



Office Memorandum

Date: July 1, 2019

To: Ann Feaman
Director, Office of Diversity & Equal Opportunity
Board of Examiners for Nursing Home Administrators

From: Yumi Finney
Statewide Affirmative Action Officer
Minnesota Management and Budget

Phone: 651-201-8029

Subject: Approval of 2018-2020 Affirmative Action Plan

Dear Ann:

Congratulations! The Explore Minnesota Tourism's 2018-2020 Affirmative Action Plan has been approved by Minnesota Management & Budget (MMB) with the following additional comments:

- 1) The numbers in the underutilization worksheet and the job group availability percentages in the two-factor availability worksheet must match in the future plans. Or describe why the plan is not using the job group availability in the two-factor availability analysis worksheet to calculate the number of underutilization in the AAP. The individuals with disability's availability percentage for Officials and Administrators and Professionals job categories do not match with job group availability percentages in the two-factor availability analysis worksheets. The availability percentage currently used (7.00%) in the underutilization worksheet may be based on the MN (please note the aspirational goal in MN has been updated) and Federal Department of Labor, Office of Federal Contract Compliance Program's aspirational goal. Given the numbers of incumbencies, the final number underutilized for AAP 2018-2020 would not change when the job group availability percentages in the two-factor availability worksheet are used. Hence the plan has been approved because no further updates are not required in the AAP narratives.

Upon receipt of this letter, please complete the following steps to meet statutory reporting requirements:

- 1) Save a copy of the final internal document that contains private data.
- 2) Review the final report for accessibility.
- 3) Forward an electronic copy of the final (external) plan to the Legislative Reference Library at reports@lrl.leg.mn and send two (2) paper copies to:

Minnesota Legislative Reference Library at:
645 State Office Building,
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155-1050

- 4) Post the final (external) plan on your organization's website.

- 5) Send the web link for your organization's final (external) plan to AAreports.mmb@state.mn.us.
- 6) Send a communication and a web link to your employees indicating where the (external) plan is posted.

Thank you for your cooperation and please let us know how our office can support your organization's Affirmative Action objectives.

cc: Nickyia Cogshell, Assistant Director of Equal Opportunity, MMB; MMB 2018-2020 Affirmative Action Plan File



State of Minnesota
Explore Minnesota Tourism
2018-2020 Affirmative Action Plan

Explore Minnesota
Tourism 121 7th Place,
Suite 360 St. Paul, MN
55101-2114
651-256-5029
888-847-4866
explore@state.mn.us

<http://www.exploreminnesota.com/>

As requested by Minnesota Statute 3.197: This report cost approximately **\$900.00** to prepare, including staff time, printing and mailing expenses.

Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.

Table of Contents

Executive Summary.....	4
Organizational Profile	5
Statement of Commitment.....	6
Individuals Responsible for Directing/Implementing the Affirmative Action Plan	7
A.Executive Director	7
B.Affirmative Action Officer.....	8
C.Affirmative Action Officer Designee	9
D.Human Resources Director.....	10
E.Americans with Disabilities Act Title I Coordinator.....	11
F.Americans with Disabilities Act Title II Coordinator.....	13
G.Diversity Recruitment Coordinator	14
H.Managers and Supervisors	15
I.All Employees.....	15
Communication of the Affirmative Action Plan	16
Internal Methods of Communication	16
External Methods of Communication.....	16
Underutilization Analysis and Affirmative Action Goals	18
Availability:.....	19
Separation and Retention Analysis by Protected Groups.....	20
Women	22
Minorities.....	22
Individuals with Disabilities	22
Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers.....	22
Affirmative Action Program Objectives	22
Recruitment and Retention Program Strategies	23
Advertising Sources.....	23
Relationship Building and Outreach	24
Job and Community Fairs.....	24
Internships	24
Supported Employment (M.S. 43A.191, Subd. 2(d))	24
Targeted Recruitment for Underutilizations.....	25
Minorities.....	25
Individuals with Disabilities	26
Methods of Auditing, Evaluating, and Reporting Program Success.....	27
Pre-Employment Review Procedure/Monitoring the Hiring Process.....	27
Pre-Review Procedure for Layoff Decisions.....	29

Other Methods of Program Evaluation	29
Appendix	30
EMT Nondiscrimination Policy (DEED #417).....	30
EMT Sexual Harassment Policy #19-4 (DEED #421).....	36
Complaint Procedures for Discrimination/Harassment Complaints	39
EMT Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form	43
Reasonable Accommodation Policy (DEED #404)	44
Shared DEED Policy.....	44
Requesting an Accommodation.....	44
Obtaining Medical Documentation in Connection with a Request for Reasonable Accommodation	47
CONFIDENTIALITY REQUIREMENTS	48
Approval of Requests for Reasonable Accommodation	48
Funding for Reasonable Accommodations.....	49
Procedures for Reassignment as a Reasonable Accommodation	49
Denial of Requests for Reasonable Accommodation	49
Information Tracking and Records Retention.....	50
Forms	51
Request for Reasonable Accommodation Form.....	51
Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance.....	52
Evacuation Options:.....	52
Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:	53
Severe Weather Evacuation Options:.....	54

Executive Summary

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

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

Table 1: Underutilization Analysis of Protected Groups

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators			
Professionals		X	
Office Clerical Paraprofessional		X	X

Information about how to obtain or view a copy of this Plan will be provided to every employee of the agency. Our intention is to make every employee aware of Explore Minnesota Tourism's commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the agency's website and maintained in the Business Operations Manager's Office.

Affirmative Action Officer or Designee: Michael Mey Date Signed: 09/26/18

Human Resources Director or Designee: Almas Michaels Date Signed: 9/27/18

Executive Director: [Signature] Date Signed: 09/27/18

Organizational Profile

The mission of Explore Minnesota is to inspire consumers and facilitate their travel to and within Minnesota. We do this by marketing Minnesota tourism, including destinations, lodging, attractions, restaurants, events and outdoor recreation, to consumers. Through consumer advertising, public relations, publications, websites, social media, international marketing and other efforts, we reach millions of potential travelers each year. Our work to promote tourism in Minnesota contributes to a thriving economy that encourages business growth and employment opportunities.

