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2002-2004

AFFIRMATIVE ACTION PLAN

MINNESOTA POLLUTION CONTROL AGENCY

AND

OFFICE OF ENVIRONMENTAL ASSISTANCE

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(651) 296-7348 or (651) 282-5332 (TTY).

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STATEMENT OF POLICY AND COMMITMENT BY THE COMMISSIONER/DIRECTOR

As Commissioner of the Minnesota Pollution Control Agency (MPCA) and Director of the Minnesota Office of Environmental Assistance (OEA), we are firmly committed to the state's policy of both equal opportunity and affirmative action employment. It is our responsibility to ensure that the MPCA and OEA provide equal opportunity employment to both current and prospective employees without regard to race, color, creed, religion, age, sex, disability, marital status, status with regard to public assistance, membership or activity in a local commission, national origin, or sexual orientation. This policy applies to all conditions of employment, including, but not limited to, recruitment, selection, placement, advancement, retention, transfer, demotion, layoff, recall, termination, disciplinary action, compensation and employee development.

Because protected group members in our society have been denied equal opportunity in the past, we strongly support and will actively pursue a policy of affirmative action employment and retention for those classes and goal units experiencing underutilization in the agencies. Protected groups are defined in Minnesota Statutes, Chapter 43A, as women, minorities, and persons with disabilities. We endorse affirmative action as a viable and proper approach to ensuring that the work force of these agencies reflects the same configuration as the related work force as a whole.

Because equal employment cannot exist in the presence of discrimination in any form, efforts will be made to provide a work environment free of discrimination and harassment. Accordingly, the agencies fully support the non-discriminatory provisions of all state and federal laws, rules and regulations which form the legal framework for affirmative action and equal opportunity.

As employers, the agencies are responsible for the actions of their employees and may be held liable for failure to investigate allegations of harassment or failure to take prompt remedial action against an employee who is found to have engaged in harassment of other employees. Consistent with this policy, therefore, no employee of these agencies will be allowed to engage in any form of harassment of other employees. Any employee who, after investigation, is found to have engaged in any form of harassment of other employees will be subject to disciplinary action. Although the agencies are responsible for maintaining a working environment free from discrimination and discriminatory harassment, each and every employee plays a part by affirmatively raising the subject, expressing strong disapproval and adhering to the provisions of this policy and Affirmative Action Plan.

We are personally committed to the goals and provisions outlined in this Affirmative Action Plan. The primary responsibility for implementation of this policy falls to each manager and supervisor. We have directed that each of these individual's position descriptions list affirmative action as an "A" priority and have informed them that their performance will be closely monitored with regard to this responsibility. As a management team we are committed to implementing all provisions of this Plan

Denise Legato, Human Resources Manager, has been designated as the Agencies' Affirmative Action Officer and the Americans with Disabilities Act (ADA) Coordinator for the MPCA and the OEA. Ms. Legato will report to Commissioner Studders and Director Enzler for resolution of any and all complaints referenced in this plan. Together we will ensure implementation of the Plan.

By 
Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency

By 
Sherry Enzler, Director
Office of Environmental Assistance

Dated:

AGENCY CONTACTS AND THEIR RESPONSIBILITIES

Commissioner of MPCA – Sheryl Corrigan

Director of OEA - Sherry Enzler

Responsibility: To provide leadership in implementing the provisions of this Plan and to ensure that the agencies are in compliance with all applicable laws and regulations.

1. To designate an Affirmative Action Officer (AAO).
2. To issue a written statement to all employees affirming support for the agency's Affirmative Action Plan.
2. To include accountability for the administration of the agencies' Affirmative Action Plan in the officer's position description.
3. To require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
4. To act promptly and appropriately to any and all complaints of discrimination.
5. To make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective equal opportunity and affirmative action progress.
6. To report annually to the Governor, and the legislature through the Commissioner of Employee Relations, the agencies progress in affirmative action.

Accountability: To the Governor for MPCA Commissioner. To the MPCA Commissioner for OEA Director.

Affirmative Action Officer and Americans with Disabilities Coordinator – Denise Legato

Responsibility: To develop, implement and monitor the agencies' Affirmative Action Plan.

