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Department of Employment
and Economic Development

Minnesota

**2006-2008
AFFIRMATIVE
ACTION
PLAN**

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**I. AFFIRMATIVE ACTION PLAN
BIENNIUM 2006-2008
MINNESOTA DEPARTMENT OF
EMPLOYMENT & ECONOMIC DEVELOPMENT**

1. A review of our workforce revealed underutilization of the protected group(s) in the following EEO 4 categories:

State Wide

Goals	Women	Minorities	People with a Disability
Officials/Managers		X	X
Professionals			X
Technicians	X		
Protective Service Workers	n/a		
Paraprofessionals	n/a		
Office/Clerical		X	X
Skilled Craft Workers			
Service/Maintenance	X	X	

Metro Area*

Goals	Women	Minorities	People with a Disability
Officials/Managers		X	X
Professionals			X
Technicians		X	X
Protective Service Workers	n/a		
Paraprofessionals	n/a		
Office/Clerical		X	X
Skilled Craft Workers			
Service/Maintenance	X	X	

* **Minnesota Counties:** Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright. **Wisconsin Counties:** Pierce and St. Croix.

Greater Minnesota

Goals	Women	Minorities	People with a Disability
Officials/Managers			
Professionals	X	X	
Technicians	X		
Protective Service Workers			
Paraprofessionals			
Office/Clerical		X	X
Skilled Craft Workers			
Service/Maintenance			

2. This plan is and will be posted at the following central locations so that every employee is aware of the Department's commitment to Affirmative Action for the biennium.

- Department of Employment & Economic Development intraweb
- DEED's Office of Diversity and Equal Opportunity
- DEED's Human Resources Office
- DEED's Commissioner's Office

3. This plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as our department's Affirmative Action goals for this fiscal year.

Kocher Mullarky
Equal Opportunity Director

7-27-2006
Date

4. This plan contains clear designation of those persons and groups responsible for implementing the attached Affirmative Action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

Wendy Evers
Acting Commissioner

7-27-2006
Date

5. This annual plan meets the rules governing Affirmative Action, MCAR Chapter 3905.0600, statutory authority 43A.04, and contains the goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

DOER AA Coordinator

Date

II. COMMISSIONER'S STATEMENT OF COMMITMENT TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Minnesota Department of Employment and Economic Development (DEED), as an employer and a provider of public services, is firmly committed to applying the principles of affirmative action to promote equal opportunity and diversity. DEED fully supports the non-discriminatory provisions of the local, state and federal laws, rules and regulations that form the legal framework for equal opportunity and affirmative action.

Protected groups are defined by Minnesota Statute as women, minorities and persons with disabilities. We strongly support and will actively pursue a policy of affirmative action employment and retention for those areas in which we are experiencing an underutilization of members of these protected groups. We endorse affirmative action as a viable and proper approach to ensuring that DEED's workforce reflects the available work force as a whole.

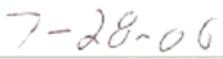
As the Acting Commissioner of DEED, I endorse the State of Minnesota's affirmative action efforts, and I am committed to the support of our own Affirmative Action Plan. It is DEED's policy that no one will be denied opportunity for participation in our programs or services, in employment, or promotion based on race, color, creed, marital status, status with regard to public assistance, disability, sexual orientation, age, religion, national origin, sex, or membership in a local Human Rights Commission. DEED's policies and practices are continuously reviewed to identify and eliminate any potential barriers to equal opportunity.

It is the responsibility of all DEED employees to promote and apply the principles of equal opportunity in their work and to cooperate fully with the Department's affirmative action initiatives. Affirmative action is one of the tools we use to achieve and sustain diversity. Thank you for joining me in my commitment to make DEED the best that it can be.

I have designated Kathy Mullarky, as our Equal Opportunity Director, with full oversight authority to develop, implement, and monitor compliance with, DEED's Affirmative Action Program. Employees or consumers who believe they have been subjected to discrimination should contact DEED's Office of Diversity and Equal Opportunity (ODEO) at (651)296-1823 or 651-282-5174 (TTY).



Ward Einess, Acting Commissioner



Date

Office of Diversity & Equal Opportunity
First National Bank Building, Suite E200 • 332 Minnesota Street • Saint Paul, MN 55101-1351
651-296-1823 • Fax: 651-296-8763 • TTY/FDD: 651-282-5174

An equal opportunity employer and service provider

III. RESPONSIBILITY, DUTIES AND ACCOUNTABILITY OF IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

Every employee of the Minnesota Department of Employment & Economic Development (DEED) is responsible for adhering to the Department's policies relating to affirmative action, equal opportunity and diversity. Furthermore, all employees are expected to demonstrate respect for each other, our customers, clients and stakeholders. Specific responsibilities and duties are delegated to various positions within the Department and are outlined below:

I. DEED's Commissioner

A. Responsibilities:

The Commissioner is responsible to oversee and ensure implementation and compliance of the Department's Equal Opportunity Policy and Affirmative Action Program and all existing federal and state laws, rules and regulations.

B. Duties:

- To appoint or designate the Equal Opportunity Officer(s) and review and assess what the Equal Opportunity Officer(s) issues pertinent to the Affirmative Action Plan.
- To include accountability for the administration of the Department's Affirmative Action Plan in his or her position description and in the position description of staff reporting directly to him/her.
- To require managers and supervisors to be responsible for affirmative action, equal opportunity, diversity, and non-discrimination principles in their annual objectives and hiring procedures.
- To take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
- To issue a written statement to all employees affirming support of the State's Equal Opportunity Policy and the Department's Affirmative Action Program.
- To make decisions and changes in policy, procedures, or reasonable accommodations as may be needed to facilitate effective Affirmative Action.

C. Accountability:

The Commissioner is accountable to the Governor, directly, and indirectly to the Commissioner of the Department of Employee Relations (DOER).

II. DEED's Equal Opportunity Officer(s)

A. Responsibilities:

The Equal Opportunity Officer(s) is responsible for developing and administering the Affirmative Action Plan, Equal Opportunity and Diversity programs and monitoring progress and results on behalf of the Commissioner of the Department of Employment and Economic Development (DEED).

B. Duties:

- To monitor the day-to-day activities of the Affirmative Action Program.
- To work in partnership with managers and supervisors to assist them in fulfilling their Affirmative Action and Equal Opportunity responsibilities.
- To advise the Commissioner on all matters related to Affirmative Action, Equal Employment Opportunity and Diversity.
- To investigate alleged discrimination complaints and submit written summary of the issues, findings, conclusions, and recommendations to the Commissioner, Human Resources Director and appropriate managers.
- To establish annual hiring goals and revise DEED's Affirmative Action Plan as required by the Minnesota Department of Employee Relations.
- To ensure that the Affirmative Action Plan is available to agency staff at several locations, in alternate formats and electronically.
- To oversee and monitor DEED's Pre-Hire Review process.
- To monitor employee exit surveys and to investigate complaints from those surveys that are believed to be based on the former employee's protected class status.
- To act as a liaison between DEED and the Office of Diversity and Equal Opportunity at the Department of Employee Relations.
- To determine the need for affirmative action, equal opportunity, and diversity training and to initiate the development of appropriate training programs.
- To provide Respect in the Workplace: Preventing Sexual Harassment, Americans with Disabilities Act (ADA) and Workforce Investment Act (WIA) Non-Discrimination and Equal Opportunity training for DEED and partner staff.
- To oversee system-wide implementation of the equal opportunity and non-discrimination elements of the Workforce Investment Act.
- To review DEED's policies, procedures, programs, and reasonable accommodations for persons with disabilities and to recommend changes to the Commissioner as the individual responsible for compliance with the Americans with Disabilities Act (ADA).
- To ensure all programs, services and activities of DEED are administered in an equitable manner adhering to all local, state, and federal civil rights legislation.
- To develop strategies aimed at the recruitment of protected class persons for employment, promotion, and training opportunities.
- To maintain contacts with protected group resources for recruitment purposes, and to hold membership in community organizations to keep abreast of new developments in the areas of affirmative action, equal opportunity, and diversity.
- To maintain records for reasonable accommodations, missed opportunities, and complaints of discrimination.
- To advise agency management of the requirement to provide contract assurances of equal opportunity and non-discrimination to vendors, grantees, partners and contractors.

C. Accountability

The Equal Opportunity Officer(s) are accountable to the DEED Commissioner, the Deputy Commissioner, and the Human Resources Director.

III. Directors, Managers, and Supervisors

A. Responsibilities:

Directors, managers and supervisors are expected to ensure compliance with DEED's Affirmative Action Program and Policies and to ensure fair and equal treatment of all employees.

B. Duties:

- To assist the Equal Opportunity Officer(s) in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- To recruit, hire, train and promote qualified protected class members where a disparity exists, and to ensure equal treatment in all aspects of employment for all employees.
- To communicate and demonstrate a personal commitment to the DEED's Affirmative Action Plan to all employees in their area(s) of responsibility.
- To utilize Equal Opportunity Officer(s) as consultants on Human Resource actions involving discipline and discharge of protected class employees.
- To assist and make recommendations to the Equal Opportunity Officer(s) in recruitment activities and to include recruitment activities for protected group individuals.
- To discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
- To include responsibility statements for Affirmative Action/Equal Employment Opportunity in employees' position descriptions and annual performance objectives.
- To ensure the Department's Affirmative Action Plan is communicated to all employees in their work unit.
- To include accountability for the implementation of this plan and related policies in the position description of all unit employees.
- To utilize the Department's Performance Development Communication (PDC) Process as set forth in the PDC Policy. See attached.

C. Accountability:

Supervisors and managers are accountable to their managers and directors and indirectly to DEED's Commissioner and Deputy Commissioner.

IV. Human Resources Director

A. Responsibilities:

The Human Resources Director is responsible to ensure that all personnel policies are administered equitably and are uniformly applied to all employees, and shall take positive action to remove all barriers to equal employment opportunity within the Department.

B. Duties:

- To provide leadership to the Human Resources staff and ensure their adherence to affirmative action principles in the decision making process for all personnel actions.