As an organization, we value:

- **Diversity** of all types. As a tourism destination, Minnesota offers a diverse array of destinations, activities and events. As a workplace, we value the wide array of backgrounds, opinions and work styles our employees bring to the table.
- **Creativity** in product and problem solving. Developing creative ways to market Minnesota as an attractive destination is in everyone's job description.
- **Teamwork**. Every employee, as well as our peers in the Minnesota tourism industry, works together toward the same goal of promoting Minnesota as a great place to visit. Veteran and new employees collaborate and help each other succeed.
- **Integrity**. Whether it's a promise to travelers, our industry peers or each other, we accomplish what we set out to do and strive to exceed expectations with every project, while remaining honest and ethical no matter what.
- **Exceptional customer service**. Our extensive library of travel information and resources is second to none, accessible to all, and always delivered with a smile.
- **Fun!** Fewer things are more fun than traveling, and we strive to infuse that feeling into everything we do.

Statement of Commitment

This statement reaffirms Explore Minnesota Tourism (EMT) 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 accommodation to employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

Executive Director: _____



Date Signed: 09/13/18

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. Executive Director

Responsibilities

The Executive Director is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The Executive Director, through the Commissioner of Minnesota Management & 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 Executive Director 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 plan, and agency's mission.
- Report annually to the Governor and the Legislature through the Commissioner of MMB the department's progress in affirmative action.
- 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 Executive Director is accountable directly to the Commissioner of DEED and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: John Edman

Email: John.edman@state.mn.us

Title: Executive Director, EMT

Phone: 651-757-1844

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing and monitoring the department's affirmative action program.

Duties

The duties of the Affirmative Action Manager 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.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Commissioner/Executive Director 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.
- Develop innovative programs to attract and retain protected group members in the Agency.
- 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 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 Affirmative Action Officer is accountable to the Commissioner of DEED and the Executive Director for Explore Minnesota for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administration of ADA Title II, Diversity and Inclusion, and Limited English Proficiency Program.

Name of individual(s) responsible

1. Name: Ann Feaman

Email: ann.feaman@state.mn.us

Title: Director, Office of Diversity & Equal

Phone: 651-259-7097 Opportunity

C. Affirmative Action Officer Designee

Responsibilities

The designees are responsible for the implementation of the department's Affirmative Action Plan at their facility/work location. Each designee is directly accountable to the agency's Affirmative Action Officer for matters relating to affirmative action.

Duties

- Fulfill all affirmative action reporting requirements by submitting standard quarterly reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as ex-officio member of the Employee Resource Group (ERG) diversity committee at their work location.
- Serve as a member of the department-wide Affirmative Action Officers Committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices and to recommend changes to the Affirmative Action Manager.
- Serve as ex-officio member of the recruitment team at their work locations.

Accountability

The Affirmative Action Designee is accountable indirectly to the Executive Director on matters pertaining to Affirmative Action and Equal Opportunity.

Name of individual(s) responsible

1. Name: Mike Meyer

Email: michael.meyer@state.mn.us

Title: Business Operations Manager Phone: 651-757-1859

D. Human Resources Director

Responsibilities

The Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies. Human Resources Directors are responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with the agency, assisting managers and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the Human Resources Director or designee.

Duties

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

- Maintain effective working relationships with agency affirmative action officers and designees.
- Provide leadership to HR 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 that the reasonable accommodation process is implemented and 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 officers, 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 of 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

The Human Resources Director is accountable to the Deputy Commissioner of DEED, Blake Chaffee. Human resources staff are accountable to the Human Resource Director.

Name of individual(s) responsible

1. Name: Dorcas Michaelson

Email: Dorcas.michaelson@state.mn.us

Title: Director, DEED-HR Phone: 651-259-7099

E. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator 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 and 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 Human Resources Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Manager 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 and the regional human resources director (RHRD) who also serves as the regional ADA coordinator, in consultation with the employee and supervisor, 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 ADA Title I Coordinator is accountable to Director of the Office of Diversity and Equal Opportunity.

Name of individual responsible

1. Name: Karen Lilledahl

Email: karen.lilledahl@state.mn.us

Title: ADA Coordinator/EO Officer

Phone: 651-259-7089

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator 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 Title II Coordinator shall include, but 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.
- Assist the Director for the Office of Diversity & Equal Opportunity in designing and delivering 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 asses 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 ADA Title II Coordinator is accountable to the Director of the Office of Diversity and Equal Opportunity.

Name of individual responsible

1. Name: Karen Lilledahl

Email: karen.lilledahl@state.mn.us

Title: ADA Coordinator/EO Officer **Phone:** 651-259-7089

G. Diversity Recruitment Coordinator

Responsibilities

The Diversity Recruitment Coordinator is responsible for the creation and coordination of the Diversity Recruitment Plan outlined in this document.

Duties

The duties of Diversity Recruitment Coordinator shall include, but not be limited to, the following:

- Identify high need recruitment job areas within the agency.
- Communicate the strategic recruitment plan to human resources, the executive team, management, and staff.
- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities to attaining strategic diversity goals and objectives.
- Maintain relationships with agency executive teams, human resources, and management to ascertain the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the statewide recruiters group and MNCARRS.

Accountability

The Diversity Recruitment Coordinator is accountable to the Director of the Office of Diversity and Equal Opportunity.

Name of individual responsible

1. Name: Iftou Yoya

Email: iftou.yoya@state.mn.us

Title: Diversity Recruiter/EO Officer **Phone:** 651-259-7102

H. Managers and Supervisors

Responsibilities

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

Duties

The duties of managers and supervisors 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 the equal opportunity employment policy and the 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

Agency managers and supervisors are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner.

I. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the state of Minnesota's policy of equal employment opportunity 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 Director. 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 will be sent from the agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The agency's Affirmative Action Plan is available to all employees on the agency's internal website at www.staff.exploreminnesota.com or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

External Methods of Communication

- The agency's Affirmative Action Plan is available on the agency's public website at www.industry.exploreminnesota.com or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.

- The agency’s website homepage, letterhead, publications, and all job postings, will include the statement “an equal opportunity employer” and “women, minorities, and individuals with disabilities are encouraged to apply.” The agency will also ensure a representative ratio of diversity is on all diversity marketing materials.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the Agency’s Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address:

121 7th Place E, Suite 360, St. Paul, MN 55101

Underutilization Analysis and Affirmative Action Goals

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

Table 2. Underutilization Analysis and Hiring Goals for 2018-2020

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this agency. The fifth, sixth, and seventh columns show the agency's hiring goals for each group in each category.

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						
Professionals		1			1	
Office/Clerical		2	2		2	2

Availability:

The agency determined the recruitment area to be statewide for all job categories because offices are located throughout Minnesota. In conducting its underutilization analysis, the agency used the two-factor analysis. The agency determined it was best to use this type of analysis because describe reasons here.