1. To recommend policy, procedure or program changes.
2. To administer pre-employment review policy and provide guidance to managers and supervisors in exercising their affirmative action responsibilities throughout the year as well as reviewing the plan with them at the beginning of each fiscal year.
3. To monitor the activities of the agencies' Affirmative Action Plan and complete all affirmative action reports as required.
4. To keep the Commissioner and Director informed of the agencies' progress in affirmative action.
5. To act as primary liaison between the agencies and the Office of Equal Opportunity and Diversity of the Department of Employee Relations.
6. To ensure that the agencies' EEO policy and Affirmative Action Plan are disseminated to employees, managers and supervisors, posted on the Human Resources Office bulletin board, made available in the library and on the Intranet.
7. To identify, investigate, and mediate discrimination complaints within the agencies.
8. To assist in affirmative action training and programs designed to inform employees about affirmative action issues as well as ensure that all new employees receive a copy of the Statement of Policy and Commitment and understand harassment and discrimination policy and complaint procedures.
9. To offer all separating employees an opportunity to discuss any affirmative action issues they may have.

10. To promote affirmative action in all matters and conditions affecting employees.
11. To keep abreast of developments and decisions in affirmative action and equal opportunity that affect the agencies and inform managers and supervisors of any changes.
12. To participate in the recruitment of protected class persons for employment, promotion and training opportunities by advertising in protected group publications, by including the phrase "An Equal Opportunity Employer" in all advertisements, and by soliciting support and assistance from the Office of Equal Opportunity and Diversity of DOER as well as from advocacy groups outside the agencies.
13. To ensure compliance with the Americans with Disabilities Act, and all applicable laws, procedures and policies.

Accountability: Commissioner

Managers and Supervisors

Responsibility: To ensure compliance with statewide and agency Affirmative Action Plans and programs; and to ensure equitable treatment of all employees and applicants for employment.

- Duties:
1. To promote a respectful positive environment for employees and applicants in the work place.
 2. To communicate and demonstrate personal commitment to the agencies' Affirmative Action Plan.
 3. To carry out their supervisory and managerial duties in accordance with affirmative action/equal employment opportunity policies contained within the agencies' Affirmative Action Plan.
 4. To ensure that policies and procedure are administered fairly and are uniformly applied to all employees.
 5. To hire and promote qualified protected group members in goal units where underutilization currently exists.
 6. To assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunities.
 7. To include responsibility statements for affirmative action/equal employment opportunity in position descriptions.
 8. To receive and investigate informal discrimination complaints brought by assigned staff and to communicate decision(s) to the employee within a reasonable time.
 8. To refer formal complaints to respective Division Director or Affirmative Action Officer.

Accountability: To next level management.

Human Resources Staff

Responsibility: To ensure that human resources policies and procedures are designed to remove barriers to equal employment opportunity within the agencies.

- Duties:
1. To provide leadership to managers and supervisors in applying Affirmative Action principles to decisions regarding personnel actions.

2. To provide guidance to hiring supervisors in the development and utilization of selection criteria to ensure, to the extent possible, that they are objective, uniform, and job related.
3. To advise hiring supervisors regarding the need to recruit qualified candidates to reflect the diversity of the population.
4. To ensure that all job opportunities are properly posted and made available to all staff.
5. To identify and communicate systemic problems within agency policies and/or practices that inhibit equal employment opportunity.

Accountability: To Human Resources Manager/Affirmative Action Officer

Employees

Responsibility: Every employee is responsible for conducting her/himself in accordance with the policies outlined in this Plan. Employees are expected to communicate in a respectful, non-discriminatory manner regardless of one another's race, color, creed, sex, national origin, age, marital status, sexual orientation, disability, religion, status with regard to public assistance, or membership or activity in a local commission.

Accountability: To Supervisor

COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

Methods for Communicating the Affirmative Action Plan Internally

1. The Affirmative Action Officer will distribute to all managerial and supervisory staff, a copy of the full Affirmative Action Plan and a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Human Resource Office will post the following documents on their bulletin board and make them available on the Intranet and in the Library:
 - The agencies' Affirmative Action Plan.
 - The State of Minnesota Equal Opportunity Policy.
 - The name and phone number of the agencies' Affirmative Action Officer and ADA Coordinator.
3. Additional copies of the Affirmative Action Plan will be available to employees upon request from the Human Resource Office. A notice of such availability will be placed on the Human Resources Office bulletin board.
4. New employees will receive copies of the Affirmative Action Statement of Policy and Commitment.

Methods for Communicating the Affirmative Action Plan Externally

1. The agencies will include the statement, "an equal opportunity employer," on agency letterheads, job announcements and training opportunity bulletins.
2. The agencies' internet home page will include the statement, "an equal opportunity employer."
3. Nondiscrimination clauses are contained in all union contracts.
4. A copy of the Affirmative Action Plan will be provided to individuals, upon request.

