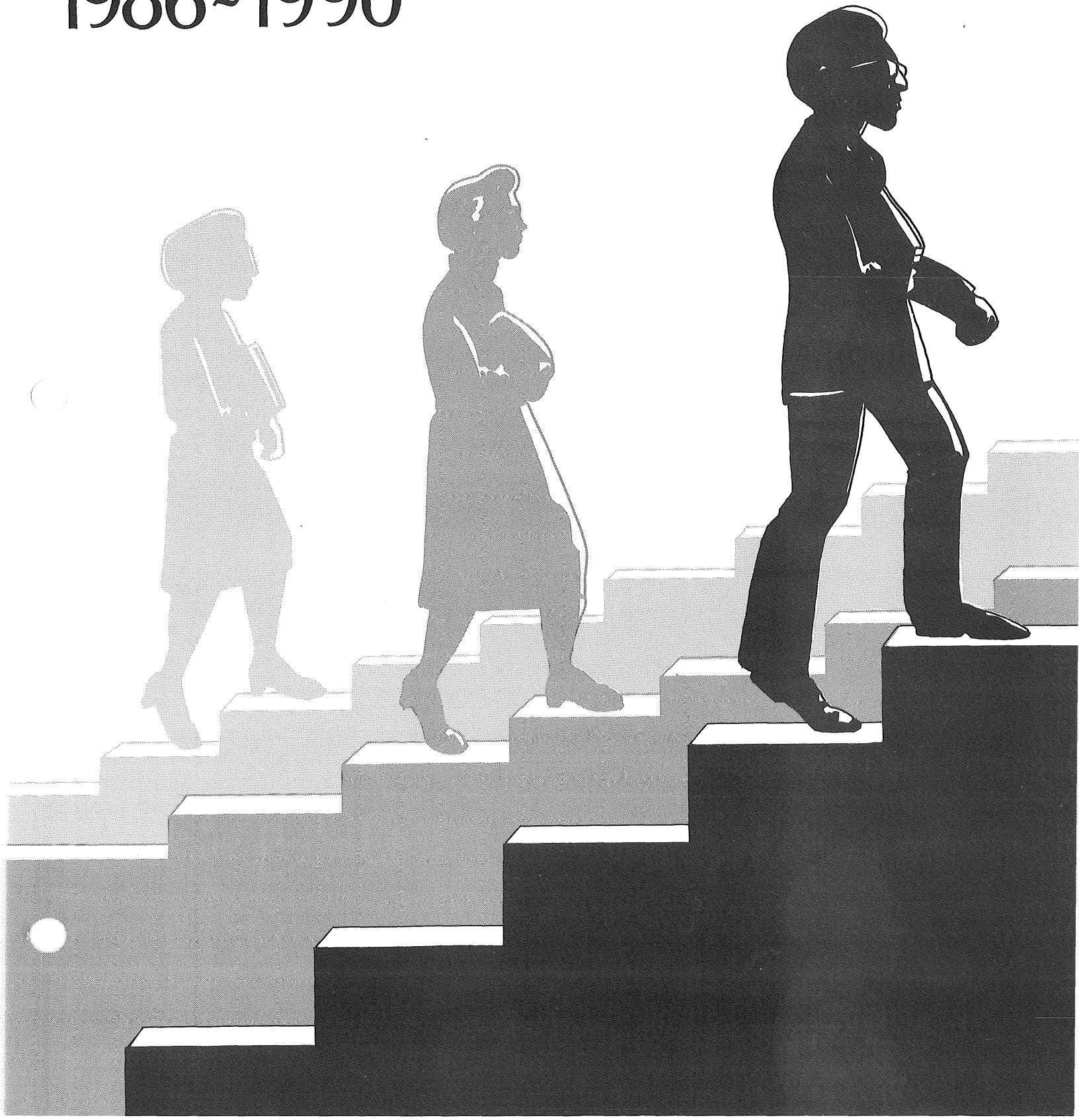


# Affirmative Action Plan 1986~1990





## MN/DOT AFFIRMATIVE ACTION PLAN

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Mn/DOT AFFIRMATIVE ACTION PLAN (AAP)

LEGAL AUTHORITY FOR AFFIRMATIVE ACTION

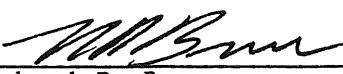
The Affirmative Action Plan is hereby established in accordance with 5 Minnesota Statutes 43A, the Human Rights Act as amended through July, 1982, Executive Orders 11246 and 11375; Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1972; the Federal Aid Highway Act of 1968 (23USC 140 (a); the Rehabilitation Act of 1973; and Title VI of the Railroad Revitalization and Regulatory Reform Act of 1976.

REAFFIRMATION OF Mn/DOT EEO POLICY STATEMENT

- I. The EEO policy of the Minnesota Department of Transportation (Mn/DOT) is that all employees and applicants for employment are to be treated equally and all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex marital status, status with regard to public assistance, physical or mental handicap, or Vietnam Era Veteran status.
  - A. To encourage all division heads whose responsibility involves control over personnel resources to consider the availability and qualifications of the individuals under a policy of non-discrimination and affirmative action.
  - B. To insist that all managers, supervisors or support personnel do not, by word or action, harass other employees or interfere with their performance on job assignments because of race, color, creed, religion, sex, marital status, status with regard to public assistance, disability, age or national origin.
  - C. To implement the affirmative action policy as mandated by EEO/AA laws throughout the Department and further coordinate affirmative action programs through methods of internal communication and personal interaction with employees.
- II. The Mn/DOT will adhere to and actively promote a policy of equal opportunity in all employment and employee relations and practices within the Department. Mn/DOT fully supports the non-discrimination provisions of all applicable state and federal laws.
- III. The Department further recognizes that the effective applications of a policy of equal opportunity in employment involves more than a policy statement. The Department will, therefore, undertake a progressive program of affirmative and positive action to assure that equal employment opportunities are provided on the basis of individual qualifications and to encourage all persons to seek employment with Mn/DOT and strive for advancement on this basis. Further, Mn/DOT will maintain an active commitment that permits full utilization of minority, female and handicapped persons and Vietnam Era Veterans throughout the Department.

Date

2-12-86

  
Richard P. Braun  
Commissioner



Charter Statement - Mn/DOT Equal Opportunity Officer

The Minnesota Department of Transportation is pleased to submit its Affirmative Action Plan for your review and implementation as mandated by Minnesota Statutes 43A and all laws and regulations impacting upon equal employment opportunity. Our plan offers a thorough approach to measure yearly improvement in the hiring, training, and promoting of racial-ethnic minorities, female, handicapped persons, and Vietnam Era Veterans in Mn/DOT.

As a method to effect change, management recognizes that affirmative action requires specific, result-oriented, measurable steps which have been carefully designed to meet the needs of all protected group members. It is comprehensive in scope and requires conscientious implementation and evaluation.

Our goal is to maintain an adequate, workable and balanced program which seeks to overcome disparities for all protected group members, thereby eliminating unfair employment practices throughout the Department.

As always, I welcome all comments, ideas and suggestions as to how we may improve our Department while endeavoring to make it one of the best in service to the citizens of this state.

February 12, 1986  
Date

Robert J. McDonald  
Robert J. McDonald  
Deputy Commissioner



## INTRODUCTION

In order to adequately explore the meaning of affirmative action, it is important to first discuss its purpose. Affirmative action is a management posture or point of view that all barriers to employment opportunity that are not based on specific job requirements should be identified and removed; further, that initial employment and advancement opportunities for persons in protected groups shown to be underutilized in an agency's workforce should be facilitated so that the imbalance is redressed. Therefore, the purpose of affirmative action is to ensure and to demonstrate equal employment opportunity by achieving and maintaining a workforce that is representative of all qualified persons based on their availability in a given labor market area for a given occupation or job. The purpose is not to force management to employ persons who are not qualified for a position.

The issue of relative levels of qualifications of candidates for a position is one that has been largely misunderstood. Protected groups are so designated because it may be shown that they have been historically subjected to systemic employment discrimination. Because of this pattern of discrimination, it is reasonable to expect that the number of protected group members with a specific level of qualifications will always be less than the number of non-protected group members with the same level of qualifications. Consequently, one can expect to always find a non-protected group person who is more qualified than the most qualified and available protected group member. Therefore, to base hiring decisions solely on the level of relative qualifications serves only to perpetuate the effects of historical discrimination. The principles of affirmative action require the employer to consider not only the question of qualifications, but also the make up of the workforce. If the affirmative action goals are unmet, the pertinent question that must be addressed is whether the protected group members minimally qualify to perform the duties of the position not whether there is someone who is more qualified. If so, the protected group members should be hired. Under Minnesota law, all affirmative action plans are required to contain a pre-hiring review process to ensure consideration of this basic affirmative action principle.

If done properly, the need for affirmative action will eventually not exist because the goals will have been met. At this point, the employer re-acquires the luxury of equal employment opportunity--considering only the most qualified candidates for a position. This fact is perhaps the most compelling incentive for the achievement of affirmative action goals.

This Affirmative Action Plan is designed to activate and provide for the implementation of the Department's program as an equal opportunity employer in the State of Minnesota. It has been developed in response to the requirements set forth in the state and federal laws.

In preparing the Plan, we have examined current employment practices and committed our Department to seek out and to involve minorities, women, handicapped, and Vietnam Era Veterans in every level of employment and decision-making in an affirmative implementation of equal employment opportunity.

Responsibility for following through on these practices will be shared jointly by all administrative personnel involved in personnel transactions throughout the Minnesota Department of Transportation, the Department's Affirmative Action Manager and the Equal Opportunity Officer in particular. The Department will devote technical assistance and special help to applicants who may be at a competitive disadvantage in the labor markets; we shall also make an all-out effort to insure that our AA Program philosophy of technical assistance and special help is available to all present employees as well as potential employees. We will affirmatively seek out and give encouragement to minorities, handicapped, Vietnam Era Veterans, and women to compete for employment with the Minnesota Department of Transportation. Once employed, we shall affirmatively endeavor to assure that all employees are provided whatever assistance necessary to ensure equality of opportunity in employment and benefits.

