

State of Minnesota



MINNESOTA DEPARTMENT OF VETERANS AFFAIRS

Affirmative Action Plan

August 2018 – August
2020 20 W 12th St,
St. Paul, Minnesota, 55155

<https://mn.gov/mdva/>

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This document will be made available upon request in alternative formats by contacting the MDVA Office for Diversity, Inclusion & Equity at 612-548-5961 or diversity.mdva@state.mn.us.

As requested by Minnesota Statute 3.197: This report cost approximately \$4709.00 to prepare, including staff time, printing and mailing expenses.

External Version

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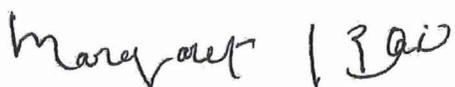
Executive Summary

This Affirmative Action Plan meets the requirements as set forth in statute, Administrative Rule, and by Minnesota Management and Budget (MMB), and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals. The below table reflects underutilization of protected groups in the following job categories.

Underutilization Analysis of Protected Groups

Job Categories	Women	Racial/Ethnic Minorities	Persons with Disabilities
Officials/Administrators			
Professionals			
Technicians			X
Office Clerical/ Para-professionals			X
Skilled Craft			
Service Maintenance			X

Information about how to obtain or view a copy of this plan will be provided to every employee of the Minnesota Department of Veterans Affairs (MDVA). Our intention is that every employee is aware of MDVA's commitment to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the agency Office for Diversity, Inclusion & Equity and each Human Resource office location.



1/29/19

Margaret M. Klein, Director of Diversity, Inclusion & Equity Updated



1/29/19

Deb Allen, Human Resources Director

Updated



1/29/19

Larry J. Herke, Commissioner

Updated

Organizational Profile

The Minnesota Department of Veterans Affairs (MDVA) is a cabinet level state agency dedicated to serving Veterans and their families by assisting them in securing state and federal benefits, and by providing programs and services related to higher education, benefits, burial, claims, outreach and Veterans Preference. Through operating five Veterans Homes throughout the state, MDVA provides a continuum of long-term care for its residents, with a strong emphasis on remembering and recognizing the service and sacrifices of all Veterans. MDVA assists Minnesota's 327,000 Veterans and their dependents to obtain earned benefits and services.

Statement of Commitment

This statement reaffirms the Minnesota Department of Veteran Affairs (MDVA) is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.

- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodations for employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

- It is the agency's policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve.
- The MDVA is proud of the diversity within its workforce and strives to promote a work environment grounded in respect and appreciation for the individual differences of its employees. I strongly encourage all MDVA employees to join me in reaching this goal while achieving our mission of serving Minnesota's Veterans and their families.



1/29/19

Larry J. Herke, Commissioner

Updated

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. Commissioner

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The Commissioner, through the Commissioner of Minnesota Management and Budget (MMB), will report annually to the Governor and the Legislature the agency's progress in meeting its affirmative action goals and objectives.

Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the department's commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
- Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plans, and agency's mission.

- Report annually to the Governor and the Legislature, through the Commissioner of MMB, the department's progress in affirmative action.
- Ensure information is available to notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Actively promote the enforcement of equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all agency directors, managers, and supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

Accountability

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: Larry Herke

Title: Commissioner

Email: larry.herke@state.mn.us

Phone: 651-757-1555

B. Affirmative Action Officer (AAO)

Margaret Klein, Director for Diversity, Inclusion & Equity

Responsibilities

The Director for Diversity, Inclusion & Equity serves as the Affirmative Action Officer and manager of agency equal opportunity and diversity programs. Duties shall include, but not be limited to, the following:

- Develop and administer the agency's Affirmative Action Plan.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements by submitting quarterly reports.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Commissioner on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between the agency, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the agency and initiate the development of such training programs with the assistance of internal and external resources, as necessary.

- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal opportunity.
- Serve as ex officio member on recruitment work teams to develop innovative programs to attract and retain protected group members in the agency.
- Serve as ex officio member of MDVA Employee Resource Groups.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring Process (MHP) and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the agency diversity recruitment program.

Accountability

The Director for Diversity, Inclusion & Equity is accountable directly to the Commissioner for program impacts and for ongoing program activities and direction. The Affirmative Action Officer manages and oversees the administration of ADA Title I and Title II, administration of diversity and inclusion, and administration of Limited English Proficiency Plan (LEP-P).

Name of individual(s) responsible

Name: Margaret Klein
Title: Director for Diversity, Inclusion & Equity
Email: margaret.klein@state.mn.us
Phone: 612-548-5961

C. Human Resources Director or Designee(s)

Deb Allen, Human Resources Director

Responsibilities

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies. The Human Resources Director is responsible for ensuring timely referrals of all Americans with Disabilities Act (ADA) requests for

accommodations. Human resources staff work to remove barriers to equal opportunity by assisting managers and supervisors with management activities.

Duties

The duties of the Human Resources Director/staff shall include, but not be limited to, the following:

- Maintain effective working relationships with agency affirmative action officer and designee.
- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review Process is implemented and followed by hiring managers and supervisors by working effectively with the affirmative action officer.
- Initiate and report on specific program objectives contained in the affirmative action plan.
- Ensure referrals are made to the ADA Coordinator so the reasonable accommodation process is followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officer, and human resources staff in the intentional creation of supported worker positions that assist in reduction of agency costs by diverting supportive employment duties from higher skilled workers to a supported worker position and thus improve employee morale and retention of individuals with disabilities in integrated employment.
- Request recruitment assistance from MMB's Statewide Director for Diversity Recruitment and Retention in the diversity recruitment and retention of protected group members in hard to fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.

Accountability

Human resources staff who work on affirmative action and diversity issues are accountable to the Human Resources Director or designees. The Human Resources Director ensures that aggregate data and trends of complaints of illegal discrimination in

hiring are provided and shared with the Affirmative Action Officer on a quarterly basis. The Human Resources Director is directly accountable to the Chief of Staff who is accountable to the Commissioner.

Name of individual(s) responsible

Name: Deb Allen
Title: Human Resources Director
Email: deb.allen@state.mn.us
Phone: 651-757-1596

D. Americans with Disabilities Act Title I Coordinator

Margaret Klein, Director for Diversity, Inclusion & Equity

Responsibilities

The Director for Diversity, Inclusion & Equity serves as the agency’s Americans with Disabilities Act (ADA) Coordinator and is responsible for the oversight of the agency’s compliance with the ADA Title I – Employment in accordance with the ADA as amended and the Minnesota Human Rights Act.

Duties

The duties of the ADA Title I Coordinator shall include, but are not limited to, the following:

- Provide guidance, coordination, and direction to agency management with regard to the ADA in the development and implementation of agency policy, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management, staff, and human resources staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update the Human Resources Director on evolving ADA issues.
- Meet bi-annually with state-wide ADA Coordinators.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.

- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator in consultation with the employee and other individuals who may need to be involved must:
 - Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.

Accountability:

The MDVA ADA Coordinator is accountable to the Commissioner.