Underutilization Analysis worksheets are attached in the appendix. In the public plan numbers less than 10 are indicated with “<10” in accordance with Minnesota Management and Budget’s guidance on data privacy.

Women:

At the agency, the population of women has remained steady in the following job categories: Officials and Administrators, Professionals, and Office/Clerical. The agency continues to maintain a high percentage of women in most job categories with 67% percent being in high-level managerial and supervisory positions. Because EMT has little staff turnover, the population does not often change significantly. We anticipate having similar representation in the next biennium.

Minorities:

At the agency, the population of minorities has remained the same in the following job categories: Officials and Administrators and has not improved in the following job categories: Professionals and Office/Clerical.

Having a small sample size population in comparison to a larger agency makes EMT vulnerable to significant population representation shifts. Last biennium, EMT lost two minority FTE’s to retirement and other employment opportunities. Even though our anticipated hiring needs will be limited to replacement of staff as opposed to the creation of new positions, our philosophy and business practice is to be transparent and highly visible amongst minority based communities and organizations.

Moving forward, we will continue to improve our outreach process to minority/diversity job boards, councils, associations, and alumni groups through a separate email list. We will also take advantage of the vacation accrual credit policy and in-house telework options to help entice minority workers away from our competitors. We will offer flexible work schedules, laptops, cell phones & VPN that allow staff to take advantage of telework. A buddy or peer mentor program for the first year of employment helps integrate new staff into our office culture. Reasonable accommodations are available.

Individuals with Disabilities:

At the agency, the population of individuals with disabilities has remained the same in the following job categories: Officials and Administrators, and Office/Clerical and has improved in the following job category: Professionals.

Our weakness is not having staff self-identify as having a disability in the system. We will encourage staff to update their information in the system so data will reflect true progress that the agency has made with utilization goals.

Again, when opportunities exist, we will work the ODEO to help with specific outreach of target audiences. We will also take advantage of the vacation accrual credit policy and in-house telework options to help entice disabled workers away from our competitors. We will offer flexible work schedules, laptops, cell phones & VPN that allow staff to take advantage of telework. A buddy or peer mentor program for the first year of employment will help integrate new staff into our office culture. Reasonable accommodations are available.

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. The agency will strive 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. The agency’s retention strategy is a multi-faceted approach, guided by the agency management, Human Resources Director, and ODEO.

Table 2 Persons Responsible for Agency Retention Programs/Activities

Title	Contact Information
Business Operations Manager	Mike Meyer, Michael.meyers@state.mn.us
Executive Director	John Edman, John.edman@state.mn.us
Director of Office of Diversity & Equal Opportunity	Ann Feaman, Ann.feaman@state.mn.us
Director of Human Resources	Dorcas Michaelson, Dorcas.michaelson@state.mn.us

The Agency 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. The appendix will include a separation report broken down by EEO4 job category. Below is a snapshot of the agency separations throughout the past two years as well as a narrative describing the separation analysis:

Table 3 Type of Separation

Type of Separation FY2016-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Individuals w/Disabilities
Resignations	6	46.15%	83.33%	16.67%	0%
Retirement	7	53.85%	85.71%	14.29%	0%

Type of Separation FY2016-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Individuals w/Disabilities
Total Separations	13	100%	84.62%	15.38%	0%

Women

Women represent approximately 66.7% of the total agency workforce. The agency saw a total of 13 separations from FY 2017 and FY 2018. Women were 84.62% of all separations. This is proportionately higher relative to their total Agency workforce representation.

Minorities

Minorities represent approximately 3.7% of the total Agency workforce. The agency saw a total of 13 separations from FY 2017 and FY 2018. Minorities were 15.38% of all separations. This is proportionately higher relative to their total agency workforce representation.

Individuals with Disabilities

Individuals with Disabilities represent approximately 0% of the total agency workforce. The agency saw a total of 13 separations from FY 2016 and FY 2018. Individuals with Disabilities were 0% of all separations.

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 Minnesota Statutes, Chapter 43A.191, and Subdivision 2.

This section will identify ways this agency has determined to eliminate barriers, provide corrective actions, and achieve affirmative action goals for underutilized protected group applicants/employees (broken down by specific job categories.) *If an agency has an underutilization in an EEO4 job category, there must be a program objective defined to address the underutilization.* These objectives have been developed as strategic, actionable and measurable efforts the agency has committed to pursuing and implementing from

Affirmative Action Program Objectives

- 1. Ensure all employees are knowledgeable about and aware of the ADA and can act upon their responsibilities.**
 - a. Identify training sources, assess their values and costs and implement training program.
 - b. EMT managers will be attending monthly programs on diversity and inclusion.
 - i. Ongoing review of program objectives.
- 2. Ensure new managers and supervisors are trained properly in the importance of and their roles and responsibilities for equal employment opportunity, sexual harassment prevention and affirmative action.**
 - a. Provide training resources to all staff, particularly hiring managers and supervisors with a stronger emphasis on equal employment and affirmative action.
 - b. Provide mandatory discrimination and harassment prevention training from all

employees.

- i. Will require signed acknowledgements to ensure that new managers and supervisors receive this training and will provide reminders and refresher information at least semi-annually at managers meetings.
- 3. Identify and develop a plan to eliminate any issues identified in Explore Minnesota Tourism with regard to equal employment opportunity and affirmative action – particularly within recruitment and the hiring process.**
- a. EMT will work with ODEO and DEED HR on recruiting individuals for job opportunities.
 - b. Continue to utilize the exit interview process developed by DEED. EMT management and ODEO will develop a process to share this data on a more frequent basis.
 - i. Agency will work with affirmative action staff at DEED to address any identified issues.
- 4. Implement other opportunities for diversity and inclusion in EMT's programs, such as a more concentrated effort to use TG/ED vendors in our procurement of goods and services. Also continued efforts in our inclusion of diversity of all types in the Explore Minnesota's advertising efforts and outreach. Proactive efforts are underway to educate the MN Tourism industry on these topics.**
- a. EMT buyers are receiving state-provided training on diversity and inclusion. EMT marketing managers and its advertising agency are aware of these affirmative action objectives as a priority. Training and education for the tourism industry business and organizations will be developed
 - i. Good, services, and use of contractors will have an increased use of TG/ED vendors. Television, print, and digital advertising, as well as promotional tourism materials, will have a visible presence of diversity of all types and reflect the global reach of tourism in Minnesota.

Recruitment and Retention Program Strategies

The following recruitment plan is the overall strategy of Explore Minnesota to reach customers, applicants, and potential future employees. After general information, targeted recruitment will be discussed to address the underutilization of minorities and individuals with disabilities.