#### RESPONSIBILITIES, DUTIES AND ACCOUNTABILITY FOR IMPLEMENTATION OF THE Mn/DOT AFFIRMATIVE ACTION PLAN (AAP)

##### 1. The Commissioner

The Commissioner of Transportation is responsible to the Governor, the Legislature, and the Commissioner of the Department of Employee Relations for equal employment/affirmative action programs within the Department as mandated by federal and state laws and regulations.

###### Responsibilities:

- A. The Commissioner shall direct the Commissioner's Staff to uphold and support affirmative action policies and programs aimed at removing barriers to equal employment opportunities for minority, female, Vietnam Era Veterans and handicapped group members.
- B. The Commissioner shall chair the Equal Opportunity Council which will analyze, monitor and annually evaluate the progress made in accordance with the goals and objectives of the Mn/DOT Affirmative Action Plan.
- C. The Commissioner shall designate one of the Staff to serve as the Department's Equal Opportunity Officer (EOO).

##### II. The Commissioner's Staff (Commissioner, Deputy Commissioner, and Assistant Commissioners.)

###### Responsibilities:

- A. Each member of the Commissioner's Staff is responsible for the enforcement of AA/EEO rules, regulations and other related projects assigned by the Commissioner or the Equal Opportunity Officer.

- B. The Staff members shall have the authority to review compliance by supervisors, or subordinates relative to their compliance with the policies and procedures stipulated in the Mn/DOT affirmative action program.
- C. The Staff shall, whenever feasible, offer support and technical resources to the EOO to achieve affirmative action goals; creating opportunities for upward mobility to enhance the careers of protected class members.
- D. The Commissioner's Staff shall annually analyze the Affirmative Action Plan and evaluate the progress made by officials responsible for administering the AAP within the department.

### III. The Equal Opportunity Council (EOC)

The EOC shall be responsible for establishing and monitoring affirmative action policies and procedures in accordance with M.S. 43A.

The EOC shall be comprised of members from the Commissioner's Staff, with the Commissioner serving as its chairperson. The Equal Opportunity Council shall hold its annual meeting in September to approve Mn/DOT's combined goals and timetables, review quarterly and annual reports and evaluate pending or existing affirmative action programs.

### IV. The Equal Opportunity Officer (EOO)

The Equal Opportunity Officer shall be responsible for administering all affirmative action policies, provisions and programs in accordance with M.S. 1976, 43A.

#### Responsibilities:

- A. The EOO shall ensure that the Mn/DOT's affirmative action program, policies, and directives are carried out.
- B. The EOO in conjunction with the Affirmative Action Manager will coordinate the affirmative action efforts of all divisions and advise and assist management to comply with federal and state regulations impacting upon Equal Employment Opportunity and Affirmative Action.
- C. The EOO shall serve as a permanent member of the Equal Opportunity Council and a consultant to the Council on matters pertaining EEO/AA.
- D. The EOO shall serve as chairperson of Mn/DOT's Central Office Affirmative Action Committee and ensure that the committee implements the AA program and meets on a quarterly basis.

V. Affirmative Action Manager

- A. The designated Affirmative Action Manager for the Minnesota Department of Transportation is John Greco. His office is located in room 315 of the state Transportation Building, and his telephone number is (612)296-1366.
- B. Specific duties for the Manager include, but are not limited to, the following:
1. To develop for the Commissioner's approval the written Affirmative Action Plan.
  2. To serve as the Department of Transportation's liaison with the State Equal Opportunity Division and FHWA in the design, implementation, and monitoring of the Department of Transportation Affirmative Action Plan.
  3. To assist the Department of Transportation and staff of all levels in identifying and arriving at solutions to problems of equal employment opportunity, including complaint resolutions.
  4. To assist in the design and implementation of internal audit and report procedures that will measure the effectiveness of the Department of Transportation Affirmative Action Program, indicate need for remedial action, and determine the extent to which the Department of Transportation goals and objectives have been attained.
  5. To keep the Commissioner and Department informed of the latest developments in the area of equal employment opportunity.
  6. To coordinate efforts of various Department of Transportation divisions and the Affirmative Action Committee in order to effectively reach all employees with information on affirmative action.
  7. To maintain files on affirmative action related materials, such as minutes of the Affirmative Action Committee meetings, in order to assure documentation of good faith efforts in the area.
  8. To serve as liaison between the Department of Transportation and organizations representing the protected classes in order to develop and maintain a protected class recruitment network to provide for better recruitment from these groups.
  9. To coordinate the Department of Transportation handicapped program as 504 coordinator.
  10. To assist in the development and implementation of training in affirmative action as needed.

## VI. Investigator of Affirmative Action Complaints

The Investigators shall be appointed by the District Engineers and Assistant Division Directors or Office Directors and shall conduct all complaint investigations. The Investigator should be a manager or supervisor who understands the personnel practices and union grievance procedures.

- A. The Investigator has 40 working days to investigate and report the facts of the problem.
- B. The Investigator ensures that the rights of all involved are protected throughout the investigation.
- C. The Investigator follows the procedures outlined in the Resolution of Complaints Procedure located at Tab D.

## VII. Mn/DOT Affirmative Action Committee

The Affirmative Action Committee shall be maintained to facilitate the implementation of the Mn/DOT Affirmative Action Plan. The Committee will have representation from the professional and non-professional ranks and will be composed of minority, female, handicapped and Vietnam Era Veteran group members when feasible. The Committee will function in an active role in addition to its advisory function. Meetings will be called quarterly or more often if needed. Meetings may be called at the discretion of the Equal Opportunity Officer. Members are appointed by the Deputy Commissioner upon recommendation from the Assistant Commissioners. The Equal Opportunity Officer shall act as chairperson. Minutes shall be maintained by the Affirmative Action Manager.

### Responsibilities:

1. To review current policies, practices and programs of Mn/DOT to determine their impact upon opportunities for all protected class members.
2. To advise the Equal Opportunity Officer and the Affirmative Action Section about proposed revisions of current policies, practices, and programs which have had a disparate impact upon the minority, female, handicapped and Vietnam Era Veteran employees and applicants.
3. To recommend to the Equal Opportunity Officer through the Affirmative Action Manager the formulation of new policies, practices, and programs which aid Mn/DOT in meeting its responsibilities for equal employment opportunity.
4. To serve as a resource to the Affirmative Action Manager in matters pertaining to recruitment, search and selection procedures.

## VIII. District Affirmative Action Committees

The District Affirmative Action Committee may be maintained to facilitate the implementation of the Mn/DOT Affirmative Action Plan. The Committees may have representation from the Department's professional and non-professional ranks and be composed of minority, female, Vietnam Era Veteran and handicapped group members when feasible. The Committees may function in an active role in addition to their advisory function. Meetings may be held quarterly or more often if needed. Meetings may be called at the discretion of the District Business Manager. Members are appointed by the District Engineer from recommendations submitted by the District Business Manager. Minutes will be maintained by the District Business Manager.

### Responsibilities:

1. To review current policies, practices and programs of Mn/DOT to determine their impact upon opportunities for all protected class members.
2. To advise the Affirmative Action Manager and the Assistant Commissioner for Field Operations about proposed revisions of current policies, practices, and programs which have had a disparate impact upon the minority, female, handicapped and Vietnam Era Veteran employees and applicants.
3. To recommend to the Equal Opportunity Officer through the Affirmative Action Manager the formulation of new policies, practices, and programs which aid Mn/DOT in meeting its responsibilities for equal employment opportunity.
4. To establish a working relationship with the District Engineers who are held responsible at the District level for the implementation of the AAP; holding quarterly Affirmative Action Committee meetings if needed, and submitting minutes to the District Engineers, the Assistant Commissioner for Field Operations and the Affirmative Action Section.
5. To serve as a resource to the Affirmative Action Manager in matters pertaining to recruitment, search and selection procedures.

The following are names and location of the Central Office Committee Members:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Race/Sex</u>
Robert J. McDonald	Deputy Commissioner Equal Opportunity Officer	408	White Male
Julie Angeles	Business Manager Program Mgmt. Div.	820	White Female
Corey Loney	Business Manager Brainerd District	D-3	White Male
Karen McCarty	Admin. Coordinator Technical Serv. Div.	308	White Female
Sandra Vargas	Asst. to the Commr. for EEO Contract Mgmt.	B-20	Hispanic Female
Donna Allan	Principal Planning Grants Analyst Program Management	815A	Disabled White Female
Ed Clarke	Management Analysis Unit Supervisor	308	Black Male
Jack Davis	Personnel Director	315	White Male
Marge Ebensteiner	Secretary Operations Division	413	White Female
Ed Edman	Admin. Mgt. Director Operations Division	413	White Male
Richard B. Keinz	Assistant Commissioner Finance/Administration <del>Equal Opportunity Officer</del>	408	White Male
Janet Secor	Office Manager Right of Way	511	White Female
Dick Stehr	Director Transp. Info. and Support	820	White Male
Dick Sullivan	Assistant Division Director Technical Services	612	White Male

## IX. The District Business and Office Managers

A. The District Office and Business Manager shall be responsible for the implementation of the Mn/DOT Affirmative Action Plan at the District level.

### B. Responsibilities:

1. To chair or co-chair District Affirmative Action Committee meetings.
2. To recommend to the District Engineer appointment to the Affirmative Action Committee members assuring representation from the protected classes.
3. To provide orientation to new District Affirmative Action Committee members on Affirmative Action policies and procedures.
4. To disseminate Committee minutes to the District Engineer and the Affirmative Action Manager and post the minutes for the convenience of employees.
5. To welcome and encourage applications from minorities, females, handicapped persons, and Vietnam Era Veterans in traditional and non-traditional job categories through open solicitations and intensive efforts.
6. To encourage protected group employees to take advantage of training opportunities leading to promotion and thereby increase employee retention.
7. To promote and maintain equal treatment of minority, female, handicapped group persons, and Vietnam Era Veterans by supervisors.
8. To assure that structured interviews are conducted objectively and without bias; allowing each candidate to respond to the same set of job related questions.
9. To assess all disciplinary actions and terminations to assure fair treatment to all employees and guard against discriminatory practices.
10. To follow the Uniform Selection Procedures.