Name of individual(s) responsible

Name: Margaret Klein
Title: Director for Diversity, Inclusion & Equity
Email: margaret.klein@state.mn.us
Phone: 612-548-5961

E. Americans with Disabilities Act Title II Coordinator

Margaret Klein, Director for Diversity, Inclusion & Equity

Responsibilities

The ADA Coordinator serves as the agency’s Americans with Disabilities Act Coordinator and is responsible for the oversight of the agency’s compliance with the ADA Title II – Public Services, in accordance with the ADA as amended and the Minnesota Human Rights Act.

Duties

The duties of the ADA Coordinator include, but are not limited to, the following:

- Provide guidance, coordination, and direction to agency management with regard to the ADA in the development and implementation of agency policy, procedures, and practices to ensure agency services and programs are accessible and nondiscriminatory for the public.
- Provide training, technical guidance, and consultation to the agency’s management and staff on compliance and best practices with regards and obligations to members of the public with disabilities as well as the provision of reasonable modifications to visitors.

- Track and facilitate requests for reasonable modifications for members of the public accessing agency services, and report reasonable modifications annually to MMB.
- Research case law rules and regulation and update executive team on evolving ADA issues.
- Meet bi-annually with state ADA Coordinators and learn updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Design and deliver specific ADA training for agency employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II coordinator in consultation with the member of the public in need of a modification shall:
 - Discuss the purpose and essential functions of a particular reasonable modification;
 - Identify the potential modifications and assess the effectiveness each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the Agency. This review shall be documented and reported in the State ADA Annual Report.

Accountability

The MDVA ADA Coordinator is accountable to the Commissioner.

F. Senior Managers and Executive Team Leaders

Responsibilities

Agency senior managers and executive team leaders are responsible for implementing all aspects of the agency's Affirmative Action Plan and the agency commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and executive team leaders shall include, but not be limited to, the following:

- Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their units and the agency.
- Communicate equal opportunity employment and affirmative action program and plan to all employees assigned to their units.
- Assist the Affirmative Action Officer in conducting periodic audits of hiring and promotion patterns to remove impediments to attaining affirmative action goals and objectives.

- Hold regular discussions with supervisors and employees to ascertain that the agency's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results in addition to other job performance criteria.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Deputy Commissioner or to the Commissioner.

G. MDVA Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the state of Minnesota's equal employment opportunity policies by refraining from any actions that would subject any employee to negative treatment on the basis of that individual's race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the agency's complaint procedure.

Duties

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

- Exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public.
- Refrain from any actions that would adversely affect a coworker on the basis of their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, 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 agency's Commissioner. Employees are responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

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

Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action is sent to all staff by the agency leadership on an annual basis.
- The Affirmative Action Plan is available to all employees on MDVA's internal SharePoint Diversity, Inclusion & Equity website:
<https://mn365.sharepoint.com/teams/mdva/Pages/Affirmative%20Action.aspx>
- A print copy is available at the MDVA Office for Diversity, Inclusion & Equity at 20 W 12th St, St. Paul, MN 55155, and each MDVA Human Resources Office. The Affirmative Action Plan may be posted in additional locations at each work facility at the discretion of the Home Administrator or Program Director. When requested, the agency will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.
- During new employee orientation, or within the first 30 days of employment, new employees are informed of the Affirmative Action Plan, its location, policies and procedures within and the name, telephone number and electronic mailing address of the Director for Diversity, Inclusion & Equity.

External Methods of Communication

The agency's Affirmative Action Plan is available on the agency's public website and external website. A print copy will also be made available at the MDVA Office for Diversity, Inclusion & Equity and at the MDVA Human Resources Offices. The agency will make the plan available in alternative formats upon request. The agency's website home page, letterhead, publications, advertisements, and all job postings include the statement:

"The Minnesota Department of Veterans Affairs is a Veteran-friendly, equal opportunity employer and service provider."

The agency will ensure a represented ratio of diversity is reflected on all marketing materials.

Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas accessible to members of the public at 20 W 12th St, St. Paul, MN 55155. 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.

Underutilization Analysis and Affirmative Action Goals

Through the underutilization analysis, the Minnesota Department of Veterans Affairs has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the agency and has set the following hiring goals for the next two years. Goals were set using US Census data and a two factor analysis.

Underutilization Analysis and Hiring Goals for 2018-2020

Job Categories	Underutilization - # of Individuals			Hiring Goals for 2018-2020		
	Women	Racial/ Ethnic Minorities	Individuals with Disabilities	Women	Racial/ Ethnic Minorities	Individuals with Disabilities
Officials/ Administrators	0	0	0	0	0	0
Professionals	0	0	0	0	0	0
Office Clerical/ Para- professional	0	0	7	0	0	X
Technicians	0	0	8	0	0	X
Skilled Craft	0	0	0	0	0	0
Service Maintenance	0	0	1	0	0	X

Availability:

The agency determined the recruitment area to be statewide for all job categories. In conducting the underutilization analysis, the two-factor analysis was used to better evaluate and establish goals that are more accurate because the agency uses both internal and external sources for hiring employees into a job group. The two-factor analysis first uses the percentages of females, minorities, and persons with disabilities who were promoted, transferred, or moved within the agency. The second factor then looks at the percentages of women, minorities, and persons with disabilities who possess the requisite skills. The underutilization analysis worksheets that derive these goals are located in the appendix. For public versions of this plan, numbers less than 10 are indicated with "<10" in accordance with MMB's guidance on data privacy. In addition, this plan will show higher than normal differences between the Technical and the Office Clerical EEO4 categories because in 2016 the agency moved Para-professionals to be grouped with Office Clerical. Some of the differences in numbers below are attributed to this change.

Women

In the 2016-2018 plan, MDVA had an underutilization for women in the Official and Administrator Category as well as in the Skilled Craft category. MDVA does not have a hiring goal for women in this 2018-2020 plan. The change for women for improvement is as follows: Officials and Administrators (4 women), Professional (7 women), Office

Clerical / Para-professional (78 women), Technician (-8 women), Skilled Craft (2 women), and Service Maintenance (-5 women). With the 2018 two-factor analysis, MDVA no longer has an underutilization for women in any EEO4 job category. To retain full utilization across all EEO4 categories, MDVA will continue to use diversity recruitment resources available through MMB, social media outlets, and the strategies listed in this Affirmative Action Plan.

Minorities

At the agency, the population of minorities has improved in the following job categories: Officials and Administrators (2 persons), Professional (8 persons), Office Clerical / Para-professional (96 persons), Technician (-69 persons), Skilled Craft (0 persons), and Service Maintenance (-11 persons).

MDVA is fortunate to exceed the goal of 20% minorities working at our agency and to have had no hiring goals for minorities in any EEO4 category in either the 2016-2018 plan years or the 2018-2020 plan years. To retain full utilization across all EEO4 categories, MDVA will continue to focus on retention and use diversity recruitment resources available through MMB, social media outlets, and the strategies listed in this Affirmative Action Plan.

Individuals with Disabilities

At the agency, numbers of employees with disabilities has improved in all EEO4 job categories. Increases include: Officials and Administrators (1 persons), Professional (6 persons), Office Clerical / Para-professional (3 persons), Technician (5 persons), Skilled Craft (0 persons), and Service Maintenance (7 persons).

