.
- If it is determined that the administrative investigation will not occur until after criminal charges are filed or the criminal case is resolved, Internal Affairs/Affirmative Action will notify the subject and the applicable collective bargaining representative of this decision unless such notification could jeopardize a criminal investigation. The complainant will be notified of this decision only after information regarding the criminal matter is public information by law.

DISCIPLINARY DISPOSITION

- If the investigation supports a finding that the allegations are sustained, the Division Director will take appropriate action, which may include disciplinary action.
- If the investigation results in a finding of not sustained, the Division Director may take appropriate action, which may include disciplinary action.
- The Division Director will consult with the Director of Human Resources and the Labor Relations Manager to determine what action is appropriate.
- The investigative file will be available to and reviewed by the Division Director and the Director of Human Resources before a final decision is made.
- The Division Director in consultation with Human Resources may determine other appropriate action which is not considered disciplinary.
- The Division Director will notify Internal Affairs/Affirmative Action of any final decision regarding investigations conducted or case managed by Internal Affairs/Affirmative action, including any appropriate action taken.
- The Commissioner reserves the right to review any final decision of a Division Director to ensure that all such decisions are fair and consistent for all employees and other covered individuals throughout all divisions of the Department.

Other applicable policies, authority, or resources

- All DPS policies including but not limited to:
 - DPS Policy 1501, General Harassment/Inappropriate Workplace Conduct
 - DPS Policy 1502, Discrimination/Discriminatory Harassment
 - DPS Policy 4063, Employee Conduct
 - DPS Policy 1003, Conduct Unbecoming a Peace Officer
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89
- Best Practices For Investigations, Minn. Stat. § 43A.325
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last revised: 8/10/04

Approved for implementation and distribution: Ramona Dohman, 6/12/12

Policy: **Employee Conduct**

Number: **4063**

Applicability: **Department-wide**

Maintained by: **Human Resources**

Originated: **8/1/93**

Effective: **12/14/10**

Definition

Conduct-

A person's behavior or actions.

Purpose

The purpose of this policy is to ensure employees present a positive public image, a professional appearance, and exhibit appropriate and professional behavior while ensuring that the health and safety of other employees and the public is maintained.

Policy Statements

- This policy applies to all Department of Public Safety employees, interns, student workers, and volunteers
- All examples listed in this policy are provided for purposes of illustration and do not comprise an exhaustive list
- Violation of this policy may result in disciplinary actions up to and including termination

Responsibilities

ALL EMPLOYEES WILL:

- Be responsible for complying with this policy
- Be responsible for seeking assistance about how this, or any other policy, applies to them or their job duties
- Act with a high level of workplace professionalism
- Be responsible for avoiding any conduct or behavior that is, or could be, perceived as inappropriate
- Maintain appropriate business relationships and will not engage in conduct or actions that interfere with the operations of the department

DIRECTORS, MANAGERS, AND SUPERVISORS WILL:

- Serve as an example
- Ensure that employees are kept aware of the provisions of this policy, and any additional applicable state, department, or division policies
- Seek clarification if there are questions about this policy
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary
- Ensure that employees, interns, student workers, and volunteers adhere to this policy
- Work with HR when developing division specific policies

HUMAN RESOURCES WILL:

- Work with supervisors and managers in response to incidents of misconduct under this policy
- Work with divisions to develop division specific policies

EMPLOYEE CONDUCT

1. PROFESSIONAL CONDUCT

Under Minnesota Statute §43A.38, Code Of Ethics For Employees In The Executive Branch, employees, interns, student workers, and volunteers have an obligation to avoid conflicts of interest and any act that gives the appearance of a conflict of interest, and must behave in an ethical and professional manner at all times.

The Department of Public Safety may reassign an employee or change their duties to avoid a conflict; and/or require the employee to stop an activity that conflicts with their work within the terms and conditions as outlined in the appropriate collective bargaining agreement or compensation plan.

Employees, interns, student workers, and volunteers must be aware that their conduct, actions, or behaviors are judged by the public.

Respectful Treatment of Others

It is the Minnesota Department of Public Safety's intention to provide a respectful work environment for all of its employees.

Employees will act professionally, courteously, respectfully, and cooperatively with all internal and external customers and co-workers at all times. While it may be difficult to deal with people who are impatient or discourteous, employees will be expected to do so in a professional manner.