## INTERNAL DISSEMINATION OF THE POLICY STATEMENT AND AFFIRMATIVE ACTION PLAN

- I. The Affirmative Action Policy Statement shall be circulated in writing to all personnel within Mn/DOT.
- II. The Mn/DOT Affirmative Action Policy Statement shall be made part of the orientation program for new employees.
- III. A summary of the AAP shall be given to each supervisor.
- IV. The AAP will be distributed to each member of the Commissioner's Staff and to all Office Directors and Section heads. The AAP shall be made available to anyone upon request.
- V. The AAP summary plus the complaint procedures and Investigator responsibilities will be posted on employee bulletin boards.

## EXTERNAL DISSEMINATION OF AFFIRMATIVE ACTION PLAN

- I. All contractors and subcontractors shall sign an assurance of nondiscrimination.
- II. The words "An Equal Opportunity Employer" will appear on all stationery, job announcements, and advertisements.
- III. Copies of the AAP will be made available to the public upon request.
- IV. Copies of the AAP Summary will be sent to recruiting sources for female, minority, handicapped and Vietnam Era Veterans applicants.

The following page contains the hiring goals that have been established for the Department of Transportation for the year 1985-90. These goals were established from available statistics considering the turnover rate and availability of protected class persons to fill vacancies that occur in the workforce.

The left side of the chart represents the current Department of Transportation by job categories. The right side represents the number of minority and female employees that should be hired out of the total number hired in each category to make the workforce more representative of the labor market.

MINNESOTA DEPARTMENT OF TRANSPORTATION  
Long Range Hiring Goals For Women  
FY 85-90

EEO Categories	Complement Total (1)	Vacancies Expected	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Officials/ Administrators (2) <u>Management</u> )	107 0% Turnover	7 per year	1	1	3	4	4	2
Engineers	567 3% Turnover	28 per year	10	10	14 Parity Reached*	14	14	14
Technicians Tech. Supv., Tech)	1328 2% Turnover	27 per year	16	16	16	16	16	16
Non-Engineering Professionals	186 6.5% Turnover	12 per year	3	8	9	8	8 Parity Reached	8
Office/Clerical Office Supv., Clerical)	432 5% Turnover	No goals are set for women Clerical. They are over represented.						
Skilled Craft Craft, Supv., Craft)	309 2% Turnover	6 per year	0	1	1	1	1	1
Service/Maintenance Oper. Supvr., Oper., Lab. Supv., Lab. Service Supv., Serv.)	1648 2% Turnover	33 per year	5	18	18	18	18	18 Parity Reached
Summer Laborers	600 100% Turnover	600 per year	96	96	96	96	96	96

(1) Based on FY 85 numbers. If these numbers change, revisions are necessary. Actual FY 84 turnover rates.

(2) Goal based on number of women Engineers in Department.

\* Department needs to keep hiring half women to maintain.

\*\* Department needs to hire 22% yearly to maintain parity.

MINNESOTA DEPARTMENT OF TRANSPORTATION  
Long Range Hiring Goals For Racial Minorities  
FY 85-90

EO Categories	Complement / Total (1)	Vacancies Expected	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
Officials/ Administrators (Management) (2)	107 0% Turnover	7 per year	Parity Reached	The Department will need to keep pace as we get more minority Engineers.				
Engineers	567 3% Turnover	28 per year*	"	Mn/DOT will need to keep pace as more racial minorities graduate in Civil Engineering.				
Technicians Tech. Supv., Tech)	1328 2% Turnover Rate	27 per year	8	10	10	10	10	Parity Reached
Non-Engineering Professionals	186 6.5% Turnover	12 per year	Parity Reached					
Office/Clerical Office Supv., Clerical)	432 5% Turnover Rate	22 per year	2	2	3	2	Parity Reached	
Skilled Craft Craft, Supv., Craft)	309 2% Turnover	6 per year	1	2	2	2	2	Parity Reached
Service/Maintenance Oper. Supvr., Oper., Lab. Supv., Lab. Service Supv., Serv.)	1648 2% Turnover	33 per year	2	3	3	3	3	Parity Reached
Summer Laborers	600 100% Turnover	600 per year	37	37	37	37	37	37

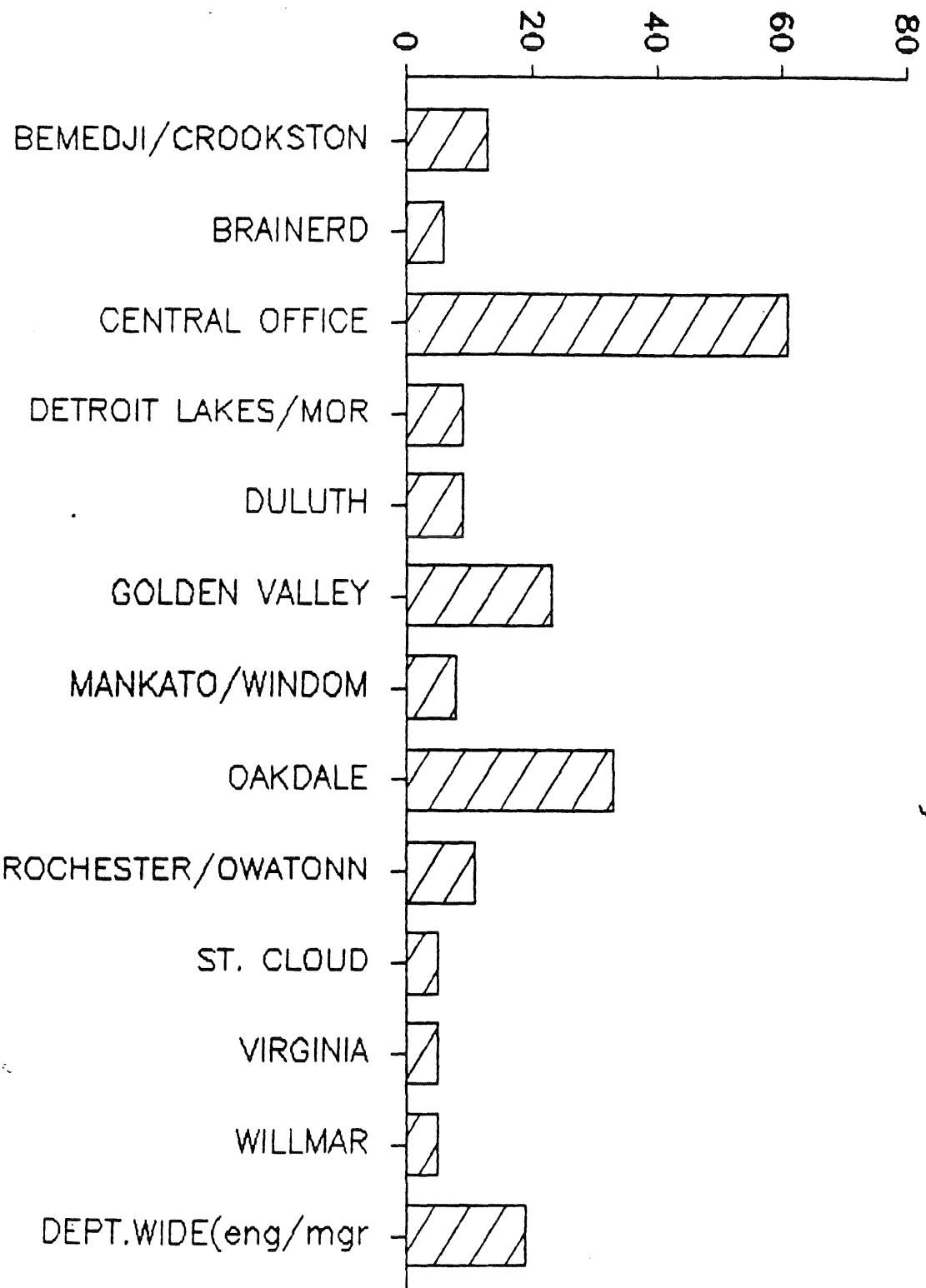
(1) Based on FY 85 employees and goals. Annual revisions are required.

(2) Goal based on number of minority Engineers in Mn/DOT.

\* We are adding Engineers above the turnover rate.