While MDVA is making progress towards hiring more persons with disabilities, there remains an affirmative hiring goal for persons with disabilities in the Office Clerical / Para-Professional, Technician, and Service Maintenance categories. Each of these three categories include positions where frequent vacancies arise allowing for opportunities to improve. MDVA intends to expand its recruitment and hiring through a number of initiatives. MDVA has formed a recruitment and retention committee to address healthcare staffing for Licensed Practical Nurses (Technicians), Human Services Technician (Para-Professionals), and Resident Assistants (Service Maintenance). Recruitment strategies are being expanded to hire more positions critical to operations of MDVA's Veteran Homes such as Food Service Workers (Service Maintenance) and General Maintenance Workers (Service Maintenance). MDVA improved across all categories, in part, because a slight increase was made to the total number of part-time or full-time appointments.

Separation and Retention Analysis by Protected Groups

The agency is committed to the retention of all employees, including members of the following protected groups: women, racial/ethnic minorities, and individuals with disabilities. MDVA strives to affirmatively ensure equal employment opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on under-represented individuals. To be successful, the responsibility for these retention efforts lies with all employees, supervisors and leadership. MDVA's retention strategy is a multi-faceted approach, guided by the agency management, Human Resources

Director, and Affirmative Action Officer.

Person's Responsible for Agency Retention Programs/Activities

Title	Contact Information
Deb Allen	651-757-1596
Margaret Klein	612-548-5961

MDVA will continue to analyze and review separation data for disparate impact on protected group employees. This will include reviewing non-certification trends, layoff trends, resignation trends, and disciplinary discharges. Below is a snapshot of the agency separations throughout the past two years as well as a narrative describing MDVA's separations.

Type of Separation

Type of Separation FY2018-2020	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Individuals w/Disabilities
Dismissals/Non Certification	89	13.95%	76.40%	35.96%	4.49%
Resignations	363	56.90%	76.58%	20.94%	3.31%
Retirement	68	10.66%	77.94%	13.24%	7.35%
Death	<10	0.78%	80.00%	20.00%	20.00%
Lay Off	<10	0.31%	50.00%	50.00%	0.00%
Termination w/o Rights	74	11.60%	14.86%	6.76%	13.51%
Other	37	5.80%	70.27%	13.51%	2.70%
Total Separations	638	100.00%	69.12%	20.22%	5.17%

Within the above data table, it is interesting to note that 44.5% were in the Office Clerical / Para-professional category; the category that includes Human Services Technicians (HSTs). Licensed Practical Nurses (LPNs) are within the Technician category, representing 11.4% of separations. Looking deeper into turnover and retention rates for these healthcare positions is one focus for the MDVA Recruitment and Retention Committee.

Separation by underutilized groups include:

Women

Women represent approximately 69.55% of the total agency workforce. The agency saw a total of 638 separations from FY 2016 and FY 2018. Women represented 441 (69.12%) of all separations. This is nearly an exact proportion to the total of women working at MDVA. MDVA plans to conduct further analysis during these upcoming plan years to evaluate which classifications within the EEO4 categories are experiencing higher turnover. Because we anticipate that a significant number of persons who resigned held healthcare positions, MDVA has established efforts that focus on

positions within our Veteran Homes.

Minorities

Minorities represent approximately 23.68% of the total agency workforce. The agency saw a total of 638 separations from FY 2016 and FY 2018. Of this total, minorities represented 129 (20.22%) of all separations. This is slightly lower relative to the total agency workforce representation. While MDVA has no underutilization or hiring goals for minorities, we are committed to remaining fully utilized in this category. MDVA will analyze separation rates by EEO4 job category and separation type to help direct agency retention efforts.

Individuals with Disabilities

Individuals with disabilities represent approximately 7.41% of the total agency workforce. The agency saw a total of 638 separations from FY 2016 and FY 2018. Of this total, individuals with disabilities were 33, representing 5.17% of all separations. This is proportionately lower relative to the total Agency workforce representation. To assist in recruitment and retention strategies, MDVA will review which classifications within our EEO4 job categories are experiencing greater turnover and create strategies to reach full utilization for this underrepresented group.

Taking each of the two plan years separately:

In FY2017, the MDVA had a total of 336 separations.

The reasons for separation and the corresponding number and percentage of employees break down as follows:

- Resignation - 196 (58.33%)
- Dismissal or Non-Certification - 47 (13.99%)
- Retirement - 35 (10.42%)
- Death – 1 (0.30%)
- Layoff – 0 (0.00%)
- Termination without rights 39 (11.61%)
- Other 18 (5.36%)

The 336 separations were from EEO4 job categories as follows:

- Officials and Administrators: 4
- Professionals: 32
- Technicians: 44
- Office Clerical / Para-professional: 143
- Skilled Craft: 4
- Service Maintenance: 109

The 336 separations were from protected groups as follows:

- Women: 230 (68.45%)
- Ethnic Minority: 66 (19.64%)
- Persons with disabilities: 11 (3.27%)

In FY2018, the MDVA had a total of 302 separations.

The reasons for separation and the corresponding number and percentage of employees break down as follows:

- Resignation – 167 (55.30%)
- Dismissal or Non-Certification - 42 (13.91%)
- Retirement - 33 (10.93%)
- Death - 4 (1.32%)
- Layoff - 2 (.66%)
- Termination without rights - 35 (11.59%)
- Other - 19 (6.29%)

The 302 separations were from EEO4 job categories as follows:

- Officials and Administrators: 4
- Professionals: 44
- Technicians: 29
- Office Clerical / Para-professional: 142
- Skilled Craft: 6
- Service Maintenance: 77

The 302 separations were from protected groups as follows:

- Women: 211 (69.87%)
- Ethnic Minority: 64 (21.19%)
- Persons with Disabilities: 22 (7.28%)

Evaluation:

In contrast to separations noted in the 2016-2018 AAP, data from FY2016-FY2018 presents a slightly different picture. Women represent 69.51% of MDVA's workforce, and 69.12% of those who left the agency were women. Similarly, we see a slightly lower rate of ethnic minorities leaving MDVA's workforce (20.02%) than the overall percentage of ethnic minorities that comprise MDVA's workforce (23.71%). At the beginning of the 2016-2018 plan, the MDVA workforce had 5.75% employees with disabilities. At the beginning of the 2018-2020 plan, MDVA has increased to 7.41% of its workforce to be persons with disabilities. While the separation rate was not statistically significant, it impacts MDVA's goal of retaining 7% identified in the Governor's Executive Order 14-14. Most of the MDVA's separations consisted of resignations, dismissals and non-certifications. Additional separation data may be found in Appendix M.

Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers

The agency's Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minn. Stat. § 43A.191. This section will identify ways this agency has determined to eliminate barriers, provide corrective actions, and achieve the affirmative action hiring goals for underutilized protected group members during this 2018-2020 plan cycle. In this section, new strategies being initiated by MDVA that include actionable and measurable efforts are outlined. Work of the below committees include reviewing retention rates, employee

engagement surveys, recruitment strategies, evaluation of hiring practices and data provided on the MHP forms. MDVA separation data analysis, employee training, employee education, community outreach and partner development are all elements the below committees will consider. Each committee listed below will define action steps and measurable benchmarks during the first year of this plan. Beginning spring of 2019, MDVA will review quarterly reports to measure progress towards identified action steps and goals.