Recruitment costs incurred during the 2016-2018 plan year totaled approximately 0.00.

Methods and strategies used by the agency during the past year and plans to for the upcoming years 2018-2020:

Advertising Sources

- MMB/State of Minnesota Careers website
- Explore Minnesota's electronic industry newsletters
- MN Job Service—DEED
- Email newsletters and job boards through various agencies such as the Council on Asian-Pacific Minnesotans, Council on Black Minnesotans, Chicano Latino Affairs, and others.

- Explore Minnesota’s Linked In account
- Educational institutions in areas where vacancies occur

Relationship Building and Outreach

EMT invests effort in relationships with educational institutions. We use job boards and services in colleges and schools in areas where relevant vacancies occur. We have had success in hiring many competent student workers through these channels. In addition, we sponsor a Welcome Center in St. Cloud that is staffed by Tourism Program students from Saint Cloud state University. EMT’s director serves on the board for the University of Minnesota’s Tourism Extension program, and we maintain connections through their programs.

Job and Community Fairs

- Veterans Career Fair
- Hire Our Heroes Job Fair
- Get Jobs Career Fair
- DEED Diversity Job Fair
- Latino LEAD Networking Event
- Participation of WorkForce Center staff at job fairs throughout all 48 WorkForce Centers provides statewide coverage
- People of Color Career Fair
- Hmong American Partnership (open job fairs on Wednesdays weekly)
- American Indian OIC Career Fair
 - AIOIC Founder’s Day
- BrookLynk Youth Job Fair
- Diversity Career Fair
- Black Women’s Expo & Job Fair
- Urban Scholars Career Exploration
- Community Connector/MN Recruiters Conference (Training)
- Muslims in Minnesota Panel
- Graduation Coach
- YouthLink—board member
- Metro State Diversity Networking & Job Fair

Internships

EMT has professional level marketing work that lends itself well to the use of interns. We frequently have an intern on staff, usually they are working to complete a tourism degree or a degree in a related business or marketing program.

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

The agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment worker. We will work with the community organization that provide employment services to individuals with disabilities to

recruit for these positions.

Targeted Recruitment for Underutilizations

Minorities

The following job categories have been identified as underutilized for minorities.

List job category name	Percent minority employees in category	Percent minorities hired in category	Percent minority separated in category
<i>Office/Clerical</i>	4%	0%	0%
<i>Professionals</i>	0%	0%	50%

The following corrective action has been planned to eliminate the barriers for minorities in each category.

Recruitment action for minorities in these categories:

- When job opportunities exist, the agency will encourage minorities to apply for any and all job classifications and/or job categories. The agency will enhance outreach efforts through minority/diversity job and community fairs, councils, associations, alumni groups and job boards such as Chicano Latin Affairs Council, Comunidades Latinas Unidas en Servicio, Council on Asian-Pacific Minnesotans, Council on Black Minnesotans, Wisconsin Alumni Association, U of M GoldPASS and Pollen.

Recruitment barrier identified for minorities in these categories:

One of our main barriers is that some of our positions are intermittent with no guarantee of hours and that is often not attractive to candidates. Additionally, minority populations are highly sought after in the private sector, non-profit organizations, neighboring states, and other local units of government. Using current resources like telework, flextime work schedules, subsidized transportation options, word of mouth, and promoting attractive state benefit options may help us be more on a level playing field with our competition.

Future Evaluation:

Because job opportunities at EMT are limited, we will make sure the outreach hits the targeted audience and will continually assess hiring strategies.

Past Evaluation:

We hired a female minority in the last biennium but unfortunately lost two minority staff to retirement and other job opportunities.

Limited job opportunity and competition will always be the obstacle for meeting our hiring goals. These are areas we cannot control.

Person's Responsible:

- Hiring Manager
- Business Operations Manager
- Target Dates: 2018 - 2020

Individuals with Disabilities

The following job categories have been identified as underutilized for individuals with disabilities (IWD).

List job category name	Percent IWD employees in category	Percent IWD hired in category	Percent IWD separated in category
<i>Office/Clerical</i>	0%	0%	0%

The following corrective action has been planned to eliminate the barriers for [IWD] in each category.

Recruitment action for IWD in this category:

1. Review job postings for physical and sensory requirements, ensure that qualifications in job posting are inclusive, and do not pose any unnecessary barriers.
 - a. Agency will review all job postings for physical and sensory requirements and determine if the qualifications for the positions are job related and consistent with business necessity. Agency will also edit language to reflect more inclusive language for job qualifications.
2. Self-identification
 - a. At time of application and once a year, the agency will communicate to employees that summary data is collected which informs decisions about areas for improvement in terms of recruitment, selection, or retention of individuals with disabilities.
3. Reasonable accommodations
 - a. Will display on career website that reasonable accommodations are provided to applicants with a disability. Once hired, the agency will educate employees, supervisors, and managers on accommodating employees in the workplace.
4. Self-analysis
 - a. The agency will conduct periodic self-checks to determine if systems and documents are accessible, language in job postings are most inclusive, and reasonable accommodations have been provided to those who need them and training on how to provide them.
5. Reporting
 - a. In partnership with DEED Human Resources, the agency will conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of said people hired.

Recruitment barrier identified for IWD in this category:

Some of our positions are intermittent or are not guaranteed regular hours which can impose barriers to recruiting. Additionally, individuals with disabilities are highly sought after in the private sector, non-profit organizations, neighboring states, and other local units of government. Using current resources like telework, flextime work schedules, subsidized transportation options, word of mouth, accommodating work space, and promoting attractive state benefit options may help us be more on a level playing field with our competition.

Future Evaluation:

Because job opportunities at EMT are limited, we will make sure the outreach hits the targeted audience and will continually assess hiring strategies.

Past Evaluation:

The agency made huge strides in hiring/employing individuals with disabilities however the data is skewed because employees are not required to identify themselves as disabled and/or outdated paperwork. We will encourage staff to update their information which will translate to more accurate data gathering.

Person's Responsible:

- Hiring Manager
- Business Operations Manager

Target Dates:

As a small agency, job opportunities are limited. Monitoring success will be case by case scenario. Using target dates doesn't match our infrequent hiring model.

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

Explore Minnesota will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. The agency will use the monitoring the hiring process form for every hire to track the number of women, minorities, and individuals with disabilities in each stage of the selection process.

Directors, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and equal opportunity professionals will review for bias.