# MnDOT WORKFORCE JULY 1985

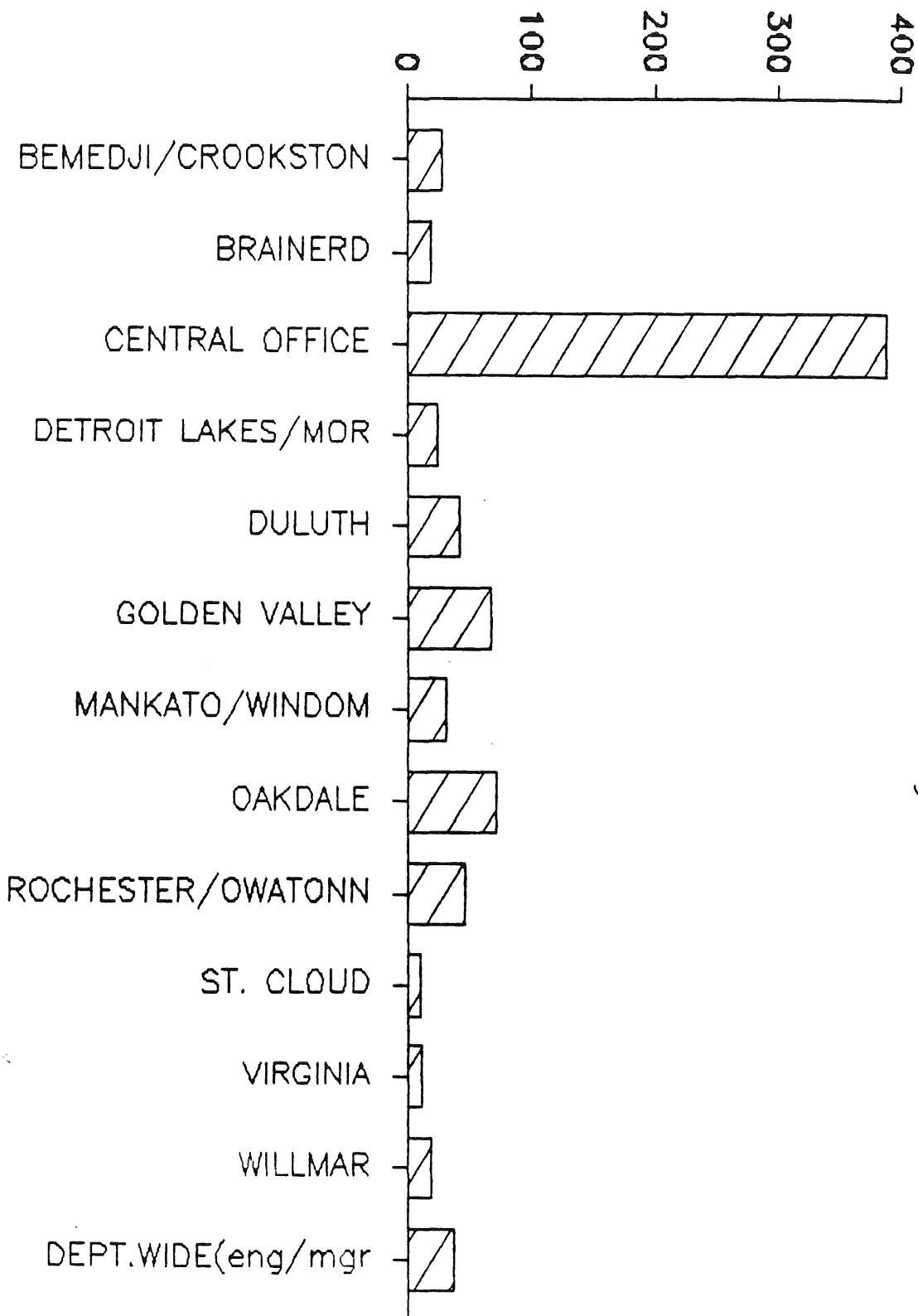
## Minorities by Location



MINORITIES

# MnDOT WORKFORCE JULY 1985

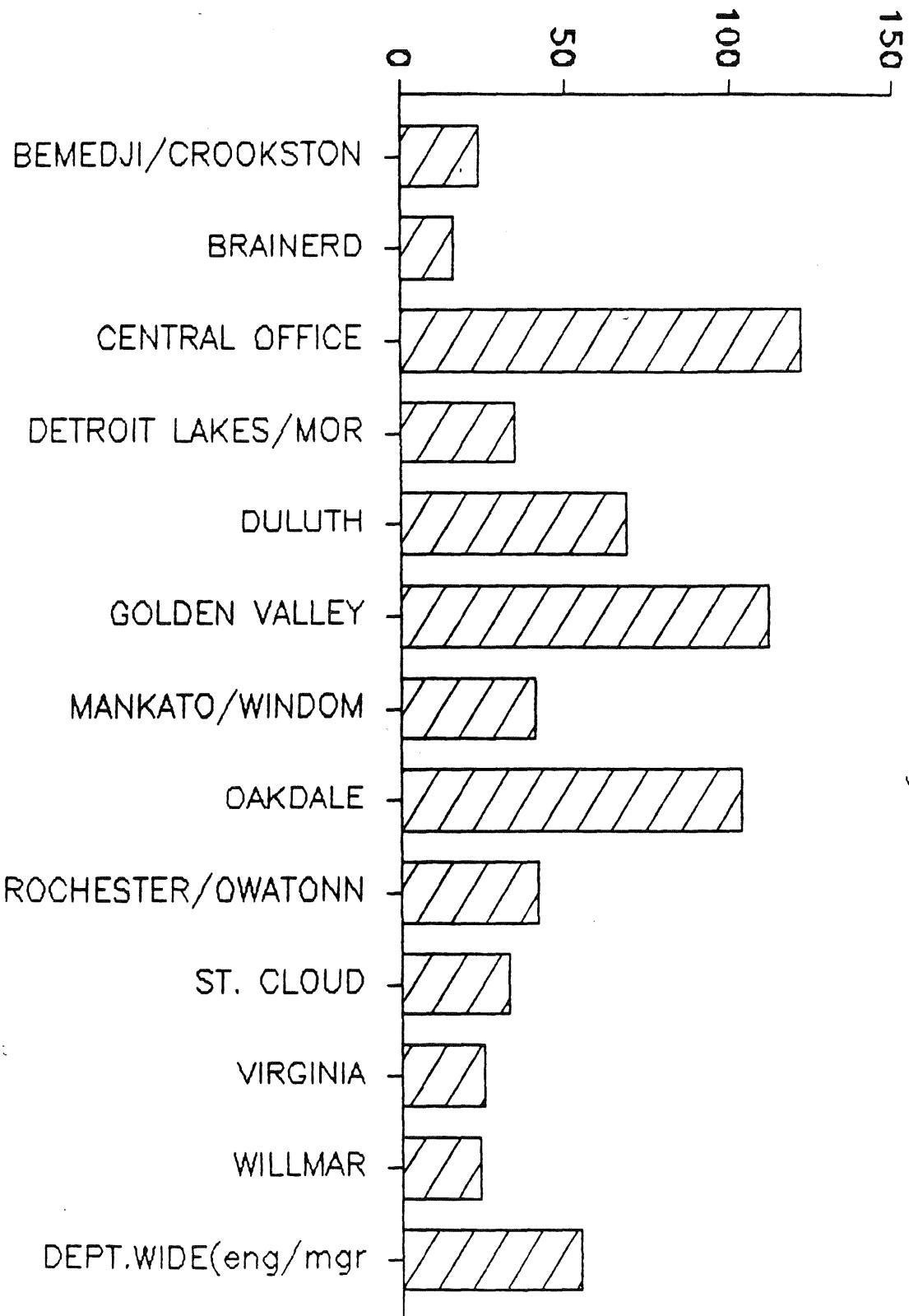
Females by Location



FEMALE

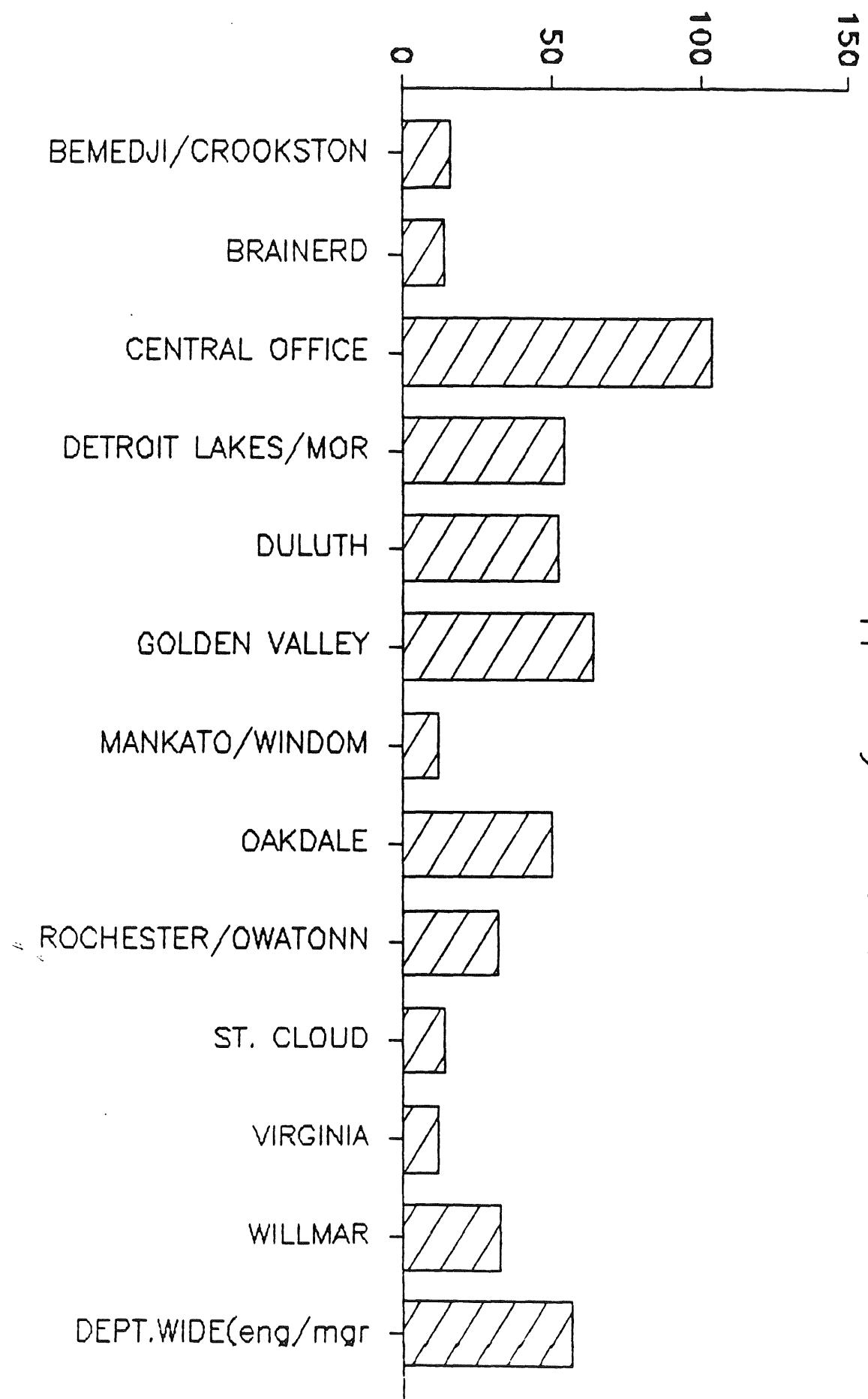
# MnDOT WORKFORCE JULY 1985

Viet.Vets by Location



# MnDOT WORKFORCE JULY 1985

## Handicapped by Location



## OBJECTIVES - FISCAL YEAR 1986

Condition Requiring Action: Mn/DOT needs an organized method of identifying and eliminating barriers to promotion.