The following job categories have been identified as underutilized for people with disabilities.

EEO4 Category	Percent disabled	Percent disability hired in category	Percent disabled separated in category
Office Clerical / Para-professional	5.72%	4.56%	3.51%
Technician	1.96%	2.26%	1.37%
Service Maintenance	6.79%	5.65%	6.45%

Recruitment Action for Persons with Disabilities in these Categories:

Office Clerical / Para-professional

MDVA does not have many positions in the Office Clerical EEO4 Category. To aid in building a qualified applicant pool, MDVA hosts high school students through Project Search and actively interviews qualified Connect 700 applicants. In the Para-professional category, the greatest number of employees are HSTs. The responsibilities of providing resident healthcare in skilled nursing facilities is physically demanding and strenuous. Retention is a focus for employees with disabilities. MDVA's ADA Coordinator actively works with employees who need reasonable accommodations to continue performing their work. The strategy listed below to evaluate coordination of ADA accommodation, need for FMLA leaves, and Workers Compensation patterns is intended to learn how we may be more proactive to further improve retention of employees with disabilities in our healthcare positions such as HSTs and LPNs.

Technicians

The greatest number of persons in this category are LPNs. These positions are included within the strategies focusing on healthcare positions listed below.

Service Maintenance

This category includes many Food Service Workers and General Maintenance Workers within our five Veteran Homes. These positions will not be a focus for the healthcare recruitment and retention committee, but will be included within the social media and veteran publication strategies where difficult to fill positions will be posted. These new recruitment channels allow for us to do targeted recruitment to encourage qualified persons with disabilities to apply. MDVA has attended job fairs tailored for applicants with disabilities but has not found these efforts to assist in expanding applicant pools for positions in this category.

Recruitment and Retention Strategies

During spring and summer of 2018, MDVA has initiated several strategies to increase the number of qualified applicants for the categories listed above. They include:

Social Media Recruitment

MDVA Human Resources, MDVA Communications, and the MDVA AAO have formed a working committee to explore targeted advertising on Facebook and LinkedIn in an effort to reach persons from diverse backgrounds, with related work experience, and with the skills to compete effectively for MDVA vacancies. This initiative is new, beginning August 2018.

Expanding Careers in Healthcare

In the fall of 2017, the clinical education liaison position was created within the MDVA Veterans Healthcare division to fulfill the following goals: to have a workplace culture that supports a philosophy of teaching and learning; for the Veteran Homes to become a clinical training site of choice; for the Homes to reach full capacity for clinical experiences; and for clinical experiences to increase recruitment and retention. This will be accomplished through developing formal and broad collaborative relationships with educational institutions, with an initial focus on colleges and universities.

These relationships provide an opportunity to enhance the delivery of care services to Veterans of the Minnesota Veterans Homes through student's clinical learning and faculty involvement. They also provide staff with an opportunity to teach and mentor students as they move into their own health care field, and to see the possibilities of a career in long term care. As this program becomes established the liaison will consider ways to incorporate MDVA's hiring goals into these pipeline development initiatives. When clinical education programs are more formalized, MDVA will coordinate with Minnesota's Vocational Rehabilitation Services staff to identified qualified candidates with the interest, skills, and strengths to benefit from clinical training programs and fill these critical positions.

MDVA Recruitment and Retention Committee

Co-led by MDVA Human Resources and the Clinical Education Liaison for MDVA's Healthcare division, this committee is reviewing hiring and separation statistics, employee satisfaction surveys, and quality improvement goals and outcomes to better

understand hiring challenges and turnover rates. One of the first initiatives proposed by this committee is the use of stay interviews to determine what about the organization keeps MDVA employees engaged and happy in their jobs. The committee will review best practices and determine methods to use in order to reach employees across all MDVA Veteran Homes. The committee hopes to begin collecting meaningful data to measure goals in late fall of 2018.

As a member of this group, the MDVA AAO shares data about the hire, retention, and separation of protected group applicants and employees and will advise this committee by providing recommendations and feedback to expand recruitment and retention of qualified applicants with disabilities.

ADA/FMLA/WC Coordination

While most employees with disabilities do not use more sick leave than the average employee, some do, and MDVA has formed a working group to evaluate if improved coordination of the ADA process to reduce the need for time needed away under FMLA. This working group will include members with experience managing workers compensation injuries as some employees who are injured may also have a disability.

The main goals of this new effort are:

- to reduce the amount of time away from work by exploring whether ADA reasonable accommodations can better assist the employee to remain on the job;
- to reduce need for FMLA benefits or risk of being injured requiring additional workers compensation; and
- to improve overall productivity and retention for employees with disabilities.

The working group will begin their efforts in the fall of 2018.

Target Dates:

Each strategy listed above has a committee working to set objectives and set related target dates to completion. Committees will consider the time needed to plan, implement and monitor the various phases of each effort. Because each of these strategies are new for MDVA and in their early forming stages, data is not available at this time to set specific outcome measures nor related timeframes to achieve them. Each of the above working groups will define goals, create action steps to reach set goals, and define methods to measure success. It is expected that quarterly recruitment and separation data will assist each committee to benchmark progress towards reaching agency hiring goals and improve retention for women, minorities and people with disabilities.

Future Evaluation:

MDVA will evaluate progress made toward increasing retention and recruitment of women, minorities, and persons with disabilities. To do this, baseline data was created from the applicant pool data noted on MHP forms received between April 1, 2018 and June 30, 2018. Using this applicant comparison data, MDVA will be able to monitor progress in the number of qualified applicants from these groups and the number of

persons interviewed. In particular, we hope to see increases of qualified applicants with disabilities interviewed for vacancies in the Office Clerical / Para-professional, Technician, and Service Maintenance categories.

Beginning second quarter 2019, MDVA will analyze quarterly data collected on MHP forms to evaluate progress toward an increased number of qualified applicants with disabilities within EEO4 categories where a hiring goal exists.

Additionally, work of the MDVA Quality Committee and the Retention and Recruitment Committee will identify employee satisfaction measures that may improve the workplace climate for all employees, including women, minorities, and persons with disabilities. Goals and action steps of any committee may be modified based on progress noted as data becomes available.

Past Evaluation:

MDVA improved in all categories for employment of persons with disabilities. Additionally, improvement was made in nearly all categories for women and minorities. MDVA is now fully utilized for minorities and women where goals previously existed in the Officials and Administrator and Skilled Craft categories. While numbers of persons with disabilities has improved across the board, hiring goals remain for Office Clerical / Para-professional, Technician, and Service Maintenance categories.