- To ensure that managers and supervisors support the pre-hire review process.
- To include the Equal Opportunity Officer(s) in the decision making process of some personnel actions including hiring, promotion, disciplinary actions, reallocation, transfer and termination, department and division-wide classification studies.
- To initiate and report on specific Affirmative Action Program objectives which are incorporated into the Affirmative Action Plan.
- To include responsibility statements for Affirmative Action/Equal Employment Opportunity in position descriptions and annual performance objectives.
- To aid in the recruitment of members of protected classes and notify managers and supervisors of existing disparities, at the time of the interview.
- To make available to the Equal Opportunity Officer(s) all records and all informational data necessary to perform Affirmative Action duties.
- To provide guidance in the development and utilization of selection criteria to ensure, to the extent possible, that it is objective, uniform, and job related.

C. Accountability:

The Human Resources Director is accountable to DEED's Commissioner and Deputy Commissioner.

V. DEED's Employees

A. Responsibilities:

All employees shall be responsible for conducting themselves in accordance with the policies and procedures of the Affirmative Action Plan. Employees will refrain from any actions which would adversely affect the performance of a co-worker with respect to their race, color, creed, religion, national origin, sex (including sexual harassment), marital status, public assistance status, disability, sexual orientation, age, or membership activity in a local Human Rights Commission.

IV. COMMUNICATION AND DISSEMINATION OF DEED's AFFIRMATIVE ACTION PLAN

DEED continues to be proactive in communicating and disseminating the Affirmative Action Plan. The following information describes the steps DEED is currently taking to relay the information and spirit of the Affirmative Action Plan both internally and externally.

Internal Dissemination

1. A copy of the Affirmative Action Plan is available at the DEED Commissioner's office, the Office of Diversity and Equal Opportunity, the Human Resources Director's office, and the DEED library.
2. The Affirmative Action Plan will be provided to each member of the Commissioner's Office and the Leadership Team.
3. The Affirmative Action Plan is available to all staff at all job sites and locations through the ODEO intraweb. This web site will be identified and highlighted by the Commissioner to all managers:

<http://intraweb.des.state.mn.us/support/odeo/AAPlan/AAPlan.html>

4. Statements and posters ensuring Non-Discrimination and Equal Opportunity are posted and conspicuously displayed in areas available to employees and consumers at all Minnesota WorkForce Centers and DEED locations. ODEO oversees the currency of the posters.
5. The DEED Office of Diversity and Equal Opportunity publishes brochures that outline the Department's Discrimination Complaint Procedure and Sexual Harassment Policy. The brochures are available to all employees and consumers at all WorkForce Centers, DEED locations, Office of Diversity and Equal Opportunity and electronically at the ODEO intraweb address at:
<http://intraweb.des.state.mn.us/support/odeo/discrimination.html>
6. The Affirmative Action Plan will be available via the Internet and/or in print copy to anyone who requests it. The Office of Diversity and Equal Opportunity will supply the plan in full or in part, and it will be made available, on request, in alternative format.
7. The Office of Diversity and Equal Opportunity conducts a session during New Employee Orientation (NEO) that informs new employees of DEED about the Department's commitment to Affirmative Action and Equal Employment Opportunity. The session includes information the process to follow for requesting and/or providing a reasonable accommodation for a person with a disability, relevant policies, complaint procedures, and the services provided by ODEO. Supervisors orient new employees to the Affirmative Action Plan.
8. Affirmative Action and Equal Employment Opportunity policies and procedures are included in DEED's Policy and Procedures Manual. The Policy and Procedures Manual is updated biennially and is available on the DEED intraweb address at:
<http://intraweb.des.state.mn.us/ref/ppm/ppmhome.html>

External Dissemination

1. Statements and posters ensuring non-discrimination and equal opportunity are posted and conspicuously displayed in areas available to employees and consumers at all Minnesota WorkForce Centers, administrative offices and at other DEED locations. Examples of posters displayed include the ADA Public Notice, EEO is the Law, and the Workforce Investment Act (WIA) Compliance Public Notice. The WIA Compliance Public Notice is available in English and eight other languages. A complete list of all required employment law posters is available from DEED's Office of Diversity and Equal Opportunity (ODEO).
2. DEED encourages staff with recruitment responsibilities to recruit and refer qualified females, minorities and persons with disabilities for employment with the Department.
3. DEED's Office of Diversity and Equal Opportunity publishes brochures that outline the Department's Discrimination Complaint Procedure and its Sexual Harassment Policy. The brochures are available to all employees and consumers at all WorkForce Centers, DEED locations, Office of Diversity and Equal Opportunity and electronically at the ODEO intraweb address at:

<http://intraweb.des.state.mn.us/support/odeo/discrimination.html>

4. DEED ensures that all client forms, brochures, handouts, and advertising have Affirmative Action and/or Equal Employment and Service Provider Opportunity statements which reiterate the Department's Policy or commitment. Guidelines are available at DEED's Marketing Style Guide intraweb address:

<http://intraweb.des.state.mn.us/market/style/guidelin.htm#print>
5. All job postings and department letterhead include the statement "An equal opportunity employer and service provider."
6. All persons and organizations receiving grants or any funding from the Department are informed of the Affirmative Action and Equal Employment Opportunity policies and contract assurance requirements. The contract assurance requirements contain inclusion language identifying all state and federal civil rights legislation. The language is located at:
<http://www.deed.state.mn.us/wia/local/index.htm>¹
7. The Office of Diversity and Equal Opportunity will provide this Affirmative Action Plan to anyone who requests it, and it will be made available, on request, in an alternative format.
8. A copy of DEED's Affirmative Action Plan is provided to employee bargaining units, and the Plan will be available on DEED's ODEO external web site by November 1, 2006.

V. DISCRIMINATION COMPLAINT PROCEDURE

The Office of Diversity and Equal Opportunity has drafted a revision of the existing discrimination policy, which includes the complaint procedure. The proposed policy is written to include more definitions and takes a more clearly defined stance on retaliation and the responsibility of supervisors and managers in reporting discrimination and/or retaliation.

Both policies are included in this plan because the DRAFT version has not yet been approved. It is expected that the new policy or a similar version of it will be approved and disseminated to all DEED staff on or before October 1, 2006.

In addition to revising the existing discrimination policy, the Office of Diversity is recommending a separate Respectful Workplace Policy to address general harassment, and other inappropriate behaviors, which are not based on any protected class status.

¹ Click on Program Year 2006 - Local Planning Guidance - *FINAL Narrative*, and go to pp. 37-39.

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651.297.3410 (Voice); 651.282.5174 (TTY)

INTRODUCTION

This chapter provides guidelines for dealing with [discrimination](#), [discriminatory harassment](#), and other [inappropriate behaviors](#) in the Minnesota Department of Employment and Economic Development (DEED). The purpose of this policy is to ensure respectful work environments and services free of unlawful discrimination, harassment, and other inappropriate behaviors.

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

- Title VII of the Civil Rights Act of 1964, as amended
- American with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Equal Pay Act
- Chapter 363A of the Minnesota Human Rights Act

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

The same laws that prohibit discrimination and harassment based on protected class status also prohibit [retaliation](#) against individuals who oppose unlawful discrimination or participate in a discrimination proceeding.

This policy covers DEED consumers and any person, whether a paid employee, applicant for employment, intern, consultant, or contractor under management of DEED. Employees and consumers may request more information and assistance from the DEED [Office of Diversity and Equal Opportunity \(ODEO\)](#).

ODEO, in conjunction with the DEED Training and Learning Resources Office, offers training on preventing and responding to discrimination in the workplace. All DEED employees must attend this training once **every five years**.

POLICY

DEED prohibits discrimination, harassment, and other inappropriate behaviors against any employee, applicant, person eligible for consideration of employment, contractor, volunteer, member of a community board, or a consumer because of [race](#), [color](#), [creed](#), [religion](#), [national origin](#), [sex](#), [marital status](#), [status with regard to public assistance](#), membership or activity in a [local human rights commission](#), [disability](#), [sexual orientation](#), or [age](#). This includes both overt acts and those acts that create an intimidating, offensive, or hostile work environment. These prohibitions extend to any location, activity, or event associated with DEED or its employees in their capacity as representatives.

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

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

It is the responsibility of any DEED employee involved in an investigation to participate by providing truthful, accurate, and complete information.

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

COMPLAINTS

For the purposes of this policy, a complaint is a dispute or disagreement raised by an employee, applicant, person eligible for consideration for employment, contractor, volunteer, member of a community board, or consumer. The alleged action must be attributed to discrimination based on a person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age.

The complaint procedure may be used by any of the above-cited people a) whose dispute or disagreement is based on the belief they have been discriminated against, harassed, or otherwise treated inappropriately; or b) who believe they are the victim of retaliatory action by a DEED employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

GENERAL PROVISIONS

- In the course of a complaint, all documentation associated with the complaint will be considered confidential; the status of the complaint, however, is public.
- Coercion, reprisal, or intimidation against those filing a complaint (the "complainant") or serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional charge of discrimination.
- ODEO has the discretion to accept a complaint after termination of employment.
- Complaints usually will not be investigated while the matter is being simultaneously pursued through other internal grievance and/or appeal processes.
- The complainant, through an equal opportunity officer or the Commissioner, will be advised of his or her right to file a charge of discrimination--within 365 days after the occurrence--with administrative agencies such as the Minnesota Department of Human Rights or within 300 days with the Equal Employment Opportunity Commission; or to file with an attorney in private practice.
- Regardless of the outcome of an investigation, DEED will take no adverse or retaliatory action against a complainant who reports conduct she or he considers to be a violation of DEED's policy against discrimination and discriminatory harassment.

COMPLAINT PROCESS

A DEED employee with concerns about discrimination, harassment, or other inappropriate behaviors may make a complaint to his or her direct supervisor. If the employee's supervisor is the person perceived to be engaging in unlawful discrimination, harassment, or other inappropriate behavior(s), or the employee is otherwise not comfortable reporting the incident(s) to his or her supervisor, the employee may go to her or his next-higher supervisor, manager, director, an equal opportunity officer, human resources personnel, or the Commissioner.

All complainants, including consumers of DEED's services, applicants for employment, interns, consultants, or contractors under management of DEED may, at any time, present complaints directly to a DEED program director, an equal opportunity officer, or the Commissioner.