DISCRIMINATION AND DISCRIMINATORY HARASSMENT
POLICY AND DEFINITIONS

Policy

The MPCA and OEA will take all necessary measures to attain and maintain a working atmosphere free of discrimination, discriminatory insult, intimidation, sexual harassment and any other form of harassment. Each employee plays a large part in maintaining a working environment free from harassment and discrimination by affirmatively raising the subject, expressing strong disapproval of discrimination and discriminatory harassment and adhering to the approved guidelines on harassment and discrimination.

The agencies will not tolerate work place harassment, sexual harassment or discrimination based on an individual's race, color, sex, age, creed, religion, disability, sexual orientation, marital status, status with regard to public assistance status, national origin, or membership or activity in a local commission . As employers, the agencies are responsible for the actions of their employees and may be held liable for failure to investigate allegations of discriminatory harassment or failure to take prompt remedial action against an employee who is found to have engaged in harassment of other employees.

Consistent with this policy, no employee of these agencies will be permitted to engage in any form of harassment of other employees. If, after an investigation, an employee is found to have engaged in any form of harassment or discrimination against another employee, the agencies will impose disciplinary action. This policy does not apply to strictly private behavior outside the workplace except where that behavior affects the workplace or the workplace environment.

Definitions:

Discrimination is any differential treatment that is based on a consideration of an individual's protected class status.

Harassment is any behavior that disturbs another person. Behavior, verbal and physical conduct of co-workers, supervisors, or management that is unwelcome, personally offensive, insulting or demeaning, which has the purpose or effect of affecting the work environment.

The Equal Employment Opportunity Commission defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- 2) submission to or rejection of such conduct of an individual is used as the basis for employment decisions affecting such individual, or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

PROCEDURE FOR COMPLAINTS OF HARASSMENT OR DISCRIMINATION

Background

This procedure is designed to address complaints which are not generally able to be resolved under a collective bargaining agreement, plan or other method. Complaints must be filed within 365 days from the event which precipitated the complaint. Employees also have the right to file a complaint with the Minnesota Department of Human Rights and/or the U.S. Equal Employment Opportunity Commission (EEOC) regardless of whether a complaint under this procedure is filed.

1. This complaint procedure is established as a means for considering and resolving disputes with the MPCA or OEA raised by an employee, or eligibles* and which is based on the belief that s/he has been discriminated against in employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age; or that s/he has been harassed or discriminated against because of the above factors or any other factor. Complaints will be responded to by the Affirmative Action Officer within 30 working days from the date the complaint was received.
2. Matters relating to the content or general administration of the Affirmative Action Plan will be referred to the Affirmative Action Officer. Complaints which are covered exclusively under provisions of a valid collective bargaining agreement or plan remain subject to those provisions.
3. Any retaliatory action of any kind taken by an employee of the MPCA or OEA against any other employee as a result of that person filing a complaint under these procedures, cooperating in an investigation, or otherwise participating in any action under these procedures is prohibited and will be regarded as a separate and distinct matter subject to disciplinary action.

Retaliatory action or reprisal includes but is not limited to any form of intimidation, retaliation or harassment. Examples of actions which may be considered retaliation include but are not limited to: refusal to hire an individual; departure from any customary employment practice; transfer or assignment of the individual to a lesser position in terms of wages, hours, job classification, job security or other employment status; or informing another employer that the individual has engaged in opposing a forbidden practice, filed a charge, testified, assisted, or participated in an investigation, proceeding or hearing; associated with a person or group who is disabled, of a different race, color, creed, religion, sexual orientation, national origin, sex, marital status, status with regard to public assistance, membership activity in a local commission or age.

4. This complaint procedure will not be construed as limiting, in any way, an employee's right to file a complaint with the Minnesota Department of Human Rights, the Federal Equal Employment Opportunity Commission, or an appropriate court.
5. For purposes of this Affirmative Action Plan and these complaint procedures the Human Resources Manager, Denise Legato, serves as the Affirmative Action Officer for the MPCA and OEA.

Discussion

The agencies acknowledge that until issues are resolved, the work place can become a stressful environment. Therefore, the agencies are committed to resolving complaints as quickly as possible.

Any employee subjected to harassing or disrupting behavior is encouraged to talk to the person whose behavior is offensive or discriminating and ask that the behavior cease. However, knowing that it can be difficult to raise this subject directly with another employee, the affected employees are also given the option of bringing their concerns to their supervisor, manager, director, the Affirmative Action Officer or a Human Resource Consultant. Please use the following procedure as a guide.