Activities that have been successful will continue and include:

1. MDVA continues to promote and maintain a respectful and inclusive workplace environment by providing affirmative action, equal employment opportunity, diversity, and MDVA Code of Conduct training to employees.
2. MDVA continues the use of alternative dispute resolution to resolve employee conflicts, encourage effective communications, and help reestablish positive working relationships.
3. The agency will increase training opportunities for managers and supervisors on how to manage and resolve employee conflicts before they escalate to a higher level, and promotes the use of the Employee Assistance Program (EAP) as another tool to address workplace disputes.
4. The Director for Diversity, Inclusion & Equity, Human Resources, and scheduling continue collaboration on methods to increase the availability of religious accommodations to better meet the religious needs of the agency's diverse workforce.
5. MDVA continues to promote cultural understanding through guest speakers, ethnic observance presentations, community event notifications and other activities featuring women, minorities, and persons with disabilities.
6. The Director for Diversity, Inclusion & Equity collaborates with the MDVA's Quality Council and others in analyzing the annual employee satisfaction survey and in developing initiatives to improve employee satisfaction and workforce retention. These initiatives may include improved employee communications, wellness programs, employee professional development opportunities, multiculturalism, and employee recognition strategies.
7. The Director for Diversity, Inclusion & Equity works with human resource

staff to analyze the overlap between ADA reasonable accommodations and employee leave from work under the Family Medical Leave Act (FMLA) to evaluate if improved coordination might enable employees to be more productive and reduce the needs for employees to use FMLA.

MDVA's recruitment efforts during the 2016-2018 AAP years included:

Affirmative Action Recruiting Fairs:

- People of Color Career Fair
- Minnesota State Career Fair
- International Institute of Minnesota
- Hidden Opportunities Career Fair / American Indian Office for Indian Culture
- Dakota Healthcare Career hosted by American Indian OIC and MN Dept. of Labor & Industry
- Veterans Career Fair / DAV / DEED
- Minnesota Veterans Home On-Site Career Fair
- Workforce Center Job Fairs (Cottage Grove, Anoka, Willmar, Chaska)
- St Catherine's University – Careers in Aging
- West Central MN Area Job Fair
- Twin Cities Medal of Honor Hiring Expo
- State Fair Job Booth
- Anoka-Ramsey Community Center Healthcare Career Fair
- Rasmussen College Virtual Career Fair
- St. Paul College Career Fair

Affirmative Action Advertising Websites used by MDVA:

- State of Minnesota – mn.gov/mmb/careers
- Leading Age – www.leadingage.org/
- Minnesota Works.net – www.minnesotaworks.net
- MDVA Career Website – mn.gov/mdva/about/work-for-mdva
- Career Builder Recruitment – www.careerbuilder.com
- Workforce Diversity Community Email List – mn.gov/mmb/employee-relations/equal-opportunity/resources/
- LinkedIn – www.linkedin.com
- Facebook – www.Facebook.com
- Indeed – www.indeed.com
- Simply Hired – www.simplyhired.com
- Wounded Warriors – www.woundedwarriorproject.org
- MDVA Twitter – twitter.com/mnveteran
- MMB Executive email Blasts – ExecRecruit.mmb@state.mn.us
- Care Options Network – www.careoptionsnetwork.org
- College Central Network – www.collegecentral.com
- Rasmussen College – www.rasmussen.edu/

- St Catherine’s University – www.stkate.edu
- Landit – www.landit.com
- Care Providers – www.careproviders.org

MDVA’s Additional Affirmative Action Recruiting Initiatives:

Connect 700 – mn.gov/mmb/careers/diverse-workforce/people-with-disabilities/connect700

MDVA Friday Digest – mn.gov/mdva/news/newsletter

Urban Scholars Program – www.ci.minneapolis.mn.us/civilrights/urbanscholars

Star of the North Fellowship Program – mn.gov/mmb/careers/search-for-jobs/fellowship/

Vocational Rehabilitation Services (DEED) – mn.gov/deed/job-seekers/disabilities

Minnesota Pathways – Healthcare and Human Services focus - mn.gov/deed/gwdb/priorities/career-pathways

Hastings Family Services – www.hastingsfamilyservice.org

Persons Responsible:

Deb Allen, Human Resources Director

Margaret Klein, MDVA Director for Diversity, Inclusion & Equity

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

The MDVA will evaluate its position descriptions, job postings and selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or people with disabilities. The agency is intending to develop an electronic hiring tool that will assist greatly in gathering data collected on the MHP form that will track the number of women, minorities, and persons with disabilities in each stage of the selection process. Directors, managers, and supervisors will closely work with human resources and the Diversity, Inclusion & Equity staff when assistance is needed to review qualifications of applicants, recruiting, interviewing and selection procedures to ensure objective criteria are established throughout the hiring process.

1. When a vacancy exists, the hiring manager will work with human resources to ensure the essential functions described in the position description is clearly stated and to determine job related minimum and preferred qualifications. The hiring manager, human resource staff and the agency AAO may collaborate with supervisors to ensure the selection does not unnecessarily screen out a disproportionate number of women, minorities, or persons with disabilities.
2. If a vacancy is to be announced externally and an underutilization exists, human resources will expand recruitment strategies to create a more diversified applicant pool. All recruiting efforts will be listed by the human

resources staffing representative on the MHP form. Human resources staff will determine whether the applicant pool contains a sufficient number of qualified protected group applicants. If the applicant pool lacks sufficient applicants from an underutilized group, human resources or the AAO may suggest additional advertising be done to expand the pool before progressing with an offer to any applicant.

3. Human resources staff will refer candidates who meet the minimum qualifications as defined in the vacancy announcement to the hiring manager. If an affirmative hiring goal exists for a given position, the human resources staff member will let the hiring supervisor know which candidates must be considered when selecting applicants to interview.
4. If the number of candidates referred by human resources to the hiring manager is large and needs to be narrowed to a more reasonable number of candidates to be selected for interview, the hiring manager will determine which preferred qualifications from the position posting they will use and evenly apply the same criteria across all applicants. When candidates are offered an interview, the employee scheduling the interviews will describe the interview format to the candidates and provide an invitation to request a reasonable accommodation. For example, the employee scheduling an interview may inform the candidates if skills testing will be conducted or what technology may be used during the interview process. This allows for persons with disabilities to determine if they may need a reasonable accommodation in advance of the interview. If reasonable accommodations to the hiring process are needed, the hiring supervisor will consult with the ADA Coordinator.
5. For vacancies in EEO4 Categories where a hiring goal exists, MHP forms must be submitted by human resources staff to the diversity.mdva@state.mn.us mailbox for review and signature by the AAO.
6. For positions where a hiring goal exists, a signed MHP form must be received back from the AAO prior to an offer being extended to any candidate.
7. In those cases where the candidate considered for hire is a non-affirmative hire, and if a hiring goal exists for that position, the supervisor will also complete the Pre-hire Review Justification Form. Attachments to the pre-hire form include: resumes for the desired candidate and the highest scoring affirmative candidate, interview questions/answers for both candidates, and the job posting. This form is reviewed and approved by a manager in the chain of command and submitted to the Office for Diversity, Inclusion & Equity along with the MHP form. Approval by the agency AAO must be obtained before a verbal offer may be extended. If the pre-hire request is approved, the Director for Diversity, Inclusion & Equity will forward their written approval to the hiring manager and the human resources staffing representative to continue the process. If the request is not approved, the Director for Diversity, Inclusion & Equity will contact the hiring supervisor to achieve resolution.

8. Prior to signing off on a missed opportunity, the AAO will review the manager's request with the Commissioner. At any time the MDVA cannot justify a hire, the agency takes a missed opportunity.
9. The agency will report the number of affirmative and non-affirmative hires, as well as missed opportunities, to MMB on a quarterly basis.
10. All personnel involved in the selection process will be trained and accountable for the agency's commitment to equal opportunity and the affirmative action program and its implementation.