Filing and Processing a Complaint:

Who	Step	What
Complainant	1	May initiate a complaint in person, over the phone, or in writing. Provide all supporting evidence; sign a written charge; and submit any requested materials, which may include a completed intake questionnaire, to the equal opportunity officer. Complaints must be brought within one year after the last occurrence of the alleged discriminatory act.
Equal Opportunity	2	Determine, within 30 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination against the

Officer	individual's protected class characteristic and if the complaint is timely and proper for resolution through this complaint procedure.
	<ul style="list-style-type: none"> • If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3. • If it is determined that the complaint is not related to discrimination, but rather general harassment or other issues, refer it to the complainant's supervisor, the Human Resources Office, the site manager, or the proper administrative agency for investigation. • If the complainant is suffering irreparable harm in the absence of immediate action, the equal opportunity officer, the Human Resources director, or the Commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.
Equal Opportunity Officer	<p>3 Investigate the complaint within sixty (60) business days of determining jurisdiction. This may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.</p>
Equal Opportunity Officer	<p>4 Upon completion of the investigation, prepare a written report determining whether or not the complaint was substantiated.</p>
	<p>Present written report to Human Resource Director and other appropriate management staff.</p>
	<p>Provide a written notification to the complainant and the respondent at the conclusion of the investigation, and to the extent possible, under the Minnesota Data Practices Act, that action has been taken.</p>
	<p>Inform complainant of his or her right to file an appeal under this procedure or to file a complaint with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or the appropriate court(s).</p>
Human Resources and Appropriate Management Staff	<p>5 Review the investigation report and, if deemed necessary, take proper corrective action, up to and including discharge, when the investigative findings give merit to the allegations in the complaint.</p>

Management is responsible for corrective and disciplinary action, follow-up inquiries, and any training that is necessary.

The investigative file stays in ODEO. The file is confidential and kept separate from an employee's personnel file; it can only be accessed as permitted by the Minnesota Data Practices Act.

APPEAL PROCESS

If the disposition of the complaint is not satisfactory to the complainant or respondent, either party may appeal the decision to the Commissioner in writing within ten (10) business days following notification of the disposition of the complaint.

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

EXTERNAL OPTIONS

Any employee, applicant, person eligible for consideration for employment, contractor, volunteer, member of a community board, or consumer may file a discrimination complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, the Department of Labor's Civil Rights Center, or an appropriate court of law.

DEFINITIONS

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

Color: The general appearance of one's skin; skin pigmentation.

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

Discrimination: Conduct that segregates, treats differently, or impacts a employment or provision of service decision(s) on the basis of an individual's protected class characteristic i.e., race, color, creed, religion, national origin, sex (including pregnancy and childbirth status; and sexual harassment), marital status, status with regard to public assistance, disability, sexual orientation, age, or membership in a Human Rights Commission.

Discriminatory Harassment: A repeated, blatant, or persistent pattern of verbal, psychological, social, or physical action which results in intimidation, ridicule, entrapment, degradation, coercion, or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. Behavior that unreasonably creates an intimidating, hostile, or offensive work environment among co-workers or between supervisors and subordinates **and** is based on a protected class characteristic. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, demeaning, or insulting remarks; repeated jokes about an employee or a characteristic unique to the employee; or sabotage of an employee's character, reputation, work efforts, or property.

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

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

Local Human Rights Commission: An agency of a city, county, or group of counties created pursuant to law or a resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with [discrimination](#) on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

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

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

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

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

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

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

Sex: The condition or character of being female or male; includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

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

Examples of sexual harassment may include:

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

Sexual Orientation: The real or perceived inclination of an individual with respect to heterosexual, homosexual, and bisexual behavior.

Status with Regard to Public Assistance: The condition of being a recipient of federal, state, or local assistance--including medical assistance--or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

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INTRODUCTION

This chapter provides guidelines for dealing with discrimination in the Minnesota Department of Employment and Economic Development (DEED). The purpose of this policy is to provide work environments free of unlawful discrimination.

Discrimination because of, based on, or directed at an individual's protected class characteristic is a violation of:

- Title VII of the Civil Rights Act of 1964, as amended
- American with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Equal Pay Act
- Chapter 363A of the Minnesota Human Rights Act

All employees should be informed that harassment based on discrimination is unacceptable behavior, and each employee is responsible for the application of this policy. This policy covers DEED consumers and any person, whether a paid employee, applicant for employment, intern, consultant, or contractor under management of DEED.

Employees and consumers may request more information and assistance from the DEED Office of Diversity and Equal Opportunity (ODEO). ODEO, in conjunction with the DEED Training and Learning Resources Office, offers training on preventing sexual harassment; employees must attend this training at least once **every five years**.

DEFINITIONS

Discrimination: To segregate, treat differently, or make an employment decision on the basis of an individual's protected class characteristic, i.e., race, color, creed, religion, national origin, sex (including pregnancy and childbirth status; and sexual harassment), marital status, status with regard to public assistance, disability, sexual orientation, age, or membership in a Human Rights Commission.

Discriminatory Harassment: A repeated, blatant, or persistent pattern of verbal, psychological, social, or physical action which results in intimidation, ridicule, entrapment, degradation, coercion, or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. Behavior that unreasonably creates an intimidating, hostile, or offensive work environment among co-workers or between supervisors and subordinates **and** is based on a protected class characteristic. Discriminatory harassment may take these forms: repeated disparaging, belittling, demeaning, or insulting remarks; repeated jokes about an employee or a characteristic unique to the employee; or sabotage of an employee's character, reputation, work efforts, or property.

Local Human Rights Commission: An agency of a city, county, or group of counties created pursuant to law or a resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

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

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

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

NOTE: The Minnesota Human Rights Act defines a "qualified person with a disability" as: 1) with respect to employment, a person with a disability who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and 2) with respect to public services, a person with a disability who, with or without reasonable modifications to rules, policies, or practices; removal of architectural, communications, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services and for participation in programs and activities provided by the public service. For this purpose, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

Religion: A commitment or devotion to a religious faith or observance. Religion includes all aspects of religious observance, practice, and belief. An employer is obligated to reasonably accommodate

the religious observances or practices of employees and applicants, unless to do so would cause an undue hardship on the context of its business.

Sexual Harassment: A form of discriminatory harassment that includes unwelcome behavior of a sexual nature such as requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- 1) Submission to that conduct or communication is made either explicitly or implicitly a term or condition of obtaining employment, public accommodations, or public services; or
- 2) Submission to, or rejection of, that conduct or communication is used as a factor in decisions affecting employment, public accommodations, or public services; or
- 3) That conduct or communication has the purpose or effect of substantially interfering with employment, public accommodations, or public services; or creating an intimidating, hostile, or offensive environment when obtaining employment, public accommodations, or public services; and in the case of employment, the employer knows or should know of the existence of the discriminatory harassment and fails to take timely and appropriate action.

Examples of sexual harassment may include:

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

Sexual Orientation: Having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person; or having or being perceived as having an orientation for such attachment; or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

Status with Regard to Public Assistance: The condition of being a recipient of federal, state, or local assistance--including medical assistance--or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

POLICY

DEED prohibits discrimination against any employee, applicant, person eligible for consideration of employment, contractor, volunteer, member of a community board, or a customer because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance,

membership or activity in a local human rights commission, disability, sexual orientation, or age. This includes both overt acts of harassment and those acts that create an intimidating, offensive, or hostile work environment. These prohibitions extend to any location, activity, or event associated with DEED or its employees in their capacity as representatives.

DEED will ensure and maintain an environment that is free of discrimination and discriminatory harassment. Application of this policy is the responsibility of each manager, supervisor, and employee. Violation may constitute grounds for disciplinary action, up to and including discharge. Each situation will be evaluated on individual circumstances and severity.

COMPLAINTS

For the purposes of this policy, a complaint is a dispute or disagreement raised by an employee, applicant, person eligible for consideration for employment, contractor, volunteer, member of a community board, or customer. The allegation must be based on discrimination.

The complaint procedure may be used by any of the above-cited people a) whose dispute or disagreement is based on the belief they have been discriminated against; or b) who believe they are the victim of retaliatory action by a DEED employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

GENERAL PROVISIONS

- In the course of a complaint, all documentation associated with the complaint will be considered confidential; the status of the complaint, however, is public.
- Coercion, reprisal, or intimidation against those filing a complaint (the "complainant") or serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional charge of discrimination.
- ODEO has the discretion to accept a complaint after termination of employment.
- Complaints usually will not be investigated while the matter is being simultaneously pursued through other internal grievance and/or appeal processes.
- The complainant, through the equal opportunity officer or the commissioner, will be advised of his or her right to file a charge of discrimination--within 365 days after the occurrence--with administrative agencies such as the Minnesota Department of Human Rights or within 300 days with the Equal Employment Opportunity Commission; or to file with an attorney in private practice.
- Regardless of the outcome of an investigation, DEED will take no adverse or retaliatory action against a complainant who reports conduct she or he considers to be a violation of DEED's policy against discrimination.

COMPLAINT PROCESS

Individuals who have a concern about discrimination may make a complaint to his or her direct supervisor. If the employee's supervisor is the person perceived to be engaging in unlawful discrimination, the employee may go to her or his next-higher supervisor, manager, director, ODEO,

Human Resources personnel, or the commissioner. Complainants may at any time present complaints directly to a DEED program director, the equal opportunity officer, or the commissioner.

This is the complaint process:

Who	Step	What
Complainant	1	At the time of filing, complete an intake questionnaire, available from ODEO. Provide all supporting evidence; sign a written charge; and submit the materials to the equal opportunity officer. Complaints must be brought within one year after the last occurrence of the alleged discriminatory act.
Equal Opportunity Officer	2	<p>Determine, within 30 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination against the individual's protected class characteristic and if the complaint is timely and proper for resolution through this complaint procedure.</p> <ul style="list-style-type: none"> • If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3. • If it is determined that the complaint is not related to discrimination, but rather general harassment or other issues, refer it to the complainant's supervisor, the Human Resources Office, the site manager, or the proper administrative agency for investigation. <p>NOTE: If the complainant is suffering irreparable harm in the absence of immediate action, the equal opportunity officer, the Human Resources director, or the commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.</p>
	3	Investigate the complaint. This may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.
		Note: It is the responsibility of any DEED employee involved in an investigation to participate by providing truthful, accurate, and complete information.
	4	Upon completion of the investigation, prepare a written report determining if the complaint was sustained. The claim may also be dismissed as unsubstantiated due to a lack of evidence to conclude that discrimination has occurred.
Appropriate Management Staff	5	Review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the complaint allegations.