Employees will be understanding, respond with a positive, pleasant tone, and a willingness to help. Employees will avoid hostile or sarcastic confrontations. Employees will:

- Act professionally in all forms of communication, regardless of the situation or the means of communication

- Not engage in any conduct that constitutes discrimination or harassment of any type

Use of State Property

In general, state telephones, fax machines, office equipment or machines, and computers are for official business only. There are exceptions which allow limited personal use; personal use that meets the following criteria is acceptable:

- Must not result in any additional costs such as loss of time or resources
- Must not interfere with productivity
- Must not interfere with any department or division business activity
- Must not cause the department or its information systems and resources unacceptable risk or liability
- Must not violate other provisions of this or any other department or state policy
- Must not use resources for activities related to an authorized user's non-department employment

State telephones and fax machines will not be used to make personal long distance calls.

The use of a state, department, or division owned or leased vehicle for personal use or gain is strictly prohibited.

Gifts

A gift can be described as money, goods, services, entertainment, favors, or any other item of value received from an external source in connection with, or because of, an employee's employment with the department or the state. The acceptance of a gift must be in compliance with Minnesota Statute §43A.38 Code of Ethics for Employees in the Executive Branch and the department's Gift Acceptance Policy, 3044.

Bribery Attempts

Employees must be alert to solicitations and are not allowed to directly or indirectly accept offers of money or items of value in exchange for performing or not performing your job duties. If you believe you were offered a bribe, immediately report the circumstances to your supervisor. Cooperate fully with any investigation that may follow.

Rewards

Employees are prohibited from accepting loyalty points or customer rewards. Employees may not accept frequent flyer miles for their personal use; additional details can be found in the department's Travel Policy, 3060.

Soliciting for Charitable Causes

Minnesota Management and Budget (MMB) has an established procedure for employees' charitable contributions via the state sponsored organization known as The Combined Charities Campaign; this is the only statewide organization authorized by MMB.

- Employees **may not** solicit contributions, fundraise, or conduct raffles for any charitable cause during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks to solicit for a charitable cause
- Employees **may** occasionally solicit for a charitable cause in a non-work area such as a division lunch or break area (i.e.: sign-up sheets, order forms, or brochures)

Soliciting for Private Business or Gain

- Employees **may not** conduct private business, sell, buy, or attempt to sell or buy any commercial products or services during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks for private business or gain
- An employee or group of employees **may not** bring in outside vendors or entities to solicit for private business or gain
- Employees **may not** solicit for private business or gain in a non-work area such as a division lunch or break area

Employee Groups

Employee-operated, non-profit committees or clubs which are sponsored and maintained solely by employees of the department may, at the discretion of their division director, use the department's resources and work areas to provide information about their group's activities.

2. PERSONAL APPEARANCE OF EMPLOYEES

Employees of the Department of Public Safety are to present a positive public image and a professional appearance while ensuring that the health and safety of other employees and the public is maintained.

An employee's behavior, appearance, clothing, and accessories should always be appropriate for their specific duties, work environment, and the nature of their interaction with customers.

If an employee questions the appropriateness of a fashion choice, they should not wear it to work. If an employee's attire is inappropriate or disruptive to co-workers, customers, job performance, or work environment they may be asked to go home to change, using their own vacation leave or leave without pay to cover the absence.

Personal Hygiene and Grooming

Not all employees have face to face contact with the public, however they do interact with co-workers, supervisors, and internal customers; therefore these general requirements apply to everyone:

- Be clean and well groomed; including hair, teeth, hands, fingernails, and be free of body odors

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- Cover tattoos that contain obscenity, sexually suggestive language, or demean any person or group
- Wear clean clothing that is in good repair; free of rips and odors
- Outer wear must cover underwear
- Don't wear clothing that is provocative, see-through, reveals cleavage excessively, shows bare midriffs, or bare backsides
- Wear clothing and accessories that are appropriate to the specific work environment, duties, and contact with customers
- Wear clothing that fits properly so it does not cause a safety hazard
- Don't wear backless, strapless, halter, tube dresses or tops
- Don't wear clothing that interferes with job performance or expectations
- Don't wear clothing containing the logos of establishments where alcoholic beverages are the primary beverage, or clothing that promotes drugs or drug use, or tobacco use
- Don't wear clothing that contains obscenity, sexually suggestive, violent language, or demeans any person or group
- Don't wear beach flip flops or rubber shower thongs
- Do wear shoes at all times
- Don't wear sweat suits or workout attire

Blue jeans and shorts are not acceptable attire for daily wear unless the employee's work assignment necessitates their wear and it has been approved by the Division Director. Division Directors may use their discretion in determining if blue jeans or shorts are appropriate.

With the exception of uniformed personnel and at the discretion of the division director, the department generally allows business casual dress on Fridays which may include jeans. Casual dress does not mean that the above personal hygiene and grooming requirements can be ignored.