Pre-Review Procedure for Layoff Decisions

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

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

Other Methods of Program Evaluation

The Director for Diversity, Inclusion & Equity submits the following compliance reports to MMB as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biennial 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 Director for Diversity, Inclusion & Equity will evaluate the affirmative action plan progress in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, terminations) by job category to determine if there is disparate impact;
- Analyzes compensation programs to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

Appendix A: Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436

Overview Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of

employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, 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 their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

General Standards and Expectations

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment/discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment/discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected

class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's AAO
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact MMB, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency AAO
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously

4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

AAO or Designees Responsibilities

Agency AAO/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment/discrimination or retaliation, and will take prompt and appropriate action. When conducting an investigation, supervisors, human resources, and AAOs must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy. Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge. Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors. Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment/discrimination, who reports protected class harassment/discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment/discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Appendix B: Sexual Harassment Prohibited Policy, HR/LR Policy HRL#1329

Date Issued: 06/17/1996

Date Revised: 02/12/2016

Rebrand Date*: 11/30/2017

Authority: Enterprise Human Resources

OVERVIEW

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint with an appropriate authority. Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business Partners

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.
M.S. Ch. 363A
M.S. Ch. 43A
Minn. Rule 3905.0500

GENERAL STANDARDS AND EXPECTATIONS

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment with:

1. An agency supervisor;
2. The agency's AAO;
3. An agency's human resource office;
4. Agency management, up to and including the commissioner.

If the complaint concerns an agency head, the complainant may contact MMB, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a complaint of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment;
2. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
3. The name(s) of other individuals who may have been subject to similar harassment;
4. What, if any, steps have been taken to stop the harassment;
5. Any other information the complainant believes to be relevant.

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

III. Supervisor Responsibility

Supervisors are responsible for the following:

1. Modeling appropriate behavior;
2. Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
3. When a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that a problem exists, the supervisor must appropriately respond to the complaint or problem;
4. Immediately report all allegations or incidents of sexual harassment to human resources or the agency AAO so that prompt and appropriate action can be taken;
5. Complying with their agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources offices are responsible for the following:

1. Modeling appropriate behavior;
2. Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
3. Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
4. Complying with the agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

V. Affirmative Action Officer or Designee Responsibilities

Agency AAO/designee is responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures to ensure the prompt and appropriate action in response to complaints of sexual harassment;
- Keeping the agency apprised of changes and developments in the law.

VI. Investigation and Discipline

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. When conducting an investigation, supervisors, human resources, and AAOs must follow their agency's investigation procedures. For a sample investigation procedure, please review the documents available on the MMB Equal Opportunity, Diversity, and Inclusion website, including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees
- For agencies with 25 or fewer employees

Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and

Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

RESPONSIBILITIES

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, including developing:
 - An educational program;
 - A process for reporting complaints; and
 - A procedure under which complaints will be addressed promptly.
 - Enforcing this policy.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy and updating this policy as necessary.

FORMS AND SUPPLEMENTS

See acknowledgement form, below, which can be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, Sexual Harassment Prohibited, and accompanying complaint procedure. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, applicant for employment, vendor, contractor, volunteer, customer, or business partner, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by this policy by any State employee, applicant for employment, vendor, contractor, volunteer, customer or business partner, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the commissioner. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Signed: _____ Date: _____

Employee Name: _____

REFERENCES

MMB Equal Opportunity, Diversity, and Inclusion Office:
www.mn.gov/mmb/employee-relations/equal-opportunity/

Appendix C: MDVA Discrimination/Harassment and Sexual Harassment Complaint Procedure

Employees of MDVA or persons interacting with MDVA staff who have experienced behavior that is covered under the Sexual Harassment Prohibited policy or the State-wide Discrimination Harassment Prohibited policy are strongly encouraged to contact:

Director for Diversity, Inclusion & Equity

Office: 612-548-5961

Mobile: 612-219-0176

Email: diversity.mdva@state.mn.us

Fax: 651-797-1871

Individuals are encouraged to report incidents of sexual harassment and/or other forms of harassment or discrimination as soon as possible after the incident occurs.

Individuals may make a complaint of sexual harassment or other prohibited discrimination or harassment with:

1. Any agency supervisor;
2. Any human resource office;
3. Management, up to and including the commissioner.

If the complaint concerns an agency head, the complainant may contact MMB, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion. Complaint forms can be found at:

- MDVA's internal SharePoint Diversity, Inclusion & Equity website
- MDVA's public website mn.gov/mdva/about/work-for-mdva
- MDVA's Affirmative Action Plan, Appendix D
- Any MDVA Human Resources Office

The MDVA is committed to ensuring that investigations are conducted in a fair, impartial, thorough, and thoughtful manner in compliance with all applicable collective bargaining agreements and state and federal laws. Investigations obtain facts in an objective, fair, thoroughly documented, and timely manner.

Intake Stage

Complaints of protected class discrimination/harassment or sexual harassment are forwarded to and coordinated by the Director for Diversity, Inclusion & Equity. If the complaint is based on a respectful workplace concern and not protected class discrimination/harassment or sexual harassment, the director transfers the complaint to human resources and notifies the complainant of the transfer in writing.

Investigations of Internal Complaints

A. Acknowledgement of a Complaint

All complaints are acknowledged in writing to the complainant (see Appendix E).

B. Preparing for the Investigation

The investigator will review the complaint, applicable state-wide policies, and MDVA's policies alleged to have been violated.

C. Conducting Interviews

The investigator will identify persons to be interviewed including complainant, respondent, and witnesses and may also review data, documents and other physical evidence.

D. Investigation Results

Once the investigation has been completed a report is prepared by or to the Director for Diversity, Inclusion & Equity outlining the findings of fact gathered through the investigation.

E. Management Review Meetings

A Management Review Meeting is held to provide the content of the investigation summary and to answer questions regarding the matter investigated, relevant case law, or agency practice.

Management, not the investigator, nor the Director for Diversity, Inclusion & Equity, makes decisions regarding next steps, if any, including personnel actions that may result from the investigation's findings.

Closing Notifications

After the Management Review Meeting, notices are sent to the complainant and respondent informing them the Office for Diversity, Inclusion & Equity has closed the investigation.

Data Privacy

All data associated with a complaint, including any investigation and any outcome, are subject to the Minnesota Government Data Practices Act (MGDPA). Except as provided by MGDPA, MDVA is not able to communicate to a complainant whether their allegations were substantiated or not, nor what personnel actions were taken, if any.

External Discrimination Charges

Employees may choose to file a formal complaint (also known as a "charge") with the Minnesota Department of Human Rights ("MDHR") or the federal Equal Employment Opportunity Commission ("EEOC").

MDVA Responsibilities and Procedures

MDVA follows the responsibilities and procedures identified in the Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy HRL #1436 and the Sexual Harassment Prohibited Policy, HR/LR Policy HRL #1329 (see Appendix A and Appendix B).

Disability discrimination complaints that result from decisions made by the ADA Coordinator, who is also the agency's Director for Diversity, Inclusion & Equity, will be managed by a human resources manager whose assignment is outside the division where the employee works.