A written determination of the investigative findings will be provided to the complainant and respondent at the conclusion of the investigation. Management is responsible for corrective and disciplinary action, follow-up inquiries, and any training that is felt necessary.

The investigative file stays in ODEO. The file is confidential and kept separate from an employee's personnel file; it can only be accessed as permitted by the Minnesota Data Practices Act.

APPEAL PROCESS

If the disposition of the complaint is not satisfactory to the complainant or respondent, either party may appeal the decision to the commissioner in writing within ten workdays following notification of the disposition of the complaint.

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

EXTERNAL OPTIONS

Any employee, applicant, person eligible for consideration for employment, contractor, volunteer, member of a community board, or customer may file a discrimination complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, the Department of Labor's Civil Rights Center, or an appropriate court of law.

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Issue Date: 09/04

VI. GOALS AND TIMETABLES

The analysis method used in this Affirmative Action Plan adopts the federal and state two-factor analysis method. The two-factor analysis considers the following:

- The placement of women, minorities, and individuals with disabilities with requisite skills in the reasonable recruitment area. The reasonable recruitment area is defined as the geographical area from which the employer either usually or may reasonably seek candidates to fill vacancies (External factor).
- The percentage of women, minorities and individuals with disabilities among those individuals who may be promoted, trained or transferred from within the organization (Internal factor).

Placement goals are based on the results of the two-factor analysis.

Goal considerations reflect department funding priorities, hiring in FY 2006-2008, and employees returning from layoff.

**STATEWIDE
GOALS AND TIMETABLES for DEED**

EEO Job Group	Women			Minorities			People with a Disability		
	Number Underutilized	Goal	Timetable	Number Underutilized	Goal	Timetable	Number Underutilized	Goal	Timetable
Officials and Administrators	0	–	–	3	3	2008	3	3	2008
Professionals	0	–	–	0	–	–	24	24	2008
Technicians	2	2	2008	0	–	–	0	–	–
Protective Services	–	–	–	–	–	–	–	–	–
Paraprofessionals	–	–	–	–	–	–	–	–	–
Office/Clerical	0	–	–	5	5	2008	10	10	2008
Skilled Craft	0	–	–	0	–	–	0	–	–
Service Maintenance	1	1	2008	1	1	2008	0	–	–

VII. STRATEGIC OBJECTIVES

Mission:

The Minnesota Department of Employment and Economic Development's mission is to support the economic success of individuals, businesses and communities by improving opportunities for growth. DEED has created equal employment opportunity, affirmative action and diversity strategic objectives and activities that are an integral part of that mission and are incorporated into all aspects of the agency's operations.

OBJECTIVE I	Examine the current status of DEED's employment of minorities, women, and staff with disabilities as a means of identifying issues in Equal Employment Opportunity.
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Purpose: To identify job classifications where underutilization exists and work towards attaining a workplace that represents the composition of its community.

Action Steps:

1. Review the Department's annual placement goals and determine courses of action to meet those goals.
2. Determine a timeline within which to meet the Department's annual placement goals.
3. Review the goals and timelines annually in order to determine if progress has been made.

Responsibility: Equal Opportunity Officer(s) and Human Resources staff.

OBJECTIVE II	Work with HR staff to successfully implement the Pre-Hire Review Process.
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Purpose: Review supervisory hiring protocol with Human Resources staff.

Action Steps:

1. Promote the Pre-Hire Review Process.
2. Educate supervisors, managers and Human Resources staff about the Pre-Hire Review Process to ensure consistent application of the process.
3. Work with Human Resources staff to train supervisors on the Pre-Hire Review Process.
4. Solicit feedback from Supervisors, Managers and Human Resources staff.
5. Monitor the Pre-Hire Review Process.

Responsibility: Equal Opportunity Officer(s), Human Resources Director, and Human Resources staff.

OBJECTIVE III	Implement DEED's Workforce Plan
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Purpose: To provide agency managers with the tools to develop workforce planning strategies within their assigned program area(s), and to provide an overview of the agency demographics and current and future staffing needs to include: staff turnover trends, personal

demographics (e.g., age, years of services), work demographics (e.g., classification, work location), competencies needed to meet future staffing needs, and significant changes in agency business operations that impact staffing needs.

Action Steps:

1. Assess future workforce demand.
2. Determine the supply to meet expected demand.
3. Determine gaps between supply and demand.
4. Include Workforce Planning as a key component of DEED's Strategic Plan.
5. Division Directors work with the Human Resources Office to develop workforce planning strategies for their individual work forces.
6. Human Resources will provide regular examination of the employee population for trends in age, turnover and use of classifications.
7. Assess training and development needs and continue to offer relevant opportunities for current and future leaders.
8. Implement strategically focused recruitment strategies where necessary.
9. Research and pursue options through the State's bargaining process with its labor organizations affecting terms and conditions of employment. ????
10. Engage individual employees to be actively involved in their own career planning and development.

Responsibility: Executive Leadership, Managers, Supervisors, Equal Opportunity Officer(s), Human Resources staff, all DEED employees.

OBJECTIVE IV	Expand DEED's recruiting and hiring practices.
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Purpose: To provide Human Resources staff, supervisors and managers with alternative resources to recruit and hire according to affirmative action and equal employment opportunity precepts.

Action Steps:

1. Review the Department's hiring process (i.e., multisourcing).
2. Work with Human Resources staff to update the recruitment plan.
3. Review the hiring process with managers and supervisors.
4. Monitor the hiring process through the use of the Pre-Hire Review process.
5. Partner with other state agencies in recruitment efforts.
6. Provide regional recruitment and outreach resources for supervisors and managers.
7. Conduct outreach activities with special interest councils.
8. Promote Disability Mentoring Day throughout DEED and the State.

Responsibility: Equal Opportunity Officer(s) and Human Resources staff.

OBJECTIVE V	Affirmative Action Education
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Purpose: To communicate an understanding of the definitions and guidelines regarding diversity, persons with disabilities, the reasonable accommodation process, discrimination, sexual harassment and to further an awareness and understanding of the Americans with Disabilities Act, the Rehabilitation Act, the Workforce Investment Act, the Minnesota Human Rights Act, and Title VII of the Civil Rights Act of 1964.

Action Steps:

1. Provide an overview of the Affirmative Action Plan for supervisors. Provide specific information about components of the Plan for which supervisors will be held accountable.
2. Emphasize to supervisors and managers their role in implementing the Affirmative Action Plan, fostering diversity and respect in the workplace, and creating an atmosphere that contributes to retention of protected group members.
3. Deliver ongoing training to all employees, managers and supervisors in employment issues under the ADA, including reasonable accommodations.
4. Conduct sessions during New Employee Orientation (NEO) that inform new employees of DEED about the Department's commitment to Affirmative Action and Equal Employment Opportunity and of the services provided by ODEO.
5. Revise and update ADA training and education plan for DEED and partner staff.
6. Continue to provide Preventing Sexual Harassment training to all DEED employees, managers and supervisors, and partner agencies.
7. Provide ongoing training for all staff, supervisors, managers, and partners regarding the non-discrimination and equal opportunity provisions of WIA section 188.
8. Continue to update policies, brochures, posters and media information to disseminate to all staff.
9. Work with the Department of Employee Relations to identify educational opportunities and resources that agency staff can access to learn more about issues related to Affirmative Action.
10. Provide quarterly reports of hiring successes to agency managers and supervisors that indicate agency affirmative hiring efforts.
11. Develop and deliver a quarterly electronic newsletter to provide all staff information regarding important decisions and recent trends in Civil Rights law. The Equal Opportunity Officer(s) also make themselves available to managers and supervisors to speak to staff about any matters pertaining to civil rights and/or affirmative action.

Responsibility: Equal Opportunity Officer(s), supervisors, managers, Human Resources, and Training and Learning Resources Office trainer.

OBJECTIVE VI	Promote and create a respectful workplace
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Purpose: To continue to clarify behavioral expectations within the agency through training, written documents, and other forms of communication so all employees understand the parameters for their interactions with one another.

Actions Steps:

1. Explore Communication and Human Relations Skills training to enhance Department employees' ability to work respectfully and effectively with others.
2. Include the Department's mission and guiding values statement in New Employee Orientation packets. This document provides guidelines on how employees are expected to value one another and the Department's internal and external customers.
3. Deliver "Respect in the Workplace: Preventing Sexual Harassment" training to all staff with a special module for managers and supervisors.
4. Develop a Department wide Diversity Team.
5. Take appropriate action when employees behave inappropriately toward other employees, partners, or consumers.

Responsibility: Equal Opportunity Officer(s) and Diversity Team members.

OBJECTIVE VII	Review DEED's separation patterns to address disparity issues
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Purpose: To determine reasons for separation and how those reasons impact protected group members.

Action Steps:

1. Review quarterly separation reports produced by Human Resources staff.
2. Review Exit Surveys and report findings to Human Resources Director and Commissioner.
3. Report ODEO investigative findings and make recommendations to Human Resources Director and Commissioner.

Responsibility: Equal Opportunity Officer(s), Human Resources Director and HR Staff.

OBJECTIVE VIII	Implement the Performance Development Communication Process
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Purpose: To assist supervisors and employees in understanding what is required in a particular position, how the employee is doing in regard to job expectations and developing a plan for future training and career growth.

Action Steps:

1. Develop training modules to assist DEED staff in administering the process.
2. Implement the process.
3. Train managers and supervisors on elements of the review process.
4. Review the process for effectiveness as a communication tool.

Responsibilities: Human Resources Director, HR Staff, DEED Training & Resources Unit.

OBJECTIVE IX	Develop new, agency-wide diversity and affirmative action initiatives
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Purpose: To assist in meeting equal opportunity and non-discrimination program goals and objectives throughout the Department.

Action Steps:

1. Establish an agency-wide Diversity Team to ensure that diversity is fully utilized within DEED and by Minnesota's employers. This team will work to ensure that DEED: provides a workplace that celebrates individual differences and promotes understanding among staff; recruits and retains a diverse workforce; provides accessible sites, services and programs to its customers statewide; and supports Minnesota employers in the achievement of their diversity missions and employment goals.