ELIGIBLES are applicants for employment who have successfully passed an experience and training rating (E & T) or whose names are on an eligible list for employment with the State of Minnesota.

Procedure:

<u>Who takes the step:</u>	<u>Step</u>	<u>Action</u>
Person Offended	1	If you are comfortable doing so, advise the other person that his or her behavior is objectionable and ask that it stop. If unable to advise the offending party, or if after asking the offending party to stop, the behavior continues, a more formal complaint may be initiated.
Offended Person / Complainant	2	Seek out one of the following people: your supervisor, your manager, your division director, the offending party's supervisor, the Affirmative Action Officer, or a Human Resource Consultant with whom you feel comfortable.
Offended Person / Complainant	3	Attempt to maintain a written record of all dates of, times of and witnesses to the offensive behavior.
First Person Contacted	4	Listen to complaint; inform complainant that you will take the appropriate steps to ensure that the issue is addressed promptly and that the Affirmative Action Officer will be immediately informed.
First Person Contacted	5	Discuss the issue/complaint with the Affirmative Action Officer (AAO)/ Human Resource Manager immediately; if you must leave a message, indicate that it is urgent.
Affirmative Action Officer/H.R. Manager	6	Make an initial determination within 10 working days of the receipt of the complaint as to whether the complaint pertains to discrimination and is appropriate to be addressed in this process. If appropriate, initiate investigation. Provide information and advice to the supervisor, manager or director.
Affirmative Action Officer/H.R. Manager	7	Inform the direct supervisors of the complainant and the offending party of the complaint and ongoing investigation.
Affirmative Action Officer/H.R. Manager	8	Conduct and complete an investigation within 30 working days of receiving the complaint. Prepare a record of findings and recommendations.
Affirmative Action Officer/H.R. Manager	9	Convene a meeting of the offending party's supervisor, manager, and/or division manager (or designee). Recommend a course of action and help facilitate a decision.
Division Management	10	Decide on a course of action and inform offending party of such action within 5 working days of meeting with Affirmative Action Officer.
Affirmative Action Officer/H.R. Manager	11	Inform offended person/complainant that investigation has been completed and, to the extent possible under the Minnesota Data Practices Act, that action has been taken. Also inform complainant of his/her right to file an appeal under this procedure or to file a complaint with the Minnesota Human Rights Department, a complaint with the U.S. Equal Employment Opportunity Commission or file with the appropriate court.

Who takes the step:

Step

Action

Offended Person /
Complainant

12

If not satisfied with result, may appeal decision to the MPCA Commissioner/OEA Director (or Designees) within 5 working days of meeting with the Affirmative Action Officer.

Commissioner,
Director or Designee

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Review all available information and attempt to resolve issue with the complainant within 60 working days of the original written complaint. The decision of the Commissioner/Director (or Designee) is the final decision of the MPCA/OEA.

Affirmative Action
Officer/H.R. Manager

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File disposition of complaint with Office of Diversity and Equal Opportunity within 30 working days of determination.

Minnesota Pollution Control Agency/ Office of Environmental Assistance
 520 Lafayette Road North
 St. Paul, MN 55155-4194
 (651) 296-7348 or (651) 282-5335 (TTY)

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of Form

Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and appropriate personnel.

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager
Respondent (Person You Believe Harassed/Discriminated Against You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager

The Complaint	
Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:

Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

Information on Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone
1.		()
2.		()
3.		()

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

I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature

Date

Affirmative Action Officer Signature

Date

HIRING GOALS and TIMETABLES

The MPCA and OEA continually strive to increase workforce representation of women, members of ethnic/racial minority groups, and persons with disabilities in order to achieve parity.

Goals and timetables have been established as an integral part of our affirmative action program. To understand the concept of goals and timetables, and the State's use of them, it is important to understand the terms.