Appendix D: Harassment and Discrimination Prohibited/ Sexual Harassment Prohibited Policies Complaint Form



Minnesota Department of Veterans Affairs

Please submit this completed form to the MDVA Office for Diversity, Inclusion and Equity

By mail or in person: MDVA Office for Diversity, Inclusion & Equity, 20 West 12th Street, St. Paul, MN 55155

By email: diversity.mdva@state.mn.us

By confidential fax: (651)-797-1781

MDVA Location _____

Street Address _____

City, State Zip Code _____

Telephone Number _____

Complainant (You)

Complainant's Name _____ Job Title _____

Agency _____ Telephone _____

Work Address _____ Division _____

City, State Zip Code _____ Manager _____

Respondent (Person against whom you are filing the complaint)

Name _____ Respondent's Job Title _____

Agency _____ Respondent's Telephone _____

Work Address _____ Division _____

City, State Zip Code _____ Manager _____

The Complaint

Basis of Complaint

Check all that apply

- | | | |
|--|---|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Disability | <input type="checkbox"/> Gender Expression |
| <input type="checkbox"/> Sex/Pregnancy/
Child Birth | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Age | <input type="checkbox"/> National Origin | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Color | <input type="checkbox"/> Creed | <input type="checkbox"/> Membership or
Activity in a Local
Human Rights
Commission |
| <input type="checkbox"/> Sexual
Harassment | <input type="checkbox"/> Sexual Orientation | |
| | <input type="checkbox"/> Reliance on Public
Assistance | |

Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. List dates, locations, names and titles of people involved. Explain why you believe the conduct was based on the item(s) checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant.

Date most recent act of discrimination/ harassment in violation of policy took place:

If you filed this complaint with another agency, give the name of that agency:

Information on Witnesses Who You Believe Can Support Your Complaint

Witness Name	Witness Work Address	Witness Work Telephone

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

This complaint is being filed based on my honest belief that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

Complainant Signature _____

Date signed _____

Complaint Received by:

(Affirmative Action Officer Signature) _____

Date signed _____

NON-RETALIATION: Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

** This document will be made available upon request in alternative formats by contacting (612)-548-5961 or diversity.mdva@state.mn.us **

Appendix E: Acknowledgement of Complaint Form

MINNESOTA DEPARTMENT OF VETERANS AFFAIRS ACKNOWLEDGEMENT OF COMPLAINT FORM

TO: _____

FROM: _____

DATE: _____

This form acknowledges receipt of a complaint of violation of MDVA's policy prohibiting protected class discrimination/harassment and/or sexual harassment, submitted to the Office for Diversity, Inclusion & Equity on _____ (date). The Director for Diversity, Inclusion & Equity will review the complaint to determine whether an investigation is warranted. If an investigation proceeds, it will be conducted in a timely, fair, and objective manner.

Please note that investigations and other actions taken in response to this complaint are subject to any applicable processes under applicable collective bargaining agreements and plans, including applicable review and/or appeal procedures.

It's important to know that all information and data associated with this complaint, including any investigation and any outcome, are government data. The release or non-release of this data is governed by the Minnesota Government Data Practices Act.

Leadership at MDVA expects a workplace free of discrimination or harassment for our employees and for the public interacting with our agency. We ask that you do not discuss this matter with MDVA employees other than your bargaining unit representative or myself. We appreciate you bringing your concerns forward. As always, please contact me with any questions or concerns.

Appendix F: Reasonable Accommodation Policy, HR/LR Policy #1433

OVERVIEW

Objective

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

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).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

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.

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;
- Providing a sign language interpreter; 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.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

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 AAO/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:

- 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
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. [Agencies can adjust the dollar amount based on their needs]; 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. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

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** before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested 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

The agency must specify how the agency will pay for reasonable accommodations.

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.

RESPONSIBILITIES

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

FORMS AND INSTRUCTIONS

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

Appendix G: MDVA ADA Accommodation Request Procedures

The State of Minnesota and the Minnesota Department of Veterans Affairs (MDVA) is committed to the fair and equal employment of people with disabilities. Reasonable

accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the accommodation process. It is the policy of this agency to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, as amended, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, to enjoy equal benefits and privileges of employment, and to receive equal benefit of MDVA's programs and services.

These procedures apply to all applicants, employees, employees seeking promotional opportunities, and for the public requiring reasonable accommodation to equally access or benefit from MDVA's programs and services.

Requesting Alternative Formats

This agency will inform all employees and members of the public that this accommodation policy can be made available in accessible formats.

Procedure-Job Applicants

1. The job applicant shall inform the MDVA ADA Coordinator or HR staffing representative of the need for an accommodation.
2. The MDVA ADA Coordinator will discuss the needed accommodation and possible alternatives with the applicant.
3. The MDVA 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.

Procedure-Employees or members of the public Accessing Programs and Services

1. The individual requesting an accommodation shall inform their supervisor, MDVA program representative, or the MDVA ADA Coordinator of a need for an accommodation.
2. Persons requesting reasonable accommodations may be asked to complete the Request for Reasonable Accommodation Form. Individuals may also be asked to complete the Authorization for Release of Medical Information for ADA Reasonable Accommodation Form. Completion of these forms are voluntary; however, it is the individual's responsibility to provide sufficient information to enable the accommodation. Both forms may be found on the MDVA SharePoint site under the department, Diversity, Inclusion & Equity. Forms are also found in Appendix H and Appendix I of this Affirmative Action Plan.
3. Completed forms are submitted to the MDVA ADA Coordinator, Office for Diversity, Inclusion & Equity by e-mailing them to diversity.mdva@state.mn.us or by confidential fax to 651-797-1781.
4. The MDVA ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation received is collected and maintained on separate forms and in separate,

locked files within the Office for Diversity, Inclusion & Equity.

5. The MDVA ADA Coordinator, in consultation with the individual requesting an accommodation will:
 - A. Discuss the purpose and essential functions of the particular job, program, or service involved. For employees of MDVA, completion of a step-by-step job analysis may be necessary including consultation with the supervisor.
 - B. Determine the precise related limitation.
 - C. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job or to benefit from an MDVA program or service.
 - D. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, MDVA is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
6. The MDVA ADA Coordinator will work with the individual with a disability to obtain technical assistance, as needed.
7. The MDVA ADA Coordinator will provide a decision in writing within a reasonable amount of time.
8. For MDVA employees, if an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business the employee and the MDVA ADA Coordinator shall work together to determine whether a job reassignment may be an appropriate accommodation.

Funding Accommodations

Funding must be approved by this agency for accommodations that do not cause an undue hardship. Accommodations approved by the MDVA ADA Coordinator are paid from the budget of the MDVA Office for Diversity, Inclusion & Equity.