2. Review, revise, disseminate, and provide orientation/training on proposed Limited English Proficiency (LEP) Policy and Plan² for the agency.

Responsibility: Equal Opportunity Officer(s)

OBJECTIVE X	Keep abreast of EEOC, Department of Human Rights, Civil Rights Center, Department of Labor, Department of Justice, and Workforce Investment Act guidance, case law, statutory requirements, procedures, and trends within the field of Civil Rights.
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Purpose: To ensure that Equal Opportunity Officers remain competent and well informed as a resource for all DEED and partner staff.

Action Steps:

1. Regularly review information from the Fair Employment Practice Agencies' websites for updates.
2. Review DEED training manuals to ensure currency.
3. Regularly attend training conferences that address relevant ODEO issues. Training conferences include: Minnesota Human Rights Day and Forum, Minnesota Continuing Legal Education Employment Law Institute, WorkForce Investment Act Equal Opportunity Officer(s) Training and others.
4. Maintain contact with DOER for guidance and questions on pertinent ODEO topics.
5. Actively participate in Alliance for Cooperation & Collaboration in Employment & State Services (ACCESS), and collaborate with other state agencies to achieve common goals around recruiting and retaining a diverse workforce.
6. Maintain contact with Department of Labor/Civil Rights Center on pertinent Equal Opportunity and Non-discrimination issues.

Responsibility: Equal Opportunity Officer(s)

VIII.A - METHODS OF AUDITING, EVALUATING & REPORTING PROGRAM SUCCESS

DEED will evaluate its progress in recruiting, hiring and retaining a diverse workforce in the following ways:

- The Equal Opportunity Officer(s) will review and keep a record of all missed opportunities and affirmative hires.
- The Equal Opportunity Officer(s) will provide DOER with a quarterly report of all missed opportunities.

² The purpose of this plan is to ensure meaningful access to information and services to DEED's consumers with Limited English Proficiency (LEP). In response to rapidly changing demographics, including an increase in individuals with LEP statewide, the Office of Diversity and Equal Opportunity is committed to this plan as a timely and appropriate response to meeting the needs of Minnesota businesses.

- The Equal Opportunity Officer(s) will review with the Human Resources Director the DEED hiring and separation patterns and provide the DEED Commissioner with periodic updates.
- The Office of Diversity and Equal Opportunity will issue quarterly reports on hiring and separation rates to agency leaders.
- Employment interview methods will be randomly reviewed to ensure that all selection criteria are objective and job related.
- A pre-review of lay-off decisions will be conducted to determine any adverse impact on protected group employees.
- Evaluations of all training will be conducted at the time of the training session to determine how well the intended objectives are met.

A. Procedure for Pre-Hire Review

DEED has incorporated DOER's Pre-Hire Review form into its own Pre-Hire Review Form. This form helps DEED include all participants in the process and evaluate the effectiveness of the hiring system.

MUST BE COMPLETED PRIOR TO HIRE DATE

Supervisor:			Date:	
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DEED Monitoring the Hiring Process Form

Recruitment and hiring data must be documented to ensure compliance with state and federal law and policy. Such data is also used for recruitment efforts and tracking of affirmative action goals.

A separate form must be completed for each vacancy being filled.

I. GENERAL INFORMATION (Shaded Areas to be Completed by HR Staff)

Job Classification and Job Code (example: PCS, Sr / 0859): <input type="checkbox"/> Classified <input type="checkbox"/> Unclassified	EEO Job Category:	Requisition Number (if none, use Position Number):
List or Non-List Appt SEMA4 Action/Reason Code (list):	Appointment Date:	Location Code _____

II. IDENTIFY UNDERUTILIZED PROTECTED GROUP(S) FOR THIS VACANCY (Check all that apply)

<input type="checkbox"/> Women	<input type="checkbox"/> Minorities	<input type="checkbox"/> Disability Status
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III. INDICATE RECRUITMENT CONDUCTED FOR THIS POSITION (Check all that apply)

<input type="checkbox"/> Newspapers	<input type="checkbox"/> Community Newspaper	<input type="checkbox"/> Community/Civic Organization
<input type="checkbox"/> Internet Job Boards	<input type="checkbox"/> Diversity-focused Internet Sites	<input type="checkbox"/> Employee Suggestions
<input type="checkbox"/> Colleges/University Posting	<input type="checkbox"/> Trade/Technical School Posting	<input type="checkbox"/> Workforce Center
<input type="checkbox"/> Job Fair	<input type="checkbox"/> DOER Website	<input type="checkbox"/> Professional Organization
<input type="checkbox"/> Diversity-focused Magazine/Journal	<input type="checkbox"/> Agency Website	<input type="checkbox"/> Disability/Minority Councils
<input type="checkbox"/> Direct Mailing		
<input type="checkbox"/> Other, please explain:		

IV. RECRUITMENT COSTS FOR THIS POSITION \$ _____

Cost of recruitment efforts identified in Section III (excludes staff time)

V. INDICATE WHO WAS INVOLVED IN THE RECRUITMENT (Check all that apply)

<input type="checkbox"/> Affirmative Action Officer	<input type="checkbox"/> Agency Recruiter	<input type="checkbox"/> Hiring Manager
<input type="checkbox"/> HR Staff	<input type="checkbox"/> DOER	<input type="checkbox"/> Other, Please explain: _____ (ei., partner, school representative)

VI. TOTAL NUMBER OF PEOPLE IN THE APPLICANT POOL

(Candidates who meet the minimum qualifications)

VII. CANDIDATES INTERVIEWED:

List the names of all candidates interviewed on the attached Interview List form and indicate requested data for each candidate.

VIII. NUMBER OF QUALIFIED PROTECTED GROUP MEMBERS IN THE APPLICANT POOL

Identify underutilized protected group(s) for this vacancy below.	# of protected group members in the Applicant Pool.	# of protected group members the agency attempted to contact.	# of protected group members responding to contact from agency.	# of protected group members who were interviewed.	# of protected group members who withdrew or declined job offer.
<input type="checkbox"/> Females					
<input type="checkbox"/> Minorities					
<input type="checkbox"/> People with Disability					

IX. Interview Process (Interview documentation must be retained **by the supervisor** for **one** year)
Describe the interview process you used for the vacancy

Single Interviewer – Name _____

Group Interview – Panel Members _____

Other - Describe _____

Additional Comments: _____

X. Name of Candidate Selected: _____

State briefly why this candidate was selected? _____

(attach additional pages if necessary)

If unclassified position, state how candidate meets qualifications for the position.

XI. Salary Justification: (If anticipating offering above minimum on initial hire or more than one step on promotion, approval required **prior** to final job offer)

Attach separate memo with rationale for salary request

XII. PRE-APPOINTMENT/EMPLOYMENT REVIEW PROCESS

Was the **pre-appointment/employment review process** followed, as stipulated in agency affirmative action plan?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, please explain:	

XIII. SIGNATURE BLOCK

Signature of Agency Human Resource Staff		Signature Affirmative Action Officer	
Date	Phone	Date	Phone

Comments:

XIV. JUSTIFIED The following reasons may apply if appointee is not a member of a protected group (women, minority or person with disability) for which there is an underutilization. Select a reason for each member of a disparate group.	OR	NON-JUSTIFIED
<p>Collective Bargaining agreement Provisions</p> <p><input type="checkbox"/> Contract/Plan provisions applied. Including, but not limited to: seniority, appointment from layoff, claiming, transfer/demotion in lieu of layoff or reassignment to avert a layoff. Explain: _____</p> <hr/> <p><input type="checkbox"/> Appointment made in order to comply with grievance, arbitration, or litigation settlement.</p> <p>Workers' Compensation/Disability</p> <p><input type="checkbox"/> Appointed workers' compensation employee or appointed individual with a disability as a reasonable accommodation (under A.P. 13.1).</p> <p><input type="checkbox"/> Unable to make reasonable accommodation for applicant's disability. Explain: _____</p> <hr/> <p>Human Resource, protected Group or Requirement Issues</p> <p><input type="checkbox"/> No members of disparate groups were in the Applicant Pool. There were (____) applicants in the pool who did not disclose their protected status.</p> <p><input type="checkbox"/> Member of disparate group failed to pass mandatory job requirements; such as: education, training, experience, certification/licensure, physical exam, or background check. Explain: _____</p> <hr/> <p><input type="checkbox"/> Member of disparate group did not respond to agency's contact, voluntarily withdrew their name, or were not interested in the position.</p> <p><input type="checkbox"/> The person selected was not a member of the disparate group, but was substantially more qualified than the candidates not selected. What Knowledge, Skills and Abilities made the appointee substantially more qualified? Explain: _____</p> <hr/> <hr/> <hr/>		<p><input type="checkbox"/> Missed Opportunity</p> <p>Explain: _____</p> <hr/>

INTERVIEW LIST

Candidates interviewed for position of _____

NAME	*SOURCE	DEED EMPLOYEE (Yes/No)	**DISPARATE GROUP	VETERAN (Yes/No)

*SOURCE: Enter the corresponding number of the candidate referral source:

1 = List from Multi Source Database 2 = Transfer 3 = Supervisory Recruitment 4= Other

**DISPARATE GROUP: If known, state if the candidate is a member of an existing disparate group for the vacancy identified in Section 1 of the Pre Hire form.
Use the following codes:

D = Disability F = Female R = Racial Minority

Supervisor: _____

Date: _____

VIII.B - AUDITING THE AFFIRMATIVE ACTION PROGRAM

To ensure that the goals and diversity objectives support DEED's commitment to affirmative action. The Equal Opportunity Officer(s) will retain records reflecting hires, current representation of protected groups, turnovers, and any discrimination complaints.

Action Steps:

The Equal Opportunity Officer(s) will evaluate the Affirmative Action Plan by:

1. Reviewing quarterly employment statistics, including data on applicants and employees who are members of protected class(es).
2. Review disciplinary actions taken during the past quarter to identify any discriminatory patterns within job class and bargaining units and location.
3. Review all discrimination complaints to determine if a discriminatory pattern exists within job class, bargaining units and locations.
4. Review interview process for positions in which there is a disparity.
5. Provide quarterly reports on agency hiring goals to management staff and the Commissioner.
6. Develop a quarterly turnover report to be provided to managers and supervisors. The report will assist in determining how successful selection and retention methods have been.