Any time the agency cannot justify a hire, the agency takes a missed opportunity. Agency leadership will be asked to authorize the missed opportunity. The agency will report the number of affirmative

and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are invited to participate in the selection process, employees scheduling the selection process will describe the process format to the candidate (*e.g.*, interview process, testing process). All candidates will be provided information regarding the procedure to request reasonable accommodations if necessary to allow candidates with disabilities equal opportunity to participate in the selection process. For example, describe if interview questions are offered ahead of time or what technology may be used during a test. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the selection process.

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

ODEO in conjunction with DEED's Human Resources office and EMT's Affirmative Action Officer Designee shall be responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

Once all contractual obligations are met, HR and ODEO review the list for disparate impact of protected group employees. If a concern is identified, the HR Director and the ODEO Director meet with the agency Director to review the potential impact.

If it is determined that there is an adverse impact on protected groups, EMT 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

Through our interagency agreement with DEED's Human Resources, the agency submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

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

The agency also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact;
- Analyzes compensation program 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

EMT Nondiscrimination Policy (DEED #417)

INTRODUCTION

This chapter provides policy and procedures for dealing with discrimination, discriminatory harassment, other inappropriate behaviors, and retaliation at Explore Minnesota Tourism. The purpose of this policy is to ensure respectful work environments and services free of this prohibited conduct.

The policy covers any person, whether a paid EMT employee, applicant for employment, intern, consultant, customer of EMT services, or contractor under management of EMT. Additional information may be requested from the DEED Office of Diversity and Equal Opportunity (ODEO).

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 harassment and discrimination, including the compliant process; and
- To provide a timely and thorough review process for complaints.

POLICY

EMT prohibits inappropriate behaviors, discrimination, and harassment based on any of the following protected bases: race, color, national origin, creed, religion, age, disability, sex (including sexual harassment), gender (including gender identity and gender expression), sexual orientation, genetic information, familial status, marital status, status with regard to public assistance, or membership/activity in a local human rights commission. This policy applies to both overt acts and those acts that create an intimidating, offensive, or hostile work environment. These prohibitions extend to any location, activity, or event associated with EMT or its employees in their capacity as state representatives.

EMT also prohibits retaliation against a person who files a complaint, participates in an investigation, or otherwise opposes alleged or actual discrimination, harassment, or other inappropriate behaviors.

DEFINITIONS

Discrimination

Conduct that segregates, treats differently, or impacts an employment or provision of service decision(s) on the basis of an individual's protected class characteristic i.e., race, color, national origin, creed, religion, age, disability, sex (including pregnancy and childbirth status; and sexual harassment), gender (including gender identity and gender expression), sexual orientation, genetic information, familial status, marital status, status with regard to public assistance, or membership in a local human rights commission.

Discriminatory Harassment

A repeated, blatant, or persistent pattern of verbal, psychological, social, or physical action which results in intimidation, ridicule, entrapment, degradation, coercion, or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment.

Behavior that unreasonably creates an intimidating, hostile, or offensive work environment among co-workers or between supervisors and subordinates and is based on a protected class characteristic.

Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, demeaning, or insulting remarks; repeated jokes about an employee or a characteristic unique to the employee; or sabotage of an employee's character, reputation, work efforts, or property.

NOTE: Any type harassment is a form of inappropriate behavior.

Inappropriate behaviors

Action or conduct that is not appropriate in the workplace. Examples of inappropriate behaviors include, but are not limited to, cartoons that poke fun at a particular religious group; unwelcome references, such as "babe" or "doll"; off-color or provocative remarks; belittling and undermining another person's work; criticizing or showing a lack of respect for judgments, skills, or opinions of a person; humiliating a person in front of colleagues (put-downs and name-calling); intimidating use of discipline; destructive innuendos and sarcasm, including rumors and gossip; misuse of private information; verbal and non-verbal threats; overly forceful language, including jokes, sarcasm, and crude language; shouting; and invasion of personal space (e.g., entering someone's office without knocking, physically standing over another person, rifling through personal files and drawers, reading information on someone's desk without permission, blocking someone's exit, and banging on a desk).

NOTE: Not all issues or complaints will rise to the level of illegal discrimination or harassment. Some behaviors are simple inappropriate for the workplace and will be treated as such.

Other Definitions

Age

The number of years that have passed since one's birth. State and federal laws protect individuals against various forms of age discrimination.

Color

The general appearance of one's skin or skin pigmentation.

Creed

A system of belief, principles, or opinions; includes religious and spiritual observances, practices, and sincerely held beliefs.

Disability

A person with a disability is someone who 1) has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activity; 2) has a record of such an impairment; or 3) is regarded as having such an impairment.

Familial Status

The condition of one or more minors being domiciled (living) with (1) their parent(s) or the minor's legal guardian or (2) the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. The protections afforded against discrimination on the basis of family status apply to any person who is pregnant or is in the process of adopting or securing legal custody of an individual who has not attained the age of majority.

Gender (including Gender Identity and Gender Expression)

Gender is a social construct that includes both gender identity and gender expression. Gender is not a result of physical or biological differences (see *Sex*). Gender is not binary. The most common genders include female, male and transgender (See *Transgender*). This is **not** an exhaustive list. Gender is distinct from sexual orientation (see *Sexual Orientation*). Transgender individuals can be lesbian, gay, bisexual, straight, etc.

Gender identity refers to one's internal, deeply-felt sense of being female, male, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity that they define for themselves and that they can change. One's gender identity can be the same or different from their sex assigned at birth.

Gender expression/presentation refers to the external appearance and physical manifestation of one's gender identity expressed personal choice of clothing, hairstyle, voice, behavior, body shape, etc.

These personal choices also extend to preferred pronouns she/her(s); he/his/his; they/their(s) etc.

NOTE: Gender and preferred pronouns should not be assumed based on someone's appearance. It is a best practice to respectfully ask an individual which pronouns they prefer.

General Harassment (violates Respectful Workplace Policy)

Any unwelcome verbal, written, or physical conduct (not based on protected class status) that has a negative impact on an individual or the work environment. Examples of harassment include, but are not limited to, unwelcome remarks, jokes or innuendos; bullying; verbal abuse, intimidation, or threats; hazing; offensive pictures, graffiti, cartoons, or sayings; and offensive e-mail messages.

EMT is committed to providing a respectful and professional workplace free of disrespectful or unprofessional communications or behavior. Any disrespectful or unprofessional communications or behavior not involving a protected class status should refer to the Respectful Workplace Policy.

NOTE: Disrespectful and/or unprofessional behavior does not include any of the following:

- The normal exercise of supervisory or managerial responsibilities, including, but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
- Disagreements, misunderstandings, miscommunication or conflict situations where the behavior remains professional and respectful.