Appeals

1. Employees or applicants who are dissatisfied with the decisions pertaining to his/her accommodation request may file an appeal with the Minnesota Department of Veteran Affairs Commissioner within a reasonable period of time, for a final decision.
2. If the individual believes the decision is based on discriminatory reasons, then they may also file a complaint internally through the agency's complaint procedure as outlined in this plan, see Appendix B and Appendix C.
3. Individuals also have a statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Appendix H: ADA Reasonable Accommodation Request Form



Minnesota Department of Veterans Affairs Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form

The State of Minnesota and the Minnesota Department of Veterans Affairs are 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 MDVA ADA Coordinator will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Please submit this completed form to the MDVA Office for Diversity, Inclusion & Equity:

By mail or in person: MDVA Office for Diversity, Inclusion & Equity, 20 West 12th Street, St. Paul, MN 55155

By email: diversity.mdva@state.mn.us

By confidential fax: (651)-797-1781

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.

A. 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? YES NO**
If yes, please explain:

B. 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?**

2. **What, if any, employment benefits 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 form 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: _____

** This document will be made available upon request in alternative formats by contacting (612) 548-5961 or diversity.mdva@state.mn.us**

Appendix I: Authorization for Release of Medical Information for ADA Reasonable Accommodations Form



Minnesota Department of Veterans Affairs

This form is for employee/patient authorization for the MDVA Office for Diversity, Inclusion & Equity ADA Coordinator to request medical information for the purposes of an employee's requests for reasonable accommodations.

****Submit this form to:**

Please submit this completed form to the MDVA Office for Diversity, Inclusion and Equity: By mail or in person: MDVA Office for Diversity, Inclusion & Equity, 20 West 12th Street, St. Paul, MN 55155

By email: diversity.mdva@state.mn.us

By confidential fax: (651)-797-1781

Date: _____

Medical Provider's Name: _____

Name of Clinic: _____

Medical Provider's Address: _____

Medical Provider's Fax Number: _____

Medical Provider's Phone Number: _____

Employee/Patient Name: _____

Employee/Patient Date of Birth: _____

Employee/Patient Address: _____

City: _____ State: _____ Zip: _____

Medical Information Release:

I authorize [Healthcare Provider] to disclose to the MDVA Office for Diversity, Inclusion & Equity or the MDVA ADA Coordinator or any other person, including the agency's legal counsel, who is authorized by my employer to receive medical information that is specifically related and necessary to determine whether I have a disability and whether accommodations can be made. I also authorize the MDVA Office for Diversity, Inclusion & Equity or the MDVA ADA Coordinator, or others as listed above, to speak to my treating health care provider directly in regards to any questions with respect to my condition as it relates to the performance of the essential functions of my job and any accommodations that may be necessary, to the extent that it will assist my employer to make a decision related to my request for accommodation(s) in a timely manner. The MDVA ADA Coordinator, or others as listed above, are only authorized to request information from my treating health care provider that is job-related and does not include genetic information.

I understand that the requested data is for the above-mentioned purposes only, and that I may refuse to provide the requested medical information. However, I understand that if I refuse to provide this information, my employer may refuse to provide reasonable accommodations. I also understand that this information shall remain confidential, available only under limited conditions specified under law.

This authorization is valid for one year from the date indicated below or upon receipt of my signed written notice to withdraw my consent. A photocopy is as valid as an original.

****Genetic Information Nondiscrimination Act of 2008 Disclosure:** 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/Patient Signature: _____

Date: _____

** This document will be made available upon request in alternative formats by contacting (612)-548-5961 or diversity.mdva@state.mn.us **

Appendix J: Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

Each Veterans Home has a detailed evacuation plan that provides for the safe evacuation of both residents and staff. The plans detail the manner in which all residents and staff will be located and removed from the facility. The plans also address the evacuation of persons with physical, cognitive, visual, and hearing disabilities. The plans meet the standards identified by the American National Safety Institute and the Federal and State regulations for Long-term Healthcare Facilities.

Each Programs and Services building has an evacuation plan that provides for the safe evacuation of both customers and employees. The plans detail the manner in which all customers and employees will be located and removed from the building and also address the evacuation of persons with physical, cognitive, visual, and hearing disabilities.

Copies of each Veterans Home's evacuation plan and each Programs and Services building's plan are on file both electronically and in hard copy format at their respective locations.

A copy of the agency's weather and emergency evacuation plans can be found on MDVA's SharePoint page.

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

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

MDVA's ADA Coordinator and Safety Administrator will work to develop a plan and consult with the appropriate building and safety personnel. Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the agency contact(s) below to request the type of assistance they may need.

Mark Paulson
MDVA Safety Administrator
20 W 12th St.
St Paul, MN, 55155
mark.j.paulson@state.mn.us
651-548-5960

Margaret Klein
MDVA ADA Coordinator
20 W 12th St.
St Paul, MN, 55155
margaret.klein@state.mn.us
651-548-5961

General Evacuation Procedures for Persons with Disabilities:

- A “buddy system” may be established to assist individuals who may need assistance and involves individuals working in teams so they can locate and assist each other in an emergency. The individual with a disability should identify two or more persons who would be available to provide assistance. The “buddies” will be trained by the employee as soon as they are recruited. A trained “buddy” is responsible for providing the appropriate level of assistance in an emergency.
- To assist in determining the appropriate level of assistance in an emergency, the individual with a disability will be asked what type of help they require before attempting any assistance.
- The individual with a disability will also be asked if there are any special considerations or if there are any special items that need to stay with them. Assistive aids should not be separated from the person.
- Extra time should be taken to communicate with people who are deaf, hearing impaired, or speech impaired.
- Staff with emergency responsibilities should be cognizant that a disabled person’s equipment may not be working after an emergency occurs, or may have limited effectiveness in an emergency situation. This may alter the level of assistance required.
- Service animals may be temporarily confused in an emergency and may not be able to provide the level of assistance they would normally be able to, necessitating a greater level of assistance from emergency staff.

Evacuation Options:

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

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

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

Individuals with disabilities should follow the following procedures:

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

Severe Weather Evacuation Options:

Individuals 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 is used.

Appendix K: Underutilization Analysis Worksheets

Minnesota Department of Veteran Affairs

2018 JOB CATEGORY AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS & ANNUAL GOALS

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

Job Categories	Total Employees in Job Group	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans	2018-2020 Goal
Officials/Administrators	25	1	Improved	<10	0
Professionals	347	-83	Improved	7	0
Office Clerical / Para-professionals	542	-40	Improved	78	0
Technicians	153	-64	Not Improved	<10	0
Skilled Craft	28	<10	Improved	<10	0
Service Maintenance	314	-38	Not Improved	<10	0
Totals	1409				

Job Categories	Total Employees in Job Group	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans	2018-2020 Goal
Officials/Administrators	25	2	Improved	<10	0
Professionals	347	-8	Improved	<10	0
Office Clerical / Para-professionals	542	-27	Improved	96	0
Technicians	153	-92	Not Improved	69	0
Skilled Craft	28	-1	Same	<10	0
Service Maintenance	324	-18	Not Improved	11	0
Totals	1419				

Job Categories	Total Employees in Job Group	AAP 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans	2018-2020 Goal
Officials/Administrators	25	-7	Improved	<10	0
Professionals	347	-6	Improved	<10	0
Office Clerical / Para-professionals	542	10	Improved	<10	<10
Technicians	153	13	Improved	<10	<10
Skilled Craft	28	-1	Same	0	0
Service Maintenance	324	<10	Improved	<10	<10
Totals	1419				

Appendix N: Agency Profile and Organizational Chart