IX. EMERGENCY PROCEDURES

DEED

EMERGENCY PROCEDURES

PPM208

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INTRODUCTION

When an emergency situation occurs, it is important for Minnesota Department of Employment and Economic Development (DEED) employees to know what action to take. There are two basic types of emergencies which affect employee health and safety:

1. Environmental emergencies that affect everyone in the building, such as threatening weather, community disasters, fires, bomb threats, power outages, and other potentially dangerous situations; and
2. Medical emergencies that usually endanger only one person.

The policy in this chapter applies to all DEED offices, as does the procedure covering office closings. However, the section on "Central Office Plan" applies only to the Central Office. Specific emergency instructions for all other DEED offices can be found in each of those offices, posted in a conspicuous place.

Field office managers develop/update emergency procedures and plans in their work locations; the DEED human resources manager, along with building services personnel, does it for the Central Office.

DEFINITIONS

Building Alarm: The very loud, continuous horn sound heard throughout a building that signals an emergency. Instructions are provided by loudspeaker.

Civil Defense Siren: The siren sounded by local authorities to warn 1) that a tornado or other threatening weather is in the area, or 2) of some other dangerous situation outside.

Emergency Leave: Paid leave approved by the Department of Employee Relations (DOER) commissioner when a natural or man-made emergency threatens the health or safety of employees and results in unavailability of work until the emergency has passed.

Environmental Emergency: Any situation in which employees' health or safety might be endangered if they remained at their workstations.

Evacuation: A fast, orderly vacating of office space by all occupants. Sounding of a building alarm is the signal for an evacuation to begin. Stairways are used instead of elevators in a multi-storied building.

Medical Emergency: The sudden onset of a serious illness or injury to someone in a building.

POLICY

Each DEED work location must have a written set of emergency procedures and evacuation plans, and employees must have knowledge of, and are trained in, the emergency procedures applicable to the office in which they work.

EMERGENCY CLOSING OF OFFICES

Managers may temporarily close their offices if the health and safety of their employees/clients are threatened because of potential emergency conditions, but they may not authorize emergency leave without DOER's approval.

DOER-DECLARED EMERGENCIES

DOER may initiate the closing of state offices by officially declaring an emergency. Severe weather is the most-common situation that DOER declares to be an emergency requiring state office closings.

During severe weather, the DOER commissioner maintains direct contact with the Departments of Public Safety (which monitors the weather bureau, highway patrol, road crew operations, transit operations, and other emergency indicators) and Transportation. If the DOER commissioner decides that weather conditions are hazardous enough to declare an emergency, affected offices must close and emergency leave is authorized for those employees.

For a DOER-declared weather emergency:

- DOER updates its [website](#) to inform employees and the public of weather-related emergencies that result in closure of state government facilities.
- DOER provides an announcement to WCCO (830-AM) and WMNN (1330-AM) radio stations; KSTP, WCCO, and KARE television stations; and the Associated Press newswire.
- DEED's Human Resources Office also provides information via the IntraWeb homepage, e-mail, fax, or a phone information line (651.215.9020).
- Employees who have a hearing impairment should arrange a method by which their supervisors may notify them of emergency office closings (perhaps via a telecommunication device).

DOER monitors weather conditions throughout a poor-weather day and announces changes in the emergency designation if needed.

OTHER EMERGENCIES

This section covers situations that are not DOER-declared emergencies, but may still cause a manager to close an office for health or safety reasons. While managers may close offices at their own discretion, only the DOER commissioner can approve payment of emergency leave.

DEED managers should follow these steps for closing their offices and requesting approval of emergency leave:

- Determine whether to close the office due to emergency conditions; decision must be based on employee and client safety, not on whether emergency leave will be approved. (During severe weather conditions, be aware of local road conditions and be in contact with local law enforcement authorities regarding travel advisability before making a decision to close the office.)
- As soon as possible, contact Human Resources (651.296.3662) when closing the office to request emergency leave authorization.
- Notify the appropriate division director of decision to close office. Notify all office employees that office is closing. Notify the local news media as appropriate. Close the office.

- Try to contact scheduled clients to inform them of office closings. (And later, do not unnecessarily penalize clients who miss appointments because of the emergency conditions.)
- Remain at the office until the last employee has left.

Human Resources will notify the DOER commissioner that a DEED office has closed because of an emergency, request emergency leave approval for employees affected by the office closing, and inform the affected managers and supervisors of DOER's decision.

EMERGENCY LEAVE LIMITATIONS

These limitations regarding emergency leave are from DOER Administrative Procedure 5.4, "Time Off in Emergencies":

1. Employees who reported to work at the start of their normal shift and were sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
2. Employees who were required by the appointing authority to remain at work should not be paid for more than their regularly scheduled hours or the actual number of hours worked including overtime.
3. Employees on any approved sick or prearranged vacation leave shall not have such leave restored to their balances.
4. Employees on any approved leave without pay shall not be paid for this emergency leave time.
5. Employees who called in, on the day of the emergency, for vacation time, compensatory time, or leave without pay will be credited with emergency leave from the point of the declaration of the emergency, as defined by the commissioner of DOER, to the end of the regular shift.
6. Time is to be reported as "Other Paid Leave" on the DEED Daily Time Distribution Report and as "Other Authorized Leave Taken" with a comment on the emergency in the remarks section on the Employee's Biweekly Time Report.
7. No employee will receive more than 16 hours of emergency pay during any emergency situation unless the commissioner of DOER authorizes a longer period.

CENTRAL OFFICE PLAN

The rest of this chapter covers the Central Office's plan for responding to emergencies that affect Central Office employees located at the 1st National Bank Building.

GENERAL RESPONSIBILITIES

The Central Office has employees ("floor monitors") trained in DEED's emergency procedures who direct floor evacuations and help with other emergencies. Signage posted at prominent spots on each DEED floor displays evacuation maps and the names and phone numbers of emergency-related staff.

During building evacuations, any decision to dismiss DEED employees for the remainder of a day is made by (listed in descending order):

- DEED commissioner
- DEED deputy commissioner
- Any one of the DEED division directors
- DEED Human Resources director
- DEED Fiscal Management director.

At the Central Office, there is a core group of staff with specialized knowledge and training in emergency control operations to help ensure the safety of personnel and the security of the building. This group includes the 1st National Bank Building superintendent and security guards, the DEED Human Resources director, and DEED floor monitors. During evacuations, this group establishes a post at a predesignated location to direct activities.

Employees

- Know and follow all emergency procedures. All employees should have an [Emergency Procedures](#) handbook that should be kept close-at-hand. In the handbook, Attachment A includes a list of floor monitors and emergency floor plans; Attachment B identifies employees who can respond to CPR/AED (cardiopulmonary resuscitation/automated external defibrillator) emergencies.
- Know who the floor monitors are, and follow their instructions. Know where the fire extinguishers are located and how to use them. Respond immediately to sirens, alarms, or loudspeaker instructions.
- Attend all assigned training. NOTE: Employees trained in cardiopulmonary resuscitation (CPR) and other first-aid procedures should inform managers and others responsible for handling emergencies, as they may be asked to assist in emergency situations.
- Watch for dangerous situations and follow emergency procedures. Immediately inform the Building Office (225.3666) or the DEED building supervisor (297.4874) of any situation that is potentially dangerous, before the situation becomes an emergency.

Supervisors

- Know and follow all emergency procedures. Ensure that all employees have an [Emergency Procedures](#) handbook and follow emergency procedures. Inform new employees of emergency procedures.
- Notify DEED's Office of Diversity and Equal Opportunity (ODEO) of any employee requiring special assistance in emergency situations. With ODEO assistance, ensure that required emergency procedures are implemented for these situations.

- Ensure that all employees are notified of a decision to dismiss after a building evacuation.
- Keep an up-to-date file of personal medical emergency information on employees (but maintain data confidentiality). Have the file readily available in the work area; it could save valuable time during a medical emergency. Include relative or friend's name and phone number; physician's name and phone number; health insurance carrier; and hospital preference.
- Follow-up on reports of hazardous conditions.

Floor Monitors

- Go quickly to assigned station, if safe to do so, when alarm sounds.
 - Wear floor monitor identification.
 - Give clear and firm instructions to all employees/clients.
 - Ensure safety of employees with hearing or mobility impairment.
 - Once assigned area is cleared of people, report to designated evacuation area and follow instructions of emergency personnel.
- Attend training and provide necessary training to employees. Assist with any other emergency as needed.

DEED Human Resources Office

- Implement, and assist in maintaining and updating, emergency procedures. Notify the Building Office of any office changes. Update procedures as needed and notify all employees and the building's facilities and security staff of those changes. Keep postings and emergency procedures handbook up-to-date. Attend training.
- Train a back-up person. Appoint new floor monitors and coordinate their training as vacancies occur. Inform floor monitors of employees with hearing or mobility impairment; and establish individual plans, with back-up, for helping those employees leave the office area during an evacuation.
- For this or any other emergency that requires evacuation:
 - Notify DEED commissioner of emergency; recommend action.
 - Give instructions to floor monitors.
 - Supervise operation of emergency procedures.
- Conduct annual inspections to ensure protection equipment is operational.

PROCEDURES

Employees should follow the procedures covered in their [Emergency Procedures](#) handbook. Floor plans and evacuation maps are posted at prominent spots on each DEED floor. Automatic External Defibrillators (AEDs) are also available on each floor.

Evacuation plan for individuals with disabilities: Individuals using wheelchairs or mobility devices and others needing assistance with an emergency evacuation should notify their supervisors. ODEO will provide assistance in developing evacuation plans according to individual needs and preferences of available options. Some options would include the use of a buddy system and/or reporting to a designated "area of rescue" to wait for fire department or other emergency personnel. The only information an individual must

provide is the type of assistance needed; it will not be necessary to indicate the nature of the disability.

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Issue Date: 11/04

X. REASONABLE ACCOMMODATION

The Office of Diversity and Equal Opportunity is in the process of reviewing and revising DEED's reasonable accommodation policy. In particular, the focus of the revisions will be on making the process clearer to supervisors and to staff. This project will not be completed by the time this plan is submitted. The intended goal for having the approved, revised reasonable accommodation policy disseminated to staff is October 1, 2006.