1. Ideal Goals: These are set for each "protected group" (defined below). They are expressed as a percentage of the total number of employees in a "goal unit" (defined below) for each department and state government as a whole. The ideal goals are usually derived from statistical analyses of census data and labor force characteristics.
2. Plan Goals: These are set for each protected group on a biennial basis by each agency. They are expressed as the number of protected group employees the agencies hope to hire in each goal unit for which there is an "underutilization" (defined below). Annual goals are usually selected on the basis of the agencies anticipated vacancies in each goal unit and on the likelihood of the agencies ability to recruit qualified protected group members to compete for those vacancies.
3. Goal Units: These are categories of employment in an organization for which protected group participation will be measured and for which goals will be set if an underutilization exists. The State defines its goal units using federal Equal Employment Opportunity categories.
4. Protected Groups: These are defined in Minnesota Statutes 43A.02, subd. 33 as women, minorities (Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander) and persons with disabilities.
5. Underutilization: This is the employment of fewer qualified protected group members than would reasonably be expected from their labor force participation in the labor market area. This is also sometimes referred to as a "disparity."
6. Timetable: This is the target date set for reaching identified goals in any goal unit for which there is underutilization. Timetables established in this plan are based on the fiscal years represented by the Plan.

The method for establishing goals in this plan has changed in a important way. A 2 - factor analysis was used in place of the previous 8 - factor analysis. The two factors are external and internal availability.

Goals are based on a statewide recruiting area. Census 2000 data by county for occupation by sex and race was used to determine the percentage of the working-age population with requisite skills in the recruiting area.

The MPCA and OEA are committed to hiring individuals with disabilities who can perform the essential jobs functions with or without reasonable accommodation. DOER has established hiring goals for persons with disabilities using 2000 census data.

The MPCA and OEA continue to be challenged by reduced funding and program reductions. Staff reductions are anticipated in several program areas. These reductions may cause internal movement of staff. As a result, establishing specific time tables for vacancies is not possible at this time.

The following utilization information and hiring goals for the MPCA and for the OEA apply to Fiscal Years 2002-2004:

MPCA

EEO JOB GROUPS	WOMEN		MINORITIES		PEOPLE WITH A DISABILITY	
	Number Underutilized	Goal	Number Underutilized	Goal	Number Underutilized	Goal
Officials & Administrators	2	1	-	-	2	1
Professionals	-	-	7	5	19	5
Technicians	-	-	-	-	2	1
Protective Services	NA					
Paraprofessionals	1	1	-	-	4	1
Office/Clerical	-	-	-	-	-	-
Skilled Craft	NA					
Service Maintenance	NA					

OEA

EEO JOB GROUPS	WOMEN		MINORITIES		PEOPLE WITH A DISABILITY	
	Number Underutilized	Goal	Number Underutilized	Goal	Number Underutilized	Goal
Officials & Administrators	-	-	-	-	1	1
Professionals	-	-	1	1	5	3
Technicians	NA					
Protective Services	NA					
Paraprofessionals	NA					
Office/Clerical	1	1	-	-	-	-
Skilled Craft	NA					
Service Maintenance	NA					

PROGRAM OBJECTIVES AND GOALS

Objective Partner with other agencies to participate in October National Diversity Awareness Month.

Responsibility: AAO

Target Date: October 2003, 2004

- Action Steps:
1. Participate in committee of state agencies located in Lafayette Park complex to plan a cultural event.
 2. Develop educational plan themes for each week in October.
 3. Distribute materials related to the celebration.
 4. Monitor effectiveness and employee reactions.

Evaluations: Increased participation in activities.

Objective Review and evaluate employee retention records.

Responsibility: AAO

Target Date: January 1, 2003 – December 31, 2004

- Action Steps
1. Review prior fiscal year retention records, analyze and prepare reports.
 2. Conduct exit surveys with all willing employees who are leaving the agencies.
 3. Maintain tracking of employee retention, turnover, and complaint data.

Evaluations: Use information gathered to redefine hiring and retention strategies.

Objective Evaluate the process used to recruit and select student workers to determine if there are methods to improve the recruitment of protected group candidates for temporary unclassified positions.

Responsibility: AAO

Target Date: January 1, 2003 – December 31, 2004

- Action Steps:
1. Develop a strategic plan including recruitment strategies for hiring student workers.
 2. Build relationships with colleges, universities and other educational institutions.
 3. Consult with DOER's Staffing Division and Office of Diversity and Equal Opportunity about possible innovative recruitment methods.
 4. Conduct customer research with hiring managers to evaluate efforts.

Evaluations: Increase in diversity of candidate pools and hiring for student worker positions.

Objective: Increase awareness and opportunities for Diversity Training.

Responsibility: AAO

Target Date: January 1, 2003 – December 31, 2004

- Action Steps:
1. Seek out and publicize information about external training events.
 2. List training opportunities on agency training calendar.
 3. Seek management support for staff attendance at diversity training events.

Evaluations: Increased participation in diversity training events.