In addition to the personal hygiene and grooming requirements as outlined above, the department's uniformed personnel will maintain a professional image and will:

- Wear the complete on-duty uniform during those work periods designated by the division director
- Keep the uniform clean, maintained, and well pressed at all times with patches, shield, or other identifying insignia properly placed
- Restrict uniform use to periods of duty and while traveling to and from such duty
- Follow all division directives concerning uniforms

Fragrance

For some persons with allergies or other specific medical conditions, serious medical emergencies can result when they are exposed to certain chemicals or scents.

Employees with an allergy or a condition that will create a medical emergency if exposed to or subjected to prolonged exposure of a chemical or scent should consult their supervisor and the

Americans with Disabilities Act (ADA) Coordinator. The department's ADA Coordinator is the Director of Internal Affairs/Affirmative Action.

- Employees will refrain from wearing excessive amounts of personal hygiene products, body sprays, lotions, hair sprays, perfumes, or colognes in the workplace or at other work-related events
- Employees will refrain from using any scented items such as sprays, potpourri, magazine fragrance samples, room deodorizers, or air fresheners in the workplace

Employees wearing a chemical or scent that is disruptive to co-workers, customers, job performance, or work environment may be asked to go home to remove the chemical or scent, using their own vacation leave or leave without pay to cover the absence. Employees using a strong chemical or scent in the workplace will be asked to discontinue the use and remove the source from the workplace.

Tobacco Use

All interior Public Safety offices in state or privately owned or leased buildings are designated as tobacco-use free. Employees may only use approved meal and break periods in which to smoke or use smokeless tobacco products. Employees should respect fellow employees and the public when using and disposing of smoking and smokeless materials. Refer to the department's Tobacco Use Policy, 4105 and individual division work rules or policies for further information.

Alcohol or Drug Use

Employees shall not work under the influence of alcohol, a controlled substance, or any other drug which affects his or her job performance, alertness, coordination, reaction, response, judgment, decision making, or safety. Additional requirements are identified in the department's Alcohol and Drug Use by State Employees Policy, 4068.

For their safety, if an employee experiences an unexpected serious or adverse reaction to a prescribed drug, they should notify their supervisor immediately.

Employees who have an odor that appears to be that of alcohol on their breath or person, may be asked to leave the premises using their own vacation leave or leave without pay to cover the absence. Supervisors will ensure that appropriate transportation needs are met.

Absences from work due to the instances as listed above, may be considered unexcused and will subject the employee to discipline and or leave without pay.

Due to the nature of certain undercover assignments, the department's law enforcement personnel may be excluded from this Alcohol or Drug Use section of the policy; law enforcement personnel should refer to their individual division work rules or policies for further information.

Safety

All department issued safety or protective equipment or clothing will be worn or used as required, or as appropriate according to division policies or procedures.

Employees will comply with the safety and security requirements of the building or location where the employee is working.

Other applicable policies, authority, or resources

- Minn. Stat. §43A.38, Code of Ethics for Employees in the Executive Branch
- Minnesota Management and Budget Financial Reporting Policies, 0102-01 and 0103-01
- DPS Policy 1002, Investigation & Resolution of Reports of Employee Misconduct
- DPS Policy 1003, Conduct Unbecoming a Peace Officer
- DPS Policy 1004, Personal Threats to Harm
- DPS Policy 1501, General Harassment
- DPS Policy 1502, Illegal Discrimination/Sexual Harassment
- DPS Policy 1510, Zero Tolerance of Violence
- DPS Policy 3044, Gift Acceptance
- DPS Policy 3510, Ethical Practices and Conflict of Interest
- DPS Policy 3545, Telecommunication Devices
- DPS Policy 4066, Political Activities of Employees
- DPS Policy 4068, Alcohol and Other Drug Use by State Employees
- DPS Policy 5100, Acceptable Use of Department Computers, Electronic Equipment, Information Systems and Resources
- DPS Policy 5105, Wireless LAN (WLAN) Security Policy
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last revised: 8/24/10

Approved for implementation and distribution: Michael Campion, 12/10/10



Minnesota Department of Public Safety

Reasonable Accommodation Policy

No. 1511

Applicability: All employees of the Department of Public Safety

POLICY

The Department of Public Safety (“DPS”) adopts, in its entirety, the State of Minnesota’s ADA Reasonable Accommodation policy, HR/LR Policy #1433.

DPS is committed to the fair and equal employment of people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of DPS to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the agency. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (“ADA”), accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking internal opportunities.