The existing reasonable accommodation policy is attached.

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- Appealing Denials

[ADA Coordinator](#)

Contact Person: Kathy Mullarky (Kathy.Mullarky@state.mn.us)
651.297.3410 (Voice); 651.282.5174 (TTY)

INTRODUCTION

Section 504 of the Federal Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act; and the Minnesota Human Rights Act require state agencies to provide reasonable accommodation to people with disabilities.

The Minnesota Department of Employment and Economic Development (DEED) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to DEED's non-discrimination policy. While many individuals with disabilities can work without accommodations, other qualified applicants and employees face barriers to employment without the accommodation process.

DEED's reasonable accommodation policy covers all qualified employees and applicants for DEED employment; DEED program manuals provide specific policy and procedures for program participants. DEED's Americans with Disabilities Act (ADA) coordinator is responsible for implementation of this policy.

DEFINITIONS

Essential Functions: Tasks that are basic, necessary, or fundamental to accomplish the duties of the job. They may vary with individual job descriptions and include physical, mental, and interpersonal activities necessary to effectively achieve anticipated job performance.

Person with a Disability: For purposes of this policy, someone who:

1. Has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activities (example: a person who has epilepsy or bipolar disorder would be considered to have an impairment if substantially limited in a major life activity).
2. Has a record of such an impairment (example: a person has a history of cancer, heart disease, or psychiatric condition, whose illness is either cured, controlled, or in remission);

OR

3. Is regarded as having such an impairment (example: an individual with a facial scar who, despite having no limitations, is perceived and treated as a person with a disability).

Qualified Person with a Disability: A person with a disability who meets the necessary prerequisites for the job **AND** who can perform the essential functions of the job, with or without reasonable accommodation.

Reasonable Accommodation: 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 equal opportunity employment. Reasonable accommodation applies to three aspects of employment: 1) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a position; 2) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; and 3) modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment.

Examples of accommodations may include:

- a. Job restructuring, such as modifying work hours and/or changing marginal job duties while retaining the basic job functions.
- b. Job site modification, such as adjusting equipment height; rearranging furniture and equipment; widening doorways; and modifying or enhancing lighting systems.
- c. Additional equipment purchase or modification, such as "talking" calculators; one-handed keyboards; adjustable desks and storage files; TTY communication equipment; earphones; and audiovisual aids.
- d. Support services, such as interpreters and readers.
- e. Transfer to a vacant position.

These are NOT accommodations:

- a. Elimination of essential functions.
- b. Lower production standards.
- c. Provision of personal-use items such as glasses or hearing aids.

Undue Hardship: An action that is unduly costly, extensive, substantial, disruptive, or fundamentally alters the nature of the operation of DEED.

POLICY

DEED will reasonably accommodate qualified individuals with disabilities unless to do so would impose an undue hardship. Reasonable accommodations will be provided to individuals with disabilities when such accommodations are directly related to performing essential functions of a job or to enjoying equal benefits and privileges of employment.

PROCEDURES

NOTE: All tangible accommodations purchased by DEED are the property of the State of Minnesota. DEED will be responsible for maintenance of any equipment.

REQUESTING REASONABLE ACCOMMODATIONS

Qualified employees with disabilities should follow this procedure when requesting an adjustment or change at work because of a medical condition. Qualified applicants for DEED employment must be advised of the availability of reasonable accommodation when contacted about a job opening; they should be assisted in processing a request.

This is an interactive process and requires participation by both the individual with a disability and the supervisor. It may be ongoing and require periodic reviews to determine the effectiveness of the accommodations implemented.

Who	Step	What
-----	------	------

NOTE: The ADA coordinator may be contacted by either party to help facilitate the process and/or provide technical assistance at any step in the process.

Requestor	1	Inform the supervisor of a need for an adjustment or change at work because of a medical condition. Complete a Reasonable Accommodation Request form and give it to the supervisor (or give it directly to the ADA coordinator, who would then perform the "supervisor" role in the steps identified below).
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NOTE: Submitting a medical provider's recommendation may be the starting point for this process; however, that recommendation might not be the accommodation implemented.

Supervisor	2	If certain the requestor's medical condition meets the definition of disability (the prerequisite for the requestor to be entitled to reasonable accommodation), proceed to Step 3.
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If not certain the requestor's medical condition meets the definition of disability, contact the ADA coordinator for a determination of coverage. If the disability is not obvious, the ADA coordinator may ask the requestor to provide reasonable documentation (NOT a medical history) or sign a limited release of medical information. This determination is essential to the process.

Supervisor
and
Requestor

- 3 Once a determination is made that the requestor's medical condition meets the definition of disability, discuss the requestor's duties and identify:
 - The essential functions.
 - How the current duties are performed.
 - Which essential functions cannot be fully performed.
 - Barriers to successful completion of essential functions.
 - How the impairment affects the job. Medical information may be helpful in identifying functional limitations and the effect of the impairment on job duties; the requestor must complete a [Reasonable Accommodation Medical Release](#) form and give it to the supervisor or the ADA coordinator so the medical provider can be contacted.
 - Potential accommodations (assess their effectiveness in allowing the requestor to perform the essential functions of the job and whether they are reliable and can be provided in a timely manner; look at all possibilities and at all resources, including the "[Job Accommodation Network](#)").

NOTE: Any medical documentation must be collected and maintained on separate forms and in separate files. Medical information is shared only on a limited basis with specific supervisors, managers, or first aid and safety personnel.

Supervisor

- 4 Make a decision whether to approve the request.
 - a) If approving the request:
 - Select the accommodation that is effective and appropriate for both the requestor and DEED (while a requestor's preference will be given consideration, it is the supervisor's decision to make; DEED reserves the right to select among equally effective accommodations and may choose the one that is less expensive or easier to provide).
 - Document the steps that lead to the decision.
 - Send a copy of the approved request and all supporting documentation to the ADA coordinator, who maintains a record for reporting purposes. The ADA coordinator may review the selected accommodation with the supervisor. The ADA coordinator also completes a [Reasonable Accommodation](#)

[Agreement](#) with the requestor and the supervisor; this is a required step.

- Implement the accommodation.

b) If denying the request:

- Complete "PART B" of the Reasonable Accommodation Request form.
- Send the form and all related documentation to the ADA coordinator for review. The ADA coordinator will help facilitate a resolution with the supervisor. If the supervisor and the ADA coordinator reach agreement, the requestor will be notified of a final decision (if it results in a denial of the request, the requestor will be informed of the appeal process).

c) If unable to make a definitive decision, for whatever reason:

- Send the request form and all related documentation, along with comments or a recommendation, to the ADA coordinator, who will help facilitate a resolution with the supervisor. If the supervisor and the ADA coordinator cannot make a definitive decision, for whatever reason, the ADA coordinator will submit all documentation to the appropriate management level for review and discussion.

ADA
Coordinator
and
Requestor

- 5 If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, work together to determine whether reassignment may be an appropriate accommodation; this is considered **only** when no other accommodation is available.

DEED may look at transfer, mobility, appointment, noncompetitive, and competitive opportunities (per Minn. Stat. § 43A). DEED is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

APPEALING DENIALS

Qualified persons with disabilities who are denied reasonable accommodation may appeal the decision by filing a written complaint with the DEED ADA coordinator. The DEED commissioner will make a final agency decision on all requests not resolved at the supervisor/manager level. Further appeals are processed through other governmental agencies such as the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission.

For more information on the appeal process and for answers to any questions about reasonable accommodation, call the ADA coordinator (see below).

ADA COORDINATOR

The DEED ADA coordinator is:

Kathy Mullarky
Department of Employment and Economic Development
Office of Diversity and Equal Opportunity
1st National Bank Building
332 Minnesota Street, Suite E200
St. Paul, MN 55101-1351
651.297.3410 (voice)
651.282.5174 (TTY)
651.296.8763 (fax)
kmullarky@state.mn.us (e-mail)

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Issue Date: 09/04

REASONABLE ACCOMMODATION REQUEST

Minnesota Department of Employment and Economic Development
1st National Bank Building, Suite E200
332 Minnesota Street
St. Paul, MN 55101-1351

PART A (to be completed by the Requestor. Attach additional sheets for answers if necessary).

REQUESTOR NAME: _____ DATE: _____

CLASSIFICATION: _____ LOCATION: _____

1. What is the nature and duration of your medical condition?
2. What major life activity (or activities) is substantially limited?
3. How is this activity limited?
4. What essential function(s) does your medical condition prevent you from performing?
5. What accommodation(s) are you requesting in order to perform the essential function(s)?
6. Why is the requested accommodation necessary to perform the essential job function?

I understand that all tangible accommodations purchased are the property of the State of Minnesota.

Signature _____ Date _____

PART B (to be completed by the person--supervisor or higher-level--who makes the final decision on the request)

I ___ approve ___ deny the request.

Comments:

Signature _____ Date _____

Note: Submit copies of ALL reasonable accommodation requests--AND supporting documentation-- to the ADA Coordinator for review.

This space reserved for further documentation and/or review.

REASONABLE ACCOMMODATION MEDICAL RELEASE

Minnesota Department of Employment and Economic Development
1st National Bank Building, Suite E200
332 Minnesota Street
St. Paul, MN 55101-1351

I, _____, give my permission to my medical provider:

NAME _____

ADDRESS _____

PHONE NUMBER _____ FAX NUMBER _____

to discuss/disclose medical information about me, to the Minnesota Department of Employment and Economic Development representative listed below:

Americans with Disabilities Act Coordinator _____;

or

My Supervisor _____.

The purpose of this disclosure is to provide the Minnesota Department of Employment and Economic Development with sufficient information to determine the need for a reasonable accommodation. I understand that the information disclosed will be used only for this purpose and will be kept confidential.

The extent or specific nature of the information to be disclosed is:

This release will expire on _____, or upon receipt by the Minnesota Department of Employment and Economic Development of my written notice to withdraw my consent.

Signature: _____ Date: _____

XI. RECRUITMENT PLAN

DEED's Recruitment Plan aims to establish a workforce which is representative of Minnesota's diversity. To that purpose, the Department will increase the number of qualified applicants from diverse backgrounds by developing creative strategies to actively recruit, hire, promote, and retain prospective candidates.