METHODS OF AUDITING, EVALUATING, & REPORTING PROGRAM SUCCESS

Pre-Hire Review Process

Whenever a vacancy is to be filled, the Affirmative Action Officer will determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated for the goal unit in which the vacancy occurs. If it does, the following will apply:

1. The Human Resource Office will provide training regarding the hiring process and the legal aspects of the process.
2. The Human Resource Office will provide expanded candidate lists when necessary.
3. Supervisors or managers who intend to make an offer of employment to a candidate, who is not a member of an underutilized group, must provide a detailed written explanation to the Affirmative Action Officer.
4. The internal transfer of Agency employees and all provisions in collective bargaining agreements based on the "seniority in appointment" clause supersedes this process.

Pre-Review Layoff Process

Whenever a layoff is to occur, the Affirmative Action Officer will determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated for the goal unit in which the layoff occurs.

Methods of Auditing, Evaluating, & Reporting Program Success

In order to ensure that Affirmative Action Goals are sufficiently monitored and reported upon, the Affirmative Action Officer will ensure that the following actions are taken.

1. Data regarding hires is recorded on the Protected Group Report Forms. A statistical analysis will be completed on an annual basis to evaluate the progress of the program goals.
2. Data regarding retention will be tracked and analyzed.
3. Data regarding complaints will be recorded and preventative measures will be instituted to minimize the occurrence of future complaints.
4. Bi-weekly affirmative action statistics will be reviewed for correctness and completeness.
5. Recruitment strategies will be reviewed, in order to enlist strategies to increase under representation.

WEATHER EMERGENCIES, EMERGENCY ACTION PLANS & EVACUATION OF WORK AREAS

Weather Emergencies

In the event of a weather emergency, the Commissioner of the Department of Employee Relations (DOER) is responsible for making the determination as to the official closing of state offices. During work hours, employees will be notified via the agencies computer system (e-mail or system-wide message), loud speaker, telephones or floor wardens, if a weather emergency is called for their work area. During non-work hours, an announcement detailing the date, time and geographic location of the closure will be given by DOER to WCCO (830) and WMNN (1330) radio, KSTP, WCCO and KARE TV for broadcast. The announcement will also be forwarded to the Associated Press (AP) to be placed on the news wire for radio stations in greater Minnesota. If changes in the emergency declaration are warranted, they will be broadcast as the day or night progresses. Deaf or hard of hearing employees can watch close captioned weather broadcasts on WCCO or KARE 11 television.

If an employee requires special notification he/she is encouraged to consult with his/her supervisor in advance to arrange a procedure that is most appropriate for her/him. If an employee requires notification by TTY, his/her supervisor will make contact via the Minnesota Relay Service (MRS) at (651) 297-5353 (metro) or 1-800-627-3529 (greater Minnesota.)

Emergency Action Plans and Evacuation of Work Areas

At any time, it may be necessary for employees to evacuate work areas and/or seek shelter areas. Causes for evacuation or shelter could be fire, explosion, severe storm, tornado, and chemical release or spill or bomb threat.

This policy is established to ensure that staff are prepared for emergencies and that evacuation/shelter procedures are developed. Employees are to be provided with information and comprehensive training concerning the Agency's emergency action plans. Floor maps showing evacuation routes and shelter areas will be prominently posted and available to staff at all times. A listing of emergency contact names and telephone numbers will be posted and made available to staff at all times.

A. Responsibilities

The Safety Administrator is responsible for the development of emergency action plans for the central office, laboratory, and warehouse facilities.

The /District/Sub district Managers, under the direction of the Safety Administrator, are responsible for development of emergency action plans for each regional office facility.

Supervisors are responsible for accounting for each staff person in their unit immediately following emergency evacuation or shelter procedures and will report missing persons to the Emergency Coordinator.

B. Employees and Customers with Disabilities

Employees with disabilities are encouraged to contact their supervisor or the Safety Administrator regarding any special needs they may have for emergency evacuation plans. Supervisors are then responsible for providing the Safety Administrator with a list of those in their work unit who have identified the need for assistance during evacuation or shelter emergencies. Supervisors will work with the Safety Administrator and Affirmative Action Officer to develop plans to address the needs of such individuals.

Each Floor Warden is responsible for insuring that a volunteer attendant has been assigned to assist persons with disabilities in his/her unit. People with mobility impairments or sensory impairments will be assisted in evacuating by the Floor Warden or assigned attendant. All people who need assistance evacuating should meet at the stairwell.