Objective A: To establish a Career Counseling program.

<u>ACTION ITEMS</u>	<u>PERSON RESPONSIBLE/MONITOR</u>	<u>COMPLETION DATE</u>
1. Set up courses and identify training needs which can be provided in-house for movement from Highway Maintenance Worker to Highway Technician or other classifications.	Employee Development Specialist 2's (EDS 2's) Affirmative Action Committee (AAC)	March, 1986
2. Change the focus of the Advisory Committee by changing the membership to add managers from the Administration and Program Management Divisions.	Deputy Commissioner / AAC	March, 1986
3. Select 3 professional protected employees from non-engineering professional classifications.	Career Advisory Committee (CAC) AAC	April, 1986
4. Develop detailed development plans for these 3 employees.	CAC / AAC	June, 1986
5. Each District and Central Office develops a development plan for every protected employee.	Staff and EDS 2's / AAC	June, 1986
6. Evaluate mentor program	AAC / AAM	June, 1986
7. Report to AAC on development plans.	EDS 2's / AAC	June, 1986

## OBJECTIVES - FISCAL YEAR 1986

PAGE 2

<u>ACTION ITEMS</u> (Continued)	<u>PERSON RESPONSIBLE/MONITOR</u>	<u>COMPLETION DATE</u>
8. Evaluate this program for effectiveness.	AAM / AAC	June, 1986
9. Transfer duties of the staff appointed in July, 1984 to the Employee Development Specialists.	Deputy Commissioner / AAC	June, 1986
10. Set goals for continued development of career plans.	AAC / AAM	Ongoing

**Affirmative Action  
RESOLUTION OF DISCRIMINATION COMPLAINTS**

**PURPOSE**

The purpose of this section is to provide managers and supervisors with a procedure for resolving discrimination complaints within the department.

**STANDARD PRACTICE**

Section 703 of Title VII of the 1964 Civil Rights Act as amended in 1972, and Minnesota Statute, Chapter 363, as amended in 1981, are intended to establish employer responsibility for eliminating all acts of discrimination by employers serving as federal contractors. Any actions committed because of an employee's race, color, creed, religion, national origin, sex, marital status, age, Vietnam Era Veteran status, public assistance status, disability or political preference are punishable under both federal and state laws. Harassment is a form of discrimination and is covered in 2-2, Resolution of Harassment Complaints.

Managers and supervisors are responsible for maintaining a working atmosphere free of discriminatory insult, intimidation and all forms of employment discrimination and may request an investigation at any time.

District Engineers and Assistant Division Directors or Office Directors, shall appoint an investigator to conduct complaint investigations, recognizing that the investigator should be a manager or supervisor and that it may not be appropriate to appoint the same person who has been assigned the recruiting or advocacy role.

Management shall not accept or investigate anonymous complaints.

The Personnel office is responsible for insuring that all new central office employees receive a copy of the "Harassment Policy." District Business and Office Managers are responsible for ensuring that new district employees receive a copy of the "Harassment Policy."

An employee who is involved in a complaint may contact the Affirmative Action Manager for consultation at any point in the procedure, and may appeal to the Affirmative Action Manager the decision or inaction of management. Final Mn/DOT appeal is to the Deputy Commissioner. Employees accused of discrimination may appeal through the formal investigation process.

This procedure includes an informal supervisor's stage and a formal stage. The informal stage is an attempt by the supervisor to resolve the issue without an in-depth investigation.

## STANDARD PRACTICE (continued)

Applicants for employment who are not Mn/DOT employees may use this procedure.

## Time Limits:

1. Employee shall present complaint within 21 working days of the occurrence.
2. Supervisor who learns of the complaint shall make every effort to resolve the matter and respond to the complainant within 15 working days.
3. Affirmative Action Manager, upon appeal from the complainant or in review of the remedy, shall resolve the matter within 40 working days.

If the complaint is a matter that is grievable the complainant may choose either the union grievance procedure or the affirmative action complaint procedure and may switch once during the 21 day time limit.

All information obtained by the Affirmative Action Manager as a result of his/her investigation shall remain confidential except for information required by managers/supervisors responsible for resolving the complaint. All information obtained during the investigation shall be stored and destroyed in accordance with Mn/DOT record retention schedules.

Rumors that in the opinion of the Affirmative Action Manager identify discriminatory actions shall be investigated by the Affirmative Action Manager.

The Affirmative Action Committee Hearing Panel makes all decisions on the resolution of the case. No judgments on merits of the case can be made by investigators.

The procedure that follows does not replace the right of any employee to file charge with the Human Rights Department. It is the practice, however, to attempt to resolve complaints at the lowest organizational level possible within this Department.

The procedure below may be handled verbally through step 8b and may be resolved by mutual agreement at any point in the process.

## DEFINITIONS

Affirmative Action Manager--the person with responsibility for advising employees and supervisors on areas of conflict and the use of this procedure, and is located in the Mn/DOT Personnel Office at 296-1366.

## DEFINITIONS (continued)

Affirmative Action Committee Hearing Panel--3 members of the Affirmative Action Committee who hear case and make recommendations on resolution of complaint.

Complaint--any matter an employee considers to be unfair treatment or discriminatory action that violates the employee's rights.

Complainant--a person who alleges that unfair treatment has occurred.

Complaint Procedure--the procedure followed to attempt to resolve a complaint after the supervisor process has failed. Requires in-depth investigation and documentation.

Grievance--a matter covered by the various union contracts.

Supervisor's Complaint Procedure--the initial procedure followed by the supervisor to resolve a complaint without in-depth investigation.

Investigator--the person in each district or central office trained in and responsible for investigating Affirmative Action complaints. May also be supervisors.

Retaliation--a threat, implied or overt, to refuse to accurately appraise performance if the employee complains about discrimination.

## FORMS

Mn/DOT 19363

Complaint Form

## SUPERVISOR PROCEDURE

<u>Actor</u>	<u>Action</u>
Complainant	<ol style="list-style-type: none"><li>As soon as discriminatory action occurs, discusses the action with the person who took the discriminatory action and tries to resolve the problem. <u>This must be done within 21 working days of the occurrence.</u> (See time limits in Standard Practice.)</li></ol>
	<ol style="list-style-type: none"><li>If uncomfortable with discussing the complaint directly, or unsuccessful in resolving the complaint, contacts his or her immediate supervisor or the Office/Director/District Engineer, or department Affirmative Action Manager to discuss the complaint at 296-1366.</li></ol>

## SUPERVISOR PROCEDURE (continued)

<u>Actor</u>	<u>Action</u>
<b>Affirmative Action</b>	
Manager	3. If contacted by complainant, determines if the issue can be resolved at the supervisory level and, if so, advises employee how to do so, or assigns the complaint to an investigator.
Supervisor Process	4. Hears complainant's allegation, takes notes to determine what happened, when it happened, where it happened, who witnessed it, has it ever happened to the complainant before, what relief does s/he seek.  5. Investigates the allegation:  5a. Attempts to resolve only issues directly relating to the complainant <u>within 15 working days.</u>  5b. Asks person allegedly responsible for alleged discrimination what happened.  6. Explains reason found to complainant. If remedy is necessary, negotiates with top manager in the jurisdiction. (Office Director, Assistant Division Director, District Engineer.)  6a. Informs the complainant that action will be taken to ensure that the behavior will stop.  6b. Takes action as agreed upon by management.  6c. Records action taken in personal journal or file, but not in the alleged offender's personnel file, and sends all information to Affirmative Action Section for appropriate record retention.  6d. Monitors and eliminates any attempts to retaliate against the complainant.  6e. Contacts complainant within 5-10 days to be sure behavior has stopped.

## SUPERVISOR PROCEDURE (continued)

<u>Actor</u>	<u>Action</u>
Supervisor Process (Contd.)	7. Refers all issues not directly related to complainant to Affirmative Action Manager.
Accused Employee	8. Accepts action taken by supervisor, or if dissatisfied appeals by contacting Department Affirmative Action Manager and appeal takes place through the formal investigation process.
<b>SUPERVISOR PROCEDURE</b>	
Complainant	9. Drops complaint or contacts Affirmative Action Manager (Central Office) with intention to continue complaint within <u>5 working days</u> .
	10. Fills out form Mn/DOT 19363 and mails or delivers it to Affirmative Action Manager within 21 days of occurrence or 5 days from failure of Supervisor Process.
Affirmative Action Manager	11. Assigns a Complaint Investigator who is not from the area of the complaint receipt of form 19363 and sends copy of complaint to all parties named.
Complaint Investigator	12. Investigates and sends file to AAM within <u>40 working days</u> .
	13. Asks complainant and respondents if they want a union representative present during the interview. Has complainant sign waiver if necessary.
	14. Hears complainant's allegation, takes notes to determine what happened, when it happened, where it happened, who witnessed it, has it ever happened to the complainant before, what relief does s/he seek.
	15. Takes affidavits from all persons spoken to.
	16. Investigates the allegation.
	16a. Maintains objectivity by remaining judgement-free.