Genetic Information

Includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history).

Local Human Rights Commission

An agency of a city, county, or group of counties created pursuant to law or a resolution of a county board, city charter, or municipal ordinance for 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.

Marital Status

Whether a person is single, married, remarried, divorced, separated, or a surviving spouse; and, in employment cases, includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

National Origin

The place of birth of an individual or any of the individual's lineal ancestors.

Race

A social construct that considers a human population distinct based on their common history, nationality, or geographic distribution. Can also be based on descent (racial classification of parents) and/or one or more physical characteristics.

Retaliation

Occurs when adverse actions are imposed against individuals who have reported allegations of discrimination or harassment or have participated in an investigation. An adverse action is a tangible employment action that causes a significant change in employment status, such as demotion, termination, failure to promote, or reassignment with significantly negative changes in responsibilities. Mere inconveniences or business-driven alterations of job responsibilities are not necessarily adverse actions.

NOTE: The same laws that prohibit discrimination and harassment based on protected class status also prohibits retaliation against individuals who oppose unlawful discrimination or participate in a discrimination proceeding.

Religion

A commitment or devotion to a religious faith or observance. Religion includes all aspects of religious observance, practice, and belief. An employer is obligated to reasonably accommodate the religious observances or practices of employees and applicants, unless doing so would cause an undue hardship on the nature of its business.

Sex

Sex, or sex assigned at birth, is the assignment and classification of people as female, male, intersex, or another sex category. Sex is assigned to each of us at birth based on a variety of physical and biological characteristics including chromosomes, hormones, anatomy, genitals, reproductive organs, and secondary sex characteristics. Sex discrimination also includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

Sexual Harassment

Unwelcome sexual attention that substantially interferes with an individual's work environment or his or her ability to perform job functions or to fully access and receive services. It may involve sexual advances, request for sexual favors, sexually motivated physical contact, intimidation, threats, coercion, or other verbal, non-verbal, or physical conduct or communication that is both unwelcome and of a sexual nature.

Examples of sexual harassment may include:

- Any behavior of a sexual nature that the recipient or bystander finds unwelcome.
- Unwanted sexual comments, looks, innuendos, or suggestions about one's body or sexual activity.
- Unwanted, unnecessary touching, brushing against one's body, patting, or pinching.
- Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.
- Displaying pictures, objects, or publications of a sexual nature in work areas.
- Use of language implying inferiority based on sex.
- Electronic display or transmission of sexually explicit, obscene, or demeaning material.
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.

Sexual Orientation

The attractions and relationships between your sex/gender and others' sexes/genders. Components of sexual orientation include sexual desire, behavior, and identity. Orientations may include lesbian, gay, bisexual, queer, pansexual, fluid, or heterosexual (straight) – this is not an exhaustive list.

Status with Regard to Public Assistance

The condition of being a recipient of federal, state, or local assistance--including medical assistance--or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

Transgender

Transgender is an umbrella term for people whose gender identity or gender expression differs from the sex they were assigned at birth and/or whose gender is not validated by the dominant culture. A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male or FTM). A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female or MTF). Some people described by this definition don't consider themselves transgender. They may use other words, or may identify

simply as a man or woman. A person does not need to identify as transgender in order for gender nondiscrimination policies to apply to them.

Most transgender people seek to make their gender expression (how they look) match their gender identity (who they are), rather than their sex assigned at birth – this process is known as transition. Transitioning may include coming out, changing one’s name/sex on legal documents, and for many transgender people, accessing medical treatment such as hormone therapy and surgery.

Cisgender (or cis) is used to refer to the alignment of gender identity with sex assigned at birth. The term was created for referring to non-transgender people without alienating transgender people. Most people are cisgender. If one’s sex assigned at birth was female and the person identifies as female, then she is cisgender.

GENERAL CONDITIONS

Application of this policy is the responsibility of each EMT manager, supervisor, and employee. Any supervisor or manager who witnesses or receives a written or oral complaint of alleged discrimination, harassment, other inappropriate behaviors, or acts of retaliation that occur in EMT employment or provision of services shall promptly report it to the Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.

Employees may be asked to participate in an investigation. Participation in an investigation is voluntary. However, anyone who participates is expected to provide truthful, accurate information. If someone chooses not to participate, the office of Diversity and Equal Opportunity will still make investigative findings.

Violation of this policy may constitute grounds for disciplinary action, up to and including discharge. Each situation will be evaluated on individual circumstances and severity.

ODEO offers training on preventing and responding to all forms of discrimination, including sexual harassment, in the workplace. All EMT employees must attend this training once **every five years**.

How to File a Complaint

For the purposes of this policy, a complaint is a dispute or disagreement based on the belief of the complainant that they have been discriminated against, harassed, or otherwise treated inappropriately. The alleged action must be attributed to discrimination or discriminatory harassment based on a person's race, color, national origin, creed, religion, age, disability, sex (including sexual harassment), gender (including gender identity and gender expression), sexual orientation, genetic information, familial status, marital status, status with regard to public assistance, or membership/activity in a local human rights commission. A complaint may also be brought by anyone who believes they are the victim of a retaliatory action by an EMT employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

Employees and customers are encouraged to use the ODEO complaint form found at the end of this policy but complaints will be accepted in additional formats.

Complaints must be filed within 365 days of the last occurrence.

Confidentiality

During the course of an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law or a business necessity.

Information gathered during the course of an investigation will only be shared with those who have a business need to know in order to reach a resolution. The investigative file remains at ODEO. The file is confidential and kept separate from an employee's personnel file. The investigative file can only be accessed as permitted by the Minnesota Data Practices Act.

General Provisions

- Coercion, reprisal, or intimidation against those filing a complaint (the "complainant") or serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional charge of discrimination.
- ODEO has the discretion to accept a complaint after termination of employment.
- The complainant, through an equal opportunity officer, will be advised of his/her/their right to file a charge of discrimination with outside administrative agencies.
- Regardless of the outcome of an investigation, EMT will take no adverse or retaliatory action against a complainant because she/he/they filed a complaint or reported conduct she/he/they considered to be a violation of EMT's policy against discrimination and discriminatory harassment.

Who Does this Apply To?

All complainants, including employees, applicants for employment, interns, consultants, customers of EMT's services, or contractors under management of EMT may, at any time, report a complaint to any of the following:

- The Office of Diversity and Equal Opportunity
 - DEED.ODEO@state.mn.us
 - [Kimberly Malone](#), Investigator/Equal Opportunity Consultant 651.259.7684
 - [Ann Feaman](#), ODEO Director 651.259.7097
 - [Karen Lilledahl](#), Equal Opportunity Officer/ADA Coordinator 651.259.7089
- Any supervisor, manager, or director
- Any HR personnel
- The Commissioner, any Deputy Commissioner, or Assistant Commissioner

For Complaint Procedures, see "*Discrimination/Harassment Complaint Procedures*" below.