ADA Coordinator For DPS, the ADA Coordinator is the Director of Internal Affairs/Affirmative Action. This individual directs and coordinates DPS’ compliance with Title I of the ADA by acting as the decision maker for reasonable accommodation requests outside the scope of supervisors/managers’ authority.

FUNDING OF REASONABLE ACCOMMODATIONS

Each Division within DPS is responsible for funding reasonable accommodations that do not cause an undue hardship. Division Directors may authorize supervisors/managers to approve low-cost accommodations under \$100.00. The expenditure of funds for accommodations over this discretionary amount must be coordinated through the ADA Coordinator. When applicable, the ADA Coordinator, in cooperation with the appropriate Division, may seek reimbursement from the State of Minnesota’s Accommodation Fund to offset the cost of a specific accommodation.

DPS is not required to provide a reasonable accommodation that creates an 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 DPS. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors will be considered:

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- the size of the agency's budget;
- the nature and cost of the accommodation;
- the ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- a documented good faith effort to explore a less restrictive or less expensive alternative.

ADDITIONAL RESOURCES

State of Minnesota, ADA Reasonable Accommodation Policy, HR/LR Policy #1433
DPS Reasonable Accommodation Procedure, No. 151

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: 8/1/2016

Origination and Revision Dates: 8/14/1998; 6/2/2003; 8/1/2016



Minnesota Department of Public Safety

Reasonable Accommodation Procedure

No. 151

PURPOSE

The following procedures supplement the Minnesota Department of Public Safety's Reasonable Accommodation Policy, No. 1511.

PROCEDURE

NOTE: The DPS ADA Coordinator can be contacted by phone at 651-201-7136.

Request for Reasonable Accommodations for Job Applicants

1. Job applicants should inform any DPS official with whom the applicant has contact that an accommodation is needed. Alternatively, job applicants may contact the ADA Coordinator directly to request an accommodation.
2. If notified of a request for accommodation, the DPS official will forward the job applicant's contact information to the ADA Coordinator.
3. The ADA Coordinator will send the necessary forms and information to the job applicant.
4. After obtaining the appropriate paperwork from the job applicant, the ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Request Reasonable Accommodations for Employees

1. The Department of Public Safety will inform all employees that its ADA Policy and Procedure can be made available in accessible formats.
2. An employee may make a reasonable accommodation request to any or all of the following resources: Immediate Supervisor/Manager, Affirmative Action Officer/Designee, ADA Coordinator, or DPS Human Resources Office.
3. On receiving a request for accommodation, a supervisor/manager may independently grant the request if: (1) the requested accommodation is routinely provided to employees without disabilities in that Division, or (2) the accommodation only requires a low-cost purchase, under \$100.00. After granting the accommodation, the supervisor/manager must notify the ADA Coordinator of the request and the corresponding accommodation for recording purposes. For all other requests, supervisors/managers must notify the ADA Coordinator of the request.

4. The ADA Coordinator will provide the requesting employee with the necessary forms and information. All information should be returned to the ADA Coordinator.
5. The ADA Coordinator shall, in consultation with the requesting employee, engage in the interactive process by:
 - a. Discussing the purpose and essential functions of the particular job involved. (Completion of a step-by-step job analysis may be necessary.)
 - b. Determining the precise job-related limitation.
 - c. Identifying the potential accommodations and assessing the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Selecting and implementing the accommodation that is the most appropriate for both the requesting employee and the agency. While the employee's preference will be given consideration, DPS is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide or deny the request if it is deemed unreasonable.
6. The ADA Coordinator may request documentation from the employee's health care provider to support the request. Any medical documentation will be collected and maintained on separate forms and in separate, locked files. No one will be told about or have access to medical information except as described in the State's ADA Reasonable Accommodation Policy, HR/LR Policy #1433.
7. The ADA Coordinator will provide a decision to the requesting employee within a reasonable amount of time upon receipt of the necessary information requested.
8. Employees or applicants who are dissatisfied with the decision(s) pertaining to their accommodation request may file an appeal with the ADA Coordinator, within a reasonable period of time, for a final decision. The ADA Coordinator will arrange for another DPS official to review the request and issue a final decision. The final decision will be sent to the requesting employee along with a notice providing information about the employee's statutory right to file a discrimination charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

ADDITIONAL RESOURCES

State of Minnesota, ADA Reasonable Accommodation Policy, HR/LR Policy #1433
DPS Reasonable Accommodation Policy, No. 1511
Policy Owner: Internal Affairs/Affirmative Action

Effective Date: 8/1/2016

Origination and Revision Dates: 8/1/2016