## SUPERVISOR PROCEDURE (continued)

<u>Actor</u>	<u>Action</u>
Complaint Investigator (Contd.)	<p>16b. Attempts to resolve only issues directly relating to the complainant <u>within 15 working days.</u></p> <p>16c. Asks person allegedly responsible for alleged discrimination what happened.</p>
Affirmative Action	
Manager	<p>17. Reviews investigation file.</p> <p>18. If investigation was not complete, returns to investigator for completion.</p> <p>19. Schedules AAC Hearing within 10 days of completion of investigation.</p> <p>19a. Contacts AAC members not from the area of complainant until there are available and selects a chair.</p> <p>19b. Coordinates travel arrangements.</p> <p>19c. Notifies area of conflict through Business or Office Manager so that all persons involved are given notice of AAC Hearing date and time.</p>
ACC Hearing Panel	<p>20. Reviews case file.</p> <p>21. Calls in complainant and any witnesses.</p> <p>21a. Offers union representation to all parties.</p> <p>22. Calls in Office Manager or District Engineer and anyone directly involved with conflict.</p> <p>23. Speaks to only one person at a time.</p>
AA Manager	24. Is a non-voting member of the panel and takes notes on hearing and advises Panel all during process and is responsible for the entire process.
AAC Hearing Panel	25. Deliberates in private and decides probable or no probable cause.

## SUPERVISOR PROCEDURE (continued)

<u>Actor</u>	<u>Action</u>
	26. Tells Office Director/District Engineer that Panel has decided probable or no probable cause.
	27. If decision is "no probable cause", no recommendations are offered and case is closed.
AA Manager	28. Notifies complainant that no probable cause was found and that the case is closed. 29. Notifies complainant that next appeal right is to external compliance agencies. 30. Retains records in accordance with Mn/DOT records retention schedule.
AAC Hearing Panel	31. If finds "probable cause" that illegal discrimination took place, asks Office Director or District Engineer what action they could take to put a stop to the discrimination and satisfy the employee discriminated against. 32. Takes OD/DE ideas under advisement when deciding recommendations. 33. Discussed recommendations with OD/DE and obtain agreement that very day unless problems arise - but no later than 10 days after the hearing with whole AAC Panel in attendance.
AA Manager	34. Conducts follow-up within 30 days to make sure actions agreed upon were taken, and if so, closes the case. 35. If management (OD/DE) cannot agree with recommended actions, drafts a report to the Deputy Commissioner explaining the impasse signed by the AAC Panel.
Deputy Commis- sioner	36. Reviews file and report and rules on action to be taken. 37. Makes final internal decision within 10 days. 38. Notifies AA Manager of final decision.

## SUPERVISOR PROCEDURE (continued)

<u>Actor</u>	<u>Action</u>
AA Manager	39. Notifies all parties involved of final decision and appeal rights and cautions about reprisals.
Complainant	40. If agrees with decisions, agrees to close case. 41. If does not agree with decisions, may appeal to external compliance agencies.
AA Manager	42. Conducts follow-up within <u>30 days</u> to be sure action was taken, behavior has stopped; and retaliation has not occurred. 43. Contacts Deputy Commissioner if action has not been taken or retaliation is alleged by the complainant or involved persons. 44. Monitors timely resolution of all complaints. 45. Conducts on-going educational measures to explain the policy. 46. Reports final resolution to DOER Equal Opportunity Division within 60 days of completion of complaint resolution. (Except when Council 6 employees are involved; then follows contract.)

## QUESTIONS AND ANSWERS

- Q. What is the difference between a rumor and an anonymous complaint?
- A. A rumor is when an identified observer reports an incident of harassment or discriminatory action between two identified parties. This should be investigated. An anonymous complaint is when an observer (identified or unidentified) reports an incident of harassment or discrimination, but refuses to name one or both parties involved. This will not be investigated.
- Q. What if employee feels s/he cannot work any longer in the area because of the discrimination?
- A. The Informal Complaint Investigator will conduct a brief preliminary investigation and if proof can be found to support the allegations, a temporary transfer of one or both employees may be warranted until the procedure is completed.

QUESTIONS AND ANSWERS (continued)

REFERENCES

Age Discrimination in Employment Act  
Commissioner's Memorandum No. 61, "Harassment Policy"  
Equal Employment Opportunity Act of 1972  
Equal Pay Act of 1963  
Executive Order 11246 as amended by 11375  
Federal Highway Administration Rule 222  
Minnesota Statutes, Chapters 43A and 363  
State Affirmative Action Rules 2 MCAR Section 2.293  
Title VII of the Civil Rights Act of 1964 as amended in 1972

Personnel Services  
Position Filling  
SELECTION AND PLACEMENT

**PURPOSE**

The purpose of this section is to provide managers and supervisors with information about the procedure involved in interviewing, selecting, and hiring a candidate for a permanent vacancy. This procedure assumes normal hiring conditions, i.e., no freeze on hiring and the absence of persons in layoff status to be considered.

**STANDARD PRACTICE**

Managers and supervisors are responsible for ensuring that all selection activity is in compliance with the applicable labor agreement or plan.

Managers and supervisors are responsible for ensuring that all selection and hiring activities are in compliance with Mn/DOT Affirmative Action goals and Equal Employment Opportunity guidelines.

When existing labor agreement provisions dictate action contrary to Affirmative Action goals, the labor agreement must prevail.

In central office, offers of employment are made by the Office of Personnel. In the districts, offers of employment are made by Business Managers or Office Managers.

Any offer of employment greater than the entry rate upon hire or the equivalent of one step on promotion must be cleared in advance by the Personnel Office. No offers of employment may be made to non-protected group candidates where disparities exist without approval from the Affirmative Action Manager.

Office/Business Managers are responsible for checking the driving records of applicants for positions requiring a considerable amount of driving. Such positions include Highway Maintenance Worker, Bridge Worker, Heavy Equipment Service Attendant, and Delivery Van Driver. Applicants hired for such positions must have driving records in compliance with Mn/DOT standards.

**DEFINITIONS**

Affirmative Action--the method of eliminating the effects of historic discrimination against members of protected classes by selecting qualified protected group members. Affirmative Action ceases when a disparity no longer exists.

## DEFINITIONS (continued)

Discrimination--the unequal treatment of an employee by another employee or supervisor because of the person's race, color, creed, religion, sex, national origin, marital or public assistance or Vietnam Era Veteran status, handicap, or age.

Disparity--the difference between the percent of qualified protected group members in the labor force and their percentage in the department's permanent and non-permanent work force.

Equal Employment Opportunity--the condition which ensures non-discrimination of a qualified applicant on the basis of race, religion, sex, disability, age, national origin, or Vietnam Era Veteran status in all facets of employment.

Goals--goals set for bargaining units to correct a disparity between the percentage of qualified protected group members that should be in the Mn/DOT work force and the actual existing percentage.

Occupational Category--a grouping of job classifications by skill level.

Protected Group Members--members of groups designated by federal and state laws that require affirmative action in employment: racial minorities, females, Vietnam Era Veterans, and handicapped persons.

Protected Group Report--a supplement to the certification list of eligibles that indicates the number and type of protected group members on the list. This report is sent by the Department of Employee Relations only when a disparity exists in the bargaining unit.

Structured Interview Questions--a prepared list of job-related interview questions, used with each candidate given consideration for a position.

## FORMS

Mn/DOT 19301

Physical Examination  
Pre-Employment Review Form  
Veteran's Letter

PROCEDURE IN CENTRAL OFFICE

<u>Actor</u>	<u>Action</u>
Transaction Coordinator	1. Obtains list of eligibles for vacancy, applications of eligibles, and a protected group report from the Department of Employee Relations, and logs the date of list.

PROCEDURE IN CENTRAL OFFICE (continued)

<u>Actor</u>	<u>Action</u>
Transaction Coordinator (continued)	2. Gives paperwork to a Personnel Officer.
Personnel Officer/ Transaction Coordinator	3. Determines if applicable labor agreement provides for selection on the basis of seniority, provided the senior employee's ability and capacity to perform the job are relatively equal to that of other bidders.  3a. If yes, records seniority unit dates on the list and processes selection as prescribed by the labor agreement provisions.  4. Gives list and protected group report to Affirmative Action Manager.
Affirmative Action Manager	5. Reviews Mn/DOT records to verify if goals have been met, i.e., whether disparities exist in the bargaining unit for which the department is hiring.  6. Follows up the written information with a personal interview with the supervisor or Business Manager to inform the supervisor of the department's policy on Affirmative Action.  7. Notifies the Personnel Officer of the action taken, and returns paperwork to Personnel Officer.  8. Agrees with supervisor on mutually convenient time for interviews.  9. Reviews structured interview questions, making sure that physical requirements are discussed in accordance with applicable Civil Rights Laws.  10. Contacts applicants to notify of vacancy and schedule interviews.  11. Informs supervisor of interview schedule.  12. Sends applications of eligibles to supervisor.  13. Receives each candidate upon arrival and reviews the following information:
Personnel Officer	

PROCEDURE IN CENTRAL OFFICE (continued)

- | <u>Actor</u> | <u>Action</u>   |
|--------------|---|
|              | 13a. Candidate's employment history.  |
|              | 13b. General background information about the vacant position.  |
|              | 13c. Benefits available with the State of Minnesota.  |
|              | 13d. Candidate's references.  |
|              | 14. If necessary, conducts testing of candidates.   |
|              | 15. Introduces candidate to supervisor.   |
| Supervisor   | 16. Conducts interviews:<br><br>16a. In accordance with "The Objective Interview" (see 5-2-A), using structured interview questions.<br><br>16b. Ensuring that applicants are aware of conditions of employment (full time, part time, permanent, etc.) salary range, and physical requirements of the job. |
|              | NOTE: <u>No offer of employment may be made by the supervisor.</u>  |
|              | 17. Makes preliminary ratings after each interview.   |
|              | 18. Makes final rankings of applicants after all interviews are conducted.  |
|              | 19. (Optional) Requests reference checks by the Personnel Officer, or conducts own.   |

PROCEDURE IN CENTRAL OFFICE (continued)