EMT Sexual Harassment Policy #19-4 (DEED #421)

Introduction

This chapter provides policy and procedures for dealing with sexual harassment at Explore Minnesota Tourism. The purpose of this policy is to ensure respectful work environments and services free of sexual harassment.

The policy covers any person, whether a paid EMT employee, applicant for employment, intern, consultant, customer of EMT services, or contractor under management of EMT. Additional

information may be requested from the DEED Office of Diversity and Equal Opportunity (ODEO).

Objective

- To create a work environment free from sexual harassment of any kind.
- To ensure compliance with all applicable state and federal laws.
- To establish a written and readily accessible procedure regarding sexual harassment, including the complaint process.
- To provide a timely and thorough review process for complaints.

Policy

EMT strictly prohibits sexual harassment in any form of any employee or third party that takes place within the workplace or public service environment, or that affects the workplace or public service environment. These prohibitions extend to any location, activity, or event associated with EMT or its employees in their capacities as representatives of the State of Minnesota. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint.

Any form of retaliation directed against a complainant or an individual who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated.

State employees who violate this policy will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action, which may be determined in partnership with Minnesota Management and Budget.

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

Sexual harassment under this policy is any conduct or communication of a sexual nature that is unwelcome. The complainant, as well as the respondent, can be of any gender. The complainant does not have to be of the opposite sex as the respondent.

Examples of sexual harassment include but are not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, suggestions about one's body or sexual activity, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, publications, or graphic commentaries. Electronic display or transmission of sexually explicit, obscene, or demeaning material;
3. Suggestive or insulting sounds, leering, whistling, obscene gestures;
4. Unwelcome physical contact or sexual advances, such as rape, sexual assault, molestation, or

attempts to commit these assaults; sexually motivated physical contact such as unwelcome touching, patting, pinching, or brushing of or by the body;

5. Requests for sexual favors, 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;
6. Intimidation, coercion, negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
7. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct;
8. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
9. Any other verbal, non-verbal, or physical conduct or communication that is both unwelcome and of a sexual nature.

Respondent

An individual alleged to have engaged in sexual harassment.

Retaliation

Retaliation is any adverse or negative action taken against an employee for filing a complaint or reporting sexual harassment, or taken against an individual who participated in an investigation of sexual harassment. Any alleged act of retaliation will be investigated as an additional complaint or charge of harassment.

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

For Complaint Procedures, see *"Discrimination/Harassment Complaint Procedures"* below.

Complaint Procedures for Discrimination/Harassment Complaints

Explore Minnesota Tourism has adopted the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

EMT has adopted the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

These are the steps for filing and processing a complaint:

Who	Step	What
Complainant	1	<p>Initiate a complaint in person, over the phone, or in writing by contacting:</p> <ul style="list-style-type: none"> • The Office of Diversity and Equal Opportunity <ul style="list-style-type: none"> ○ DEED.ODEO@state.mn.us ○ Kimberly Malone, Investigator/Equal Opportunity Consultant, 651.259.7684 ○ Ann Feaman, ODEO Director, 651.259.7097 ○ Karen Lilledahl, Equal Opportunity Officer/ADA Coordinator, 651.259.7089 <ul style="list-style-type: none"> • Any supervisor, manager, or director • Any HR personnel • The Commissioner, any Deputy Commissioner, or Assistant Commissioner <p>We encourage complainants who wish to submit a complaint in writing to submit the ODEO Complaint Form to the Office of Diversity and Equal Opportunity. The ODEO Complaint Form can be found at the end of this policy.</p> <p>Complainants may be asked to submit additional materials as requested.</p> <p>Note: Complaints must be brought within one year (365 days) after the last occurrence of the alleged discriminatory act.</p>
ODEO	2	<p>ODEO will determine, within 10 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination or discriminatory harassment against the individual's protected class characteristic and if the complaint is timely and proper for resolution through this complaint procedure.</p>

Who	Step	What
		<ul style="list-style-type: none"> • If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3. • If it is determined that the complaint is not related to discrimination or discriminatory harassment based on a protected class, but rather, general harassment in violation of the Respectful Workplace policy, ODEO will refer it to the complainant's supervisor, the Human Resources Office, the site manager, or the proper administrative agency for investigation. • If the complainant is suffering irreparable harm in the absence of immediate action, the ODEO director, the Human Resources director, a division director, or the commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.
ODEO	3	<p>ODEO will determine if the complaint is appropriate for mediation. If so, ODEO will offer both parties the opportunity to mediate. Mediation is a voluntary alternative dispute resolution process and both parties must agree to mediate the complaint. If mediation fails, ODEO will conduct an impartial investigation.</p> <p>If ODEO determines that mediation is not appropriate, ODEO will conduct an impartial investigation which may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.</p> <p>ODEO will make every effort to complete an investigation and provide a written notice of completion within 60 days of determining jurisdiction, or within timelines established by collective bargaining agreements. ODEO will notify the complainant if circumstances prevent completion of the investigation within established timelines.</p>
ODEO	4	<p>Upon completion of the investigation, ODEO will prepare a written investigation report determining whether the complaint was substantiated. ODEO will present the written report to the Human Resources director, to the division director, and any other management staff as appropriate.</p> <p>Upon completion of the investigation, ODEO will prepare a written investigation report determining whether the complaint was substantiated. ODEO will present the written report to the Human Resources director, to the division director, and any other management staff as appropriate.</p> <p>ODEO will provide written notification to the complainant and to the</p>

Who	Step	What
		respondent stating the investigation is finished. To the extent possible under the Minnesota Data Practices Act, ODEO will provide information about any action that has been taken. ODEO will also send the disposition of the complaint to Minnesota Management & Budget (MMB) within 30 days after the final determination is made.
Human Resources and Appropriate Management Staff	5	<p>Human resources and the appropriate management staff will review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the allegations in the complaint.</p> <p>NOTE: Human resources and appropriate management, not ODEO, is responsible for corrective and disciplinary action, follow-up inquires, and any training that is necessary.</p>

If you are not satisfied:

Appeal Process

If the disposition of the complaint is not satisfactory to the respondent, they may file a union grievance or appeal the decision to the commissioner in writing within ten business-days following notification of the disposition of the complaint.