REASONABLE ACCOMMODATION POLICY

Policy

The agencies are 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 applicants and employees face barriers to employment without the accommodation process. It is the policy of the agencies to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (ADA), accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

An individual with a disability is defined for purposes of this policy as: a person who has physical or mental impairment that substantially or materially limits one or more major life activities.

A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying work schedules; providing qualified readers or interpreters; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

The ADA Coordinator for the MPCA and OEA is Denise Legato, Human Resources Manager, (651) 296-6675.

Requests for Reasonable Accommodations of Employees:

Procedure - Current Employees and Employees Seeking Promotion

1. The agencies will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee must inform their supervisor or the ADA Coordinator of the need for an accommodation.
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the supervisor or ADA Coordinator will, in consultation with the individual:
 - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.

- d. Select and implement the accommodation that is the most appropriate for both the individual and the agency. While an individual's preference will be given consideration, the (MPCA/OEA) is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.

Procedure - Job Applicants

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

Funding and Undue Hardship:

Funding will be provided for reasonable accommodations. The expenditure of funds for accommodations over \$350.00 must be approved by the MPCA Commissioner/OEA Director or designee. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors must be considered:

- the size of the agency's budget;
- the nature and cost of the accommodation;
- documented good faith effort to explore a less restrictive or less expensive alternative;
- the disruption or alteration to the nature or operation of the agencies.

Denial of Accommodations:

If the requested accommodation made by a job applicant or employee is denied, the ADA Coordinator will notify the requestor of the decision and inform the requestor of the right to file a complaint under the agencies' Affirmative Action Plan complaint procedure outlined in this plan or to file with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, or other legal channels. All denials of requests for accommodation will be documented and kept on file by the ADA Coordinator.

Employee Request For Reasonable Accommodation

Give completed form to ADA Coordinator.

Please Print or Type

Employee Name:	Job Title:	Date Requested:
Division/Unit:	Note: Continue on back if you need more room for any of the following questions	
1. Please describe the nature of your medical condition for which you are requesting an accommodation. Describe how it substantially limits any major life activities.		
2. How does it affect your ability to perform your job?		
3. Type of accommodation requested:		
<input type="checkbox"/> Making facilities readily accessible	<input type="checkbox"/> Modification of equipment or devices	
<input type="checkbox"/> Job restructuring	<input type="checkbox"/> Qualified reader or interpreter	
<input type="checkbox"/> Part-time or modified work schedule	<input type="checkbox"/> Other (specify): _____	
<input type="checkbox"/> Acquisition of equipment or devices		
Please describe in detail the accommodation you are requesting:		
4. Has your medical provider recommended the accommodation? Yes No		
5. How will the requested accommodation be effective in allowing performance of the essential job function(s)?		
6. Has your job been altered? When was it altered? Please describe how and why it has altered:		
Additional Comments:		
Signature of Employee:		Date:

Distribution: Employee
 Supervisor
 Division Director
 ADA Coordinator's file

For Office Use Only:
 ADA Qualifying
 non ADA
 Date: _____

RECRUITMENT PLAN

Recruitment Sources – The following recruitment sources were utilized in plan year 2002 - 2004.

- ◆ Minnesota Career Opportunities Bulletin
- ◆ Minnesota Department of Employee Relations (DOER) world wide website
- ◆ Minnesota Pollution Control Agency has a direct link to DOER worldwide website
- ◆ Minneapolis Star Tribune
- ◆ St. Paul Pioneer Press & Dispatch
- ◆ Greater Minnesota Newspapers
- ◆ Minnesota Job Bank Network
- ◆ Minnesotajob.com

Other Recruitment Methods

- ◆ Depending upon the position requirements, local university and college recruitment offices (e.g., University of Minnesota, University of St. Thomas, etc.) are contacted with exam information
- ◆ Supervisors and managers distribute application information at nationwide conferences (e.g., Environmental Systems Research Institute User Conference)
- ◆ Supervisors and managers contact professional organizations and state and local government agencies who employ positions similar to the MPCA and OEA (Wisconsin DNR, NRRI, etc.)

Job Fairs

The targeted recruitment sources listed above have yielded large applicant pools for most positions. As a result the agencies have not invested in attendance at job fairs at this time. A reassessment of this decision may occur based on the nature of hiring that occurs during the plan years.

Projected Hiring Opportunities

As a result of significant funding constraints the MPCA and OEA anticipate limited hiring opportunities over the next two years. Vacancies due to turnover will be individually reviewed as part of an overall Resource Management Plan and considered for filling based on agency priorities and obligations as well as available funding. First priority will be to reassign current staff who are qualified to perform the work and who may be otherwise vulnerable to program downsizing. The MPCA and OEA intend to make every effort to retain staff who are members of protected groups as well as to maximize hiring opportunities as they become available.