<u>Actor</u>	<u>Action</u>
Supervisor (continued)	<p>20. Decides on a qualified person, considering any contractual, statutory, and Affirmative Action obligations.</p> <p>21. Discusses candidate selection with Personnel Officer.</p>
Personnel Officer	<p>21a. If selection is in violation of applicable labor agreement, discusses rationale and ramifications of such action with the supervisor. (Go to step 35.)</p> <p>21b. If selection is in violation of law, advises supervisor of the situation and possibly overrules selection decision after discussion with the Office Director and the Personnel Director.</p>
	<p>NOTE: Steps 22-34 are applicable only if decision is to hire a <u>non-protected</u> group member for reasons <u>other than</u> compliance with a labor agreement. Otherwise go to step 36.</p>
Affirmative Action Manager	<p>22. If selection is not in accordance with Mn/DOT's Affirmative Action policy, listens to supervisor's reasons for selecting non-protected group member.</p> <p>23. Agrees or disagrees with rationale provided, and makes a recommendation to Affirmative Action Manager.</p>
	<p>24. Analyzes facts presented and discusses them with the supervisor.</p> <p>25. If the supervisor and Affirmative Action Manager agree that protected candidate is not qualified, approves hire of nonprotected applicant.</p> <p>26. If the supervisor and Affirmative Action Manager agree the protected applicant would be qualified by the end of the probationary period, the Affirmative Action Manager strongly urges the supervisor to hire the protected candidate.</p>

PROCEDURE IN CENTRAL OFFICE (continued)

<u>Actor</u>	<u>Action</u>
Supervisor	<p>27. If unwilling to hire the qualified protected applicant, may ask his/her Assistant Commissioner for an exception to the department policy on Affirmative Action by providing the following information:</p> <p>27a. A list of employees who work for him/her in the <u>classification</u> of the vacancy by race, sex, handicapped and Vietnam Era Veteran status depending on the list.</p> <p>27b. A list of employees in the <u>whole series</u> by protected group. (For example, if the vacancy is an entry level Planners, the list would be of all Planner, Planner Intermediates, Seniors, etc.)</p> <p>27c. A statement explaining the exceptional qualifications of the non-protected candidate.</p>
Affirmative Action Manager	<p>28. Provides the following information to the Assistant Commissioner of the supervisor who requests an exception:</p> <p>28a. A statement that the supervisor and the Affirmative Action Manager agree that the protected candidate is qualified to do the job or could be qualified within the probationary period.</p> <p>28b. A statement about the progress the department has made toward meeting the numerical goal for that bargaining unit.</p> <p>28c. A history of recent new hires in that bargaining unit.</p> <p>28d. A history of that supervisor's hiring over the last few hires.</p>

PROCEDURE IN CENTRAL OFFICE (continued)

<u>Actor</u>	<u>Action</u>
Assistant Commissioner	<p>29. Makes a decision to approve or disapprove the exception.</p> <p>30. If approves the exception, takes the request for an exception to the Deputy Commissioner for final approval.</p> <p>31. If disapproves the exception, tells the supervisor to select the protected applicant.</p>
Deputy Commissioner	<p>32. Considers <u>all</u> of the following in deciding whether to grant an exception to the department's affirmative action policy:</p> <p>32a. There is an exceptionally well qualified applicant on the list who is not a member of a group of persons for which there is a disparity;</p> <p>32b. The vacancy is in an bargaining unit where the last few hires have been protected applicants;</p> <p>32c. Mn/DOT has made considerable progress toward meeting the Affirmative Action goals for that bargaining unit;</p> <p>32d. The supervisor with the current vacancy has recently filled several vacancies in the same bargaining unit and has selected a protected applicant each time;</p> <p>32e. The vacancy is an entry level position (such as Planner 1) and Mn/DOT has enough protected employees in the whole series (Planner 1, Planner Intermediate, Planner Senior, etc.) to ensure enough protected applicants for promotions, so that this one vacancy will not greatly affect the pool for promotions into higher level positions.</p>
Supervisor	<p>33. If an exception is granted, gives all supporting documentation to the Affirmative Action Manager for appropriate filing.</p>

PROCEDURE IN CENTRAL OFFICE (continued)

- | <u>Actor</u>      | <u>Action</u>  |
|-------------------|--|
| Supervisor        | 34. Determines with the supervisor the rate of pay, etc.   |
| Personnel Officer | 35. Determines with supervisor the rate of pay to be offered to candidate based on:<br><br>35a. Market conditions.<br><br>35b. Internal equity.<br><br>35c. Candidate's qualifications and current salary.   |
|                   | 36. If necessary, obtains approval of salary rate from Department of Employee Relations.   |
|                   | 37. Extends offer of employment to chosen candidate.   |
|                   | 38. If candidate selected is not visibly handicapped, requires medical verification prior to selection.  |
|                   | 39. Sends letter to candidate that includes information about the starting date, salary, and probationary period.<br><br>39a. For certain positions involving outside physical labor, arranges for a physical examination of the candidate, and instructs candidate to bring evidence of having passed the examination on the first day of work. |
|                   | 40. Sends copies to the supervisor, Office Manager, personnel file, and if applicable, state agency the candidate is coming from.  |

## NOTE:

The following classifications involving outside labor require a physical examination of the candidate: Bridge Worker, Carpenter, Electronic Technician, General Maintenance Worker, Heavy Equipment Field Mechanic and Apprentice, Heavy Equipment Service Attendant, Highway Maintenance Worker/Senior, Highway Signal Technician, Laborer II, and Welder.

PROCEDURE IN CENTRAL OFFICE (continued)

<u>Actor</u>	<u>Action</u>
Office Manager	40a. Makes appointment with appropriate clinic for candidate before candidate begins work.
	40b. Provides candidate with two copies of "Physical Examination" form for completion by a clinic physician, with one copy to be returned to the office.
	40c. Reviews completed "Physical Examination" form to ensure that candidate has passed the examination.
	40d. Sends the form to control office Health Unit.
	41. Sends letters of regret to candidates who were not selected.
	42. Sends "Veteran's Letter" to any veterans on the list who were either interested but not selected or not contacted, in accordance with the law.

PROCEDURE IN THE DISTRICTS

<u>Actor</u>	<u>Action</u>
Business Manager	1. Obtains list of eligibles for vacancy.
	2. Determines if applicable labor agreement provides for selection on the basis of seniority, provided the senior employee's ability and capacity to perform the job are relatively equal to that of other bidders.
	2a. If yes, records seniority unit dates on the list and processes selection as prescribed by the labor agreement provisions.
	3. Waits for protected group report and further instructions from Affirmative Action Manager before proceeding, or calls Affirmative Action Manager to find out if disparity exists in the classification of the vacancy.

PROCEDURE IN THE DISTRICTS (continued)

<u>Actor</u>	<u>Action</u>
Affirmative Action	
Manager	<ol style="list-style-type: none"><li>4. Reviews Mn/DOT records to verify if goals have been met, i.e., whether disparities exist in the bargaining unit for which the department is hiring.</li><li>5. Follows up the written information with a phone call to the supervisor to inform the supervisor of the department's policy on Affirmative Action.</li><li>6. Notifies the Business Manager of action taken.</li></ol>
Business Manager	<ol style="list-style-type: none"><li>7. Agrees with supervisor on mutually convenient time for interviews.</li><li>8. Contacts applicants to notify of vacancy and schedule interviews.</li><li>9. Informs supervisor of interview schedule.</li><li>10. Obtains applications of eligibles from the Personnel Office and sends to supervisor.</li><li>11. Receives each candidate upon arrival and reviews the following information:<ol style="list-style-type: none"><li>11a. Candidate's employment history.</li><li>11b. General background information about the vacant position.</li><li>11c. Benefits available with the State of Minnesota.</li><li>11d. Candidate's references.</li></ol></li><li>12. If necessary, conducts testing of candidates.</li><li>13. Introduces candidate to supervisor.</li></ol>
Supervisor	<ol style="list-style-type: none"><li>14. Conducts interviews:<ol style="list-style-type: none"><li>14a. In accordance with "the Objective Interview" (see 5-2-A), using structured interview questions which include questions on physical requirements for position.</li></ol></li></ol>

PROCEDURE IN THE DISTRICTS (continued)

- | <u>Actor</u>     | <u>Action</u>  |
|------------------|--|
|                  | 14b. Ensuring that applicants are aware of conditions of employment (full time, part time, permanent, etc.) and salary range.  |
|                  | NOTE: <u>No offer of employment may be made by the supervisor.</u>   |
|                  | 15. Makes preliminary ratings after each interview.  |
|                  | 16. Makes final ranking of applicants after all interviews are conducted.  |
|                  | 17. (Optional) Requests reference checks by the Business Manager, or conducts own.   |
|                  | 18. Decides on a qualified person, considering any contractual, statutory, and Affirmative Action obligations.   |
|                  | 19. Discusses candidate selection with Business Manager.   |
| Business Manager | 19a. If selection is in violation of applicable labor agreement, discusses rationale and ramifications of such action with the supervisor. (Go to step 35.)                                    |
|                  | 19b. If selection is in violation of law, advises supervisor of the situation and possibly overrules selection decision, after discussion with the District Engineer and the Personnel Office. |

PROCEDURE IN THE DISTRICTS (continued)

- | <u>Actor</u>                 | <u>Action</u>   |
|------------------------------|---|
| Business Manager<br>(contd.) | NOTE: Steps 20-34 are applicable only if decision is to hire a <u>non-protected</u> group member for reasons <u>other than</u> compliance with a labor agreement. Otherwise, go to step 35. |
|                              | 20. If selection is in violation of Mn/DOT's Affirmative Action Policy, listens to supervisor's reasons for selecting non-protected group member.   |

21. Agrees or disagrees with rationale provided, and makes a recommendation to Affirmative Action Manager.

**Affirmative Action**

Manager 22. Analyzes facts presented and discusses them with the supervisor.

23. If the supervisor and Affirmative Action Manager agree that protected candidate is not qualified, approves hire of nonprotected applicant.

24. If the supervisor and Affirmative Action Manager agree the protected applicant would be qualified by the end of the probationary period, strongly urges the supervisor to hire the protected candidate.