The commissioner or their designee will review the appeal and discuss with the complainant or respondent as necessary. The commissioner will give a written decision to the respondent within a reasonable period. The commissioner's decision is final.

External Options

Discrimination or harassment because of, based on, or directed at an individual's protected class characteristic may be a violation of one or more of the following:

1. [Title VII of the Civil Rights Act of 1964, as amended](#)
2. [Minnesota Human Rights Act \(Chapter 363A\)](#)
3. [Americans with Disabilities Act of 1990 \(ADA\) as amended \(2008\) \[new link\]](#)
4. [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
5. [Equal Pay Act of 1963 \(EPA\)](#)
6. [Rehabilitation Act of 1973](#)
7. [Pregnancy Discrimination Act](#)
8. [Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
9. [Minnesota Women's Economic Security Act \(WESA\) \(2014\)](#)
10. [Section 188 Workforce Innovation and Opportunity Act \(WIOA\) Nondiscrimination and Equal Opportunity Regulations](#)

Any employee, applicant, person eligible for consideration for employment, contractor, intern, volunteer, member of a community board, or customer may file a discrimination complaint with an appropriate court of law or any of the following:

The Department of Labor's Civil Rights Center (CRC)

If you believe you have been discriminated against by a program financed by the United States Department of Labor and you wish to file a complaint, visit the [CRC website](#) for additional information.

Minnesota Department of Human Rights (MDHR)

You may choose to start the complaint process on the MDHR website by submitting an online form, or by contacting MDHR by telephone, mail, or in person.

Minnesota Department of Human Rights Freeman Building

625 Robert Street North Saint Paul, MN 55155

Email info.MDHR@state.mn.us

St. Paul Office Phone 651.539.1100 St. Cloud Office Phone 320.650.3133

The U.S. Equal Employment Opportunity Commission (EEOC)

The EEOC does not allow charges (complaints) to be submitted online, however, they do have an [online assessment tool](#) that can help you decide if the EEOC is the correct agency to assist you.

The EEOC does not take charges over the phone but you can call 1-800-669-4000 to submit information about a possible charge and your local field office will follow up with you.

Visit the [EEOC website](#) on more information about filing a charge in person or by mail.

CONTACT

For additional information contact the Office of Diversity and Equal Opportunity at DEED.ODEO@state.mn.us or Kimberly Malone, 651.259.7684; 651.297.5343 (fax).

Department of Employment & Economic Development 1st National Bank Building

332 Minnesota Street, Suite E200 St. Paul, Minnesota 55101-1351 Phone 651.259.7094

Fax 651.297.5343

Email: DEED.ODEO@state.mn.us

This information is available in alternate formats by calling 651.259.7094. Issue Date: 7/16

EMT Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form

[AGENCY]

**Harassment and Discrimination Prohibited/
Sexual Harassment Prohibited Policies
Complaint Form**

Agency Name _____

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

Place an "X" in the box for all that apply:

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

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: _____

2

Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form

Reasonable Accommodation Policy (DEED #404)

Shared DEED Policy

Explore Minnesota Tourism 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 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 (ADA), accommodations will be provided for qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Requesting an Accommodation

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, DEED 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.

EMT must abide by the Minnesota Government Data Practices Act, Chapter 13, in obtaining or sharing information related to accommodation requests.

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

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator/Designee;
- 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). Oral request must be documented in writing to ensure efficient processing of requests.

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.”

EMT request forms can be found at the end of this policy by clicking on: “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 manager should consult with the 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), DEED must make appropriate arrangements without requiring a request in advance of each occasion.

The Interactive Process

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,

- They are questions about the reasonableness of the request 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 ADA Coordinator, a union representative, or support person be present.

The ADA Coordinator shall be consulted when:

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

PROCESSING THE REQUEST

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

Commissioner

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

ADA Coordinator

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

Supervisors and Managers

EMT has the authority to designate the level of management approval needed for reasonable accommodation and adaptive items costing less than \$250.

Supervisors and Managers have the authorization to make accommodations for individuals with disabilities if they would do so for other employees. Examples include an employee asking for a change of hours or an employee asking for a different mouse or a new chair.

The ADA Coordinator should be advised when there are accommodations made to the condition of employment such as modified duties, changes in schedule, or moving the location of the employee's workplace.

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 for that requested 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 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 to whether the employee will pose a direct threat to himself/herself or others.

Only medical documents 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. DEED must not request medical records; medical records are not appropriate documentation and cannot be accepted. Supervisor 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 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 ADA Coordinator.

The 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 ADA Coordinator.

Funding for Reasonable Accommodations

Funding must be approved by this agency for accommodations that do not cause an undue hardship. Hiring units or their divisions are expected to assume the cost of 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.

DEED's 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. Retain for employee's tenure or 2 years from the making of the record, whichever occurs later.

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

Department of Employment & Economic Development 1st National Bank Building

332 Minnesota Street, Suite E200 St. Paul, Minnesota 55101-1351

TTY 651.296.3900; Fax 651.297.5343

Email: DEED.ODEO@state.mn.us

This information is available in alternate formats by calling 651.259.7094. Issue Date: 7/16.

Request for Reasonable Accommodation Form

<p>State of Minnesota – (Agency) _____ Date: _____</p> <p>Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form</p> <p>The State of Minnesota is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.</p> <p>Employee/Applicant Name: _____</p> <p>Job Title: _____</p> <p>Work Location: _____ Phone Number: _____</p> <p>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.</p> <p>Questions to clarify accommodation requested.</p> <p>What specific accommodation are you requesting? _____</p> <p>If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, please explain.</p> <p>_____</p>	<p>Questions to document the reason for the accommodation request (please attach additional pages if necessary).</p> <p>What, if any, job function are you having difficulty performing?</p> <p>_____</p> <p>What, if any, employment benefits are you having difficulty accessing?</p> <p>_____</p> <p>What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?</p> <p>_____</p> <p>If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?</p> <p>_____</p> <p>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.</p> <div style="border: 1px solid black; padding: 5px;"><p>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.</p></div>
---	--

Employee/Applicant Request for ADA Reasonable Accommodation Form

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

A copy of the agency's weather and emergency evacuation plans can be found in the shared TOURISM directory folder for St. Paul office location, and on the bulletin board in the copy room. Each location statewide has their plans posted in a conspicuous place.

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

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

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

Michael Meyer, Business Operations Manager, 651-757-1859 | Michael.meyers@state.mn.us
Julie Ramer, Welcome Centers Network Supervisor, 651-757-1863 | Julie.ramer@state.mn.us

Evacuation Options:

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

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