The MPCA and OEA hire interns and student workers during the summer months. Resumes and applications are collected throughout the year from interested students. These resumes are kept in a database and lists are made available to hiring supervisors upon request. The agencies intend to coordinate and target recruitment of student workers to increase the number of qualified candidates from among protected groups.

Recruitment Strategies for Women, People of Color, and Persons with Disabilities, and Projected Hiring Opportunities

Notifications will be sent to the agencies listed in the Office of Diversity and Equal Opportunity Directory, in order to recruit people from all protected classes, to notify them of the agency's policy of continuous acceptance of applications. A program objective has been added to this Plan to increase efforts to recruit interns and student workers from among protected group communities.

The agencies will partner with local disability resource groups listed on the Human Rights Web Site, and the State ADA Coordinator for assistance in recruiting and hiring persons with disabilities.

Supported Work

The MPCA and the OEA will review vacant positions and assess the current workload and position needs to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from DOER. Further, the agencies will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

Accessibility for People with Disabilities

It is the policy of the MPCA and the OEA to comply with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C.A. Section 12101, and et. seq. The ADA prohibits discrimination against qualified individuals with disabilities on the basis of their disability. The ADA provides, in part, that qualified individuals with disabilities will not be excluded from participating in or be denied the benefits of any program, service or activity offered by these agencies.

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. The MPCA and OEA will make every effort to communicate effectively with individuals who have speech, visual, and hearing impairments and provide auxiliary communication aids to qualified individuals with disabilities participating in or benefiting from these agencies' programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights or remedies under the ADA, request a reasonable modification to these agency policies, practices, or procedures, or file a written grievance with these agencies alleging non-compliance with the ADA, please contact the ADA Coordinator listed below:

Name: Denise Legato, MPCA Human Resources Representative

Address: Sixth Floor, 520 Lafayette Road
St. Paul, MN 55155-4194

Telephone numbers:

Voice: (651) 296-6675

TTY: (651) 282-5332

RETENTION PLAN

Person responsible for retention program initiatives: Denise Legato, MPCA Human Resources Manager

Supervisor's New Employee Orientation & Development Program Tool Kit

A comprehensive process is outlined for supervisors involved in the hiring process, with step-by-step instructions as to how to proceed in orienting and training new employees. This is key to the retention of good employees. The packet includes the following information and checklists:

1. Instructions before the employee's first day and on their first day
2. Comprehensive Orientation Checklist
3. Mentor Guide - includes definition, benefits, qualifications, and responsibilities
4. Mentor's Instructions for the Comprehensive Orientation Checklist
5. Employee Instructions for Comprehensive Orientation Checklist
6. First Day Checklist
7. Discriminatory Harassment Policy, Definition and Complaint Procedures
9. Affirmative Action Policy Statement and Commitment
10. Initial Probationary Review
11. Final Certification Review

Methods of Retention:

Telecommuting and (Flexible) Compressed Time Policy

As a method of retaining all employees, agencies offer telecommuting and compressed time schedules. Upon supervisory approval, employees may telecommute or work flexible schedules which are in keeping with the agencies guidelines of eight, nine-hour days, one, eight-hour day and one day off per pay period.

Employee Development through Work Plans/Training Plans:

It is the policy of the MPCA and OEA to link agency priorities to the work of staff and to facilitate communication between supervisors and staff about the accomplishment of agency priorities through the use of a work planning and review process. One of the purposes of work planning is to identify, discuss and agree on each employee's development needs and goals. By doing so, personal strengths can be capitalized and plans to address development needs can be mutually created. This process provides a continuous opportunity for dialogue and feedback between the supervisor and employee to ensure open communication and elimination of misunderstanding. Communication enhances the relationship between the supervisor and employee and encourages personal development which is key to an employee's job satisfaction.

Analysis of Separation and Layoff Patterns

The MPCA and OEA experience a relatively low turnover among staff (approximately 5% annually). Agencies plan to monitor separations of members of protected groups to determine whether any pattern exists. Separating employees are asked to complete a questionnaire designed to elicit feed back regarding their employment experiences, which could be used to enhance recruitment and retention strategies. The MPCA and OEA utilize the statewide exit survey developed by DOER, to obtain data regarding the reasons for separation. Data will be collected, analyzed and reviewed, as appropriate, with management.