**Supervisor**

25. If unwilling to hire the qualified protected applicant, may ask his/her Assistant Commissioner for an exception to the department policy on Affirmative Action by providing the following information:

- 25a. A list of employees who work for him/her in the unit of the vacancy by race, sex, disability, or Vietnam Era veteran status depending on the list.

- 25b. A list of employees in the whole series by protected group. (For example, if the vacancy is an entry level Planner, the list would be of all Planners, Planner Intermediates, Seniors, etc.)

- 25c. A statement explaining the exceptional qualifications of the non-protected candidate.

**PROCEDURE IN THE DISTRICTS (continued)**ActorAction**Affirmative Action**

- Manager 26. Provides the following information to the Assistant Commissioner of the supervisor who requests an exception:

- 26a. A statement that the supervisor and the Affirmative Action Manager agree that the protected candidate is qualified to do the job or could be qualified within the probationary

period.

26b. A statement about the progress the department has made toward meeting the numerical goal for that bargaining unit.

26c. A history of recent new hires in that bargaining unit.

26d. A history of that supervisor's hiring over the last few hires.

- Assistant Commissioner      27. Makes a decision to approve or disapprove the exception.
28. If approves the exception, takes the request for an exception to the Deputy Commissioner for final approval.
29. If disapproves the exception, tells the supervisor to select the protected applicant.
- Deputy Commissioner      30. Considers all of the following in deciding whether to grant an exception to the department's affirmative action policy:
- 30a. There is an exceptionally well qualified applicant on the list who is not a member of a group of persons for which there is a disparity;
- 30b. The vacancy is in a bargaining unit (Professional, Clerical) where the last few hires have been protected applicants;

PROCEDURE IN THE DISTRICTS (continued)

<u>Actor</u>	<u>Action</u>
Deputy Commissioner (contd.)	30c. Mn/DOT has made considerable progress toward meeting the Affirmative Action goals for that classification;
	30d. The supervisor with the current vacancy has recently filled several vacancies in the same bargaining unit and has selected a protected applicant each time;
	30e. The vacancy is an entry level position

(such as Planner 1) and Mn/DOT has enough protected employees in the whole series (Planner 1, Planner Intermediate, Planner Senior, etc.) to ensure protected applicants for promotions, so this one vacancy will not greatly affect the pool for promotions into higher level positions.

- |   |   |
|---|---|
| Supervisor                                    | 31. If an exception is granted, gives all supporting documentation to the Affirmative Action Manager for appropriate filing.  |
| Supervisor                                    | 32. If non-protected-group member is ultimately hired, submits written job-related documentation of why protected group member was not qualified for the position.  |
| Business Manager/<br>Personnel Officer<br>on: | 33. Determines with supervisor the rate of pay to be offered to candidate based on: <ul style="list-style-type: none"><li>33a. Market conditions.</li><li>33b. Internal equity.</li><li>33c. Candidate's qualifications and current salary.</li></ul> |
| Business Manager                              | 34. Obtains advance approval from a Personnel Officer for any offer of salary above the minimum of the range.   |
| Personnel Officer                             | 34a. If necessary, obtains approval of the salary rate from the Department of Employee Relations.   |
| Business Manager                              | 35. Extends offer of employment to chosen candidate.  |

**PROCEDURE IN THE DISTRICTS (continued)**

<u>Actor</u>	<u>Action</u>
Business Manager (contd.)	<p>36. Sends letter to candidate that includes information about the starting date, salary, and probationary period.</p> <p>37. Sends copies to the supervisor, personnel file, and if applicable, state agency the candidate is coming from.</p>

## NOTE:

The following classifications involving outside labor require a physical examination of the candidate: Bridge Worker, Carpenter, Electronic Technician, General Maintenance Worker, Heavy Equipment Field Mechanic and Apprentice, Heavy Equipment Service Attendant, Highway Maintenance Worker/Senior, Highway Signal Technician, Laborer II, and Welder.

- 37a. Makes appointment with appropriate clinic for candidate before candidate begins work
- 37b. Provides candidate with two copies of "Physical Examination" form for completion by a clinic physician, with one copy to be returned to the office.
- 37c. Reviews completed "Physican Examination" form to ensure that candidate has passed the examination.
- 37d. Sends the form to the central office Health Unit.
38. Sends letters of regret to candidates who were not selected.
39. Sends "Veteran's Letter" to any veterans on the list who were either interested but not selected or not contacted, in accordance with the law.

## QUESTIONS AND ANSWERS

Q. Why must permanent job offers be made by the Personnel Officer or Business Manager instead of the Supervisor?

A. The Personnel Officer and Business Manager are trained to be aware of the many contractual and legal requirements as well as Affirmative Action goals and department salary practices.

It is necessary for the Personnel Officer or Business Manager to review the supervisor's selection and make any offers of employment in order to safeguard against the supervisor failing to consider any of these obligations. This practice helps to promote the consistent application of the labor agreements, rules, and goals department-wide.

Q. Why must structured interview questions be developed?

- A. There are a number of good reasons. First of all, research indicates that structured interviews have a much greater job success predictive value than unstructured interviews. When the selection criteria are job-related and reliable in terms of predicting success, the structured interview is cost-effective, in that fewer hiring mistakes are made. With a structured set of questions, the interviewer has time to fully evaluate and compare each applicant's response, rather than thinking about what the next question might be. Finally, structured interview questions are most likely to protect interviewers from charges of discrimination.

#### REFERENCES

American Federation of State, County and Municipal Employees, Council 6, Agreement  
Middle Management Association Agreement  
Minnesota Association of Professional Employees Agreement  
Minnesota Government Engineers Council Agreement  
Minnesota Nurses Association Agreement  
Commissioner's Plan  
Managerial/Career Executive Service Plan  
Mn/DOT Affirmative Action Plan

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: CENTRAL OFFICE

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	2	*	1	*
203-service	2	2	1	*
206-office	*	*	1	1
207-technical	3	1	*	*
212-engineers	10	*	*	1
214-professional	4	*	1	*
216-supervisors	*	1	1	1
Commr's Plan	*	*	1	1
Manager's Plan	2	1	*	*

\*-INDICATES NO DISPARITY    x-INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: DULUTH

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	*	*
203-service	1	*	1	*
206-office	*	1	*	x
207-technical	1	1	*	*
214-professional	1	1	1	*
216-supervisors	1	1	*	*
Commr's Plan	x	x	x	x

\*--INDICATES NO DISPARITY    x--INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: VIRGINIA

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	*	*
203-service	1	*	x	*
206-office	*	x	*	1
207-technical	x	x	x	x
214-professional	x	x	x	x
216-supervisors	x	x	*	*
Commr's Plan	x	x	x	x

\*-INDICATES NO DISPARITY    x-INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: BEMEDJI/CROOKSTON

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	1	*
203-service	1	*	1	x
206-office	*	*	*	1
207-technical	1	1	*	x
214-professional	1	1	1	1
216-supervisors	1	1	*	*
Commr's Plan	1	*	1	1

\*--INDICATES NO DISPARITY    x--INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: BRainerd

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	x	*
203-service	1	*	*	1
206-office	*	1	x	1
207-technical	1	*	*	*
214-professional	x	x	x	*
216-supervisors	1	1	1	*
Commr's Plan	x	1	1	1

\*-INDICATES NO DISPARITY    x-INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: ST. CLOUD

JOB CATEGORY(BARG.UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET.VET
202-craft	1	*	*	*
203-service	x	x	x	x
206-office	*	x	*	*
207-technical	x	x	x	x
214-professional	x	x	x	x
216-supervisors	x	x	*	1
Commr's Plan	x	1	1	*

--INDICATES NO DISPARITY    x--INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: DETROIT LAKES/MORRIS

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	*	*
203-service	1	*	x	x
206-office	*	1	1	1
207-technical	1	1	*	x
214-professional	x	x	x	*
216-supervisors	1	1	*	1
Commr's Plan	x	*	1	x

\*-INDICATES NO DISPARITY    x-INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: GOLDEN VALLEY

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	3	1	*	*
203-service	3	*	2	1
206-office	*	1	1	1
207-technical	1	1	1	*
212-engineers	x	x	x	x
214-professional	*	1	*	*
216-supervisors	*	1	*	*
Commr's Plan	*	*	*	*
Manager's Plan	x	x	x	x

\*--INDICATES NO DISPARITY    x--INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: ROCHESTER/OWATONNA

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	*	*
203-service	1	*	x	x
206-office	*	x	1	1
207-technical	1	x	*	*
214-professional	1	x	1	1
216-supervisors	1	x	*	*
Commr's Plan	*	1	1	*

--INDICATES NO DISPARITY    x-INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: MANKATO/WINDOM

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	x	1	*
203-service	1	*	1	x
206-office	*	1	*	1
207-technical	1	*	1	x
214-professional	1	1	1	1
216-supervisors	1	1	x	x
Commr's Plan	x	x	1	1

--INDICATES NO DISPARITY    x--INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: WILLMAR

JOB CATEGORY (BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	1	*	*	*
203-service	1	*	x	*
206-office	*	x	*	1
207-technical	1	*	*	*
214-professional	x	x	x	x
216-supervisors	x	x	*	1
Commr's Plan	x	1	*	1

\*-INDICATES NO DISPARITY    x-INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING

MnDOT AFFIRMATIVE ACTION INTERIM GOALS

FOR FISCAL YEAR 1986

LOCATION: OAKDALE

JOB CATEGORY(BARG. UNIT):	FEMALE	MINORITY	HANDICAPPED	VIET. VET
202-craft	3	*	*	*
203-service	2	*	1	1
206-office	*	1	1	1
207-technical	3	1	*	*
212-engineers	x	x	x	x
214-professional	1	1	*	*
216-supervisors	2	1	*	*
Commr's Plan	*	*	1	1
Manager's Plan	x	x	x	x

\*--INDICATES NO DISPARITY    x--INDICATES NO INTERIM GOAL SET

GOAL IS BASED UPON EXPECTED TURNOVER/HIRING