DEED's Recruitment Plan is firmly based on the following federally mandated quantitative analyses:

1. Availability. This quantitative analysis is comprised of two factors:
 - Percentage of minorities, women, and people with disabilities among those having requisite skills in the reasonable recruitment area and;
 - Percentage of minorities, women, and people with disabilities among those promotable, transferable, and trainable within the organization.

2. Placement Goals.

Placement Goals are objectives that will be used to measure the progress DEED makes in meeting equal employment opportunities. Placement goals will be reviewed quarterly.

Human Resources staff, supervisors, managers, and directors, as essential participants of the hiring process, will be trained with the expectation that they will be agents in meeting the goals set for the biennium.

DEED staff will partner with other state agencies to utilize community resources and develop more effective recruitment strategies. DEED staff will utilize the Minnesota WorkForce Centers to support resume writing workshops and provide information to community groups regarding state employment opportunities and the Multi-source Recruitment and Selection Model.

Newspapers do not routinely yield successful candidates. Agency employees and word-of-mouth are the best sources for qualified candidates. Future recruitment strategies will focus on community groups, current DEED employees, state agency networks, and colleges and universities. DEED's Office of Diversity and Equal Opportunity is in the process of creating a list of contacts from community-based groups, minority councils, and minority placement offices at local colleges and universities. Once the list is complete, DEED job postings and instructions on how to apply (e.g., via DOER's website) will be e-mailed to everyone on the list as positions become available. The goal is to have the list completed and a streamlined process in place for distributing DEED's job postings by November 1, 2006.

The Rehabilitation Services Counselor Senior and the Rehabilitation Services Counselor Career positions require a master's degree in counseling, and these positions are routinely difficult to fill. Undergraduate students are provided information on careers in vocational rehabilitation and stipends that are available for the master's programs. This is done through personal networking with professionals at relevant colleges and universities and directly with prospective candidates at career/job fairs. Master's students are hired as paid interns, and many times these interns are hired into permanent positions. The Office of Diversity and Opportunity will be working with Human Resources to explore the possibility of incorporating more paid and unpaid internships across the Department.

Rehabilitation Services (RS) is currently filling a State Program Administrator Manager position. This new position will be responsible for overseeing all employee development activities and for succession planning for positions at all levels in RS. The Director of RS has a vision for this position, which includes a greater emphasis on developing relationships with higher education institutions and hiring more interns. Other areas of emphasis include mentoring and professional development for all RS staff, with goals of increasing staff competencies, including cultural competencies, and reducing overall turnover in the unit. The creation of this position provides an excellent opportunity for increasing the diversity of the RS segment of DEED's workforce.

Due to retirements and an increased demand for individuals who can determine disability insurance eligibility, DEED anticipates hiring ten (10) new Disability Examiners in the next quarter. A preliminary conversation between the Equal Opportunity Officer and the Assistant Director of Human Resources has already taken place, and the Office of Diversity and Equal Opportunity (ODEO) looks forward to working with staff in Human Resources to enhance the recruitment process and assist in broadening the pool for these important positions by making sure that the postings are made known to the broadest possible audience, with an emphasis on minorities and individuals with disabilities.

It is often difficult for DEED to fill its higher-level technology positions. Two web sites, DICE and Project Management Institute, have been helpful in finding qualified applicants for these highly technical positions. We will continue to explore opportunities for broadening the pool for these highly technical positions.

Staff in ODEO will work with staff in Human Resources to improve upon existing recruitment strategies and increase the numbers of qualified women, people of color, and people with disabilities in the applicant pools for these hard-to-fill positions. Recruiting for Diversity will be an agenda topic in an upcoming Human Resources staff meeting. The goal is to have this important topic on the agenda by the end of the 2006 calendar year. Bringing the topic forward will promote increased awareness among staff and will allow time to brainstorm ways in which we can make improvements across the Department.

In addition to an increased focus on recruitment, ODEO will work with the Training and Learning Resources unit to establish a more formalized mentoring program, geared at developing and retaining existing and new talent, with a particular emphasis on staff who are from the underutilized groups as determined by the utilization analysis and existing disparities as set forth in this plan. The mentoring program will tie into DEED's overall workforce planning process as described earlier in this document under Strategic Objective III.

The following are some of the ways in which DEED currently recruits to fill its positions:

College and University Recruitment:

- Mankato State University
- St. Cloud State University
- University of Wisconsin - Stout
- University of Minneapolis - Minneapolis/St. Paul
- University of Minnesota - Duluth

Diversity focused publications:

Access Press
Asian American Press

Job Fairs:

Blaine/Anoka County
Bloomington
West St. Paul
Worthington

Job Fairs anticipated for 2006/2007:

Blaine/Anoka County
Brainerd Lakes area
St. Cloud

Websites:

CareerBuilder.com Recruitment - <http://careerbuilder.com>
DICE - Technology Job Board - <http://www.dice.com/>
Minnesota Job Bank - <http://www.mnworks.org>
Pioneer Press - <http://www.twincities.com/mld/pioneerpress/>
Project Management Institute - <http://www.pmi.org>
Star Tribune - <http://www.startribune.com/>
State of Minnesota - <http://www.doer.state.mn.us/employment.htm>

Additional recruiting methods:

College and University postings
Community organizations
Industry Specialists
Professional Organizations
Referrals from agency employees
Trade Journals

Additional advertising sources:

Albert Lea
Bemidji Pioneer
Brainerd Dispatch
Detroit Lakes Tribune
Duluth News Tribune
Mankato Free Press
Pioneer Press - St. Paul
Rochester Post
Star Tribune - Minneapolis/St. Paul
St. Cloud Times
West Central Tribune, Willmar

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

EEO Job Group	Protected Group Women - Statewide					
	A	B	C	D	E	F
	Total Number In Group	Total Number of <u>Women</u> in Group	% <u>Women</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	73	29	40%	37.8%	28	0
Professionals	1104	594	54%	53.8%	594	0
Technicians	19	10	53%	63%	12	2
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	334	300	90%	67.7%	226	0
Skilled Craft	1	0	0%	7.8%	0	0
Service Maintenance	12	4	33%	43.6%	5	1

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

D = Availability % (from the Census data)

E = Column A multiplied by Column D (rounded numbers)

F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

EEO Job Group	Protected Group Minorities - Statewide					
	A	B	C	D	E	F
	Total Number In Group	Total Number of Minorities in Group	% Minorities in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	73	1	1.4%	5.1%	4	3
Professionals	1104	94	8.5%	8%	88	0
Technicians	19	1	5.3%	6.8%	1	0
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	334	22	6.5%	8.2%	27	5
Skilled Craft	1	0	0%	7.1%	0	0
Service Maintenance	12	1	8.33%	14.3%	2	1

Column Instructions for the Utilization Analysis
A = Total number of employees in the job group
B = Total number of protected group in the job group
C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)
D = Availability % (from the Census data)
E = Column A multiplied by Column D (rounded numbers)
F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

Protected Group Disabilities - Statewide						
EEO Job Group	A	B	C	D	E	F
	Total Number In Group	Total Number of <u>Disabilities</u> in Group	% <u>Disabilities</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	73	5	6.8%	11.31%	8	3
Professionals	1104	96	8.7%	10.88%	120	24
Technicians	19	2	10.5%	11.52%	2	0
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	334	29	8.7%	11.56%	39	10
Skilled Craft	1	0	0%	11.55%	0	0
Service Maintenance	12	2	16.7%	11.37%	1	0

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

D = Availability % (from the Census data)

E = Column A multiplied by Column D (rounded numbers)

F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

EEO Job Group	Protected Group <u>Women - Metro</u>					
	A	B	C	D	E	F
	Total Number In Group	Total Number of <u>Women</u> in Group	% <u>Women</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	67	27	40%	40.6%	27	0
Professionals	815	442	54%	51.9%	423	0
Technicians	17	10	59%	58.2%	10	0
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	235	203	86%	65.7%	154	0
Skilled Craft	1	0	0%	7.9%	0	0
Service Maintenance	11	3	27%	42.9%	5	2

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group
B = Total number of protected group in the job group
C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)
D = Availability % (from the Census data)
E = Column A multiplied by Column D (rounded numbers)
F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

EEO Job Group	Protected Group Minorities - Metro					
	A	B	C	D	E	F
	Total Number In Group	Total Number of Minorities in Group	% Minorities in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	67	1	1.5%	6.5%	4	3
Professionals	815	82	10%	9.4%	77	0
Technicians	17	1	5.9%	9.1%	2	1
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	235	19	8.1%	10.4%	24	5
Skilled Craft	1	0	0%	9.8%	0	0
Service Maintenance	11	1	9.1%	20.1%	2	1

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group
B = Total number of protected group in the job group
C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)
D = Availability % (from the Census data)
E = Column A multiplied by Column D (rounded numbers)
F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

EEO Job Group	Protected Group Disabilities- Metro					
	A	B	C	D	E	F
	Total Number In Group	Total Number of Disabilities in Group	% Disabilities in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	67	4	6%	11.31%	8	4
Professionals	815	64	7.9%	10.88%	89	25
Technicians	17	1	5.9%	11.52%	2	1
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	235	23	9.8%	11.56%	27	4
Skilled Craft	1	0	0%	11.55%	0	0
Service Maintenance	11	2	18%	11.37%	1	0

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

D = Availability % (from the Census data)

E = Column A multiplied by Column D (rounded numbers)

F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

EEO Job Group	Protected Group <u>Women - Greater MN</u>					
	A	B	C	D	E	F
	Total Number In Group	Total Number of <u>Women</u> in Group	% <u>Women</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	6	2	33.3%	32.1%	2	0
Professionals	289	152	52.6%	58.2%	168	16
Technicians	2	0	0%	69.9%	1	1
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	99	97	98%	71.5%	71	0
Skilled Craft	n/a	n/a	-	-	-	-
Service Maintenance	1	1	100%	47.3%	0	0

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group
B = Total number of protected group in the job group
C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)
D = Availability % (from the Census data)
E = Column A multiplied by Column D (rounded numbers)
F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

Protected Group Minorities - Greater MN						
	A	B	C	D	E	F
EEO Job Group	Total Number In Group	Total Number of <u>Minorities</u> in Group	<u>% Minorities</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	6	0	0%	2.24%	0	0
Professionals	289	12	4.2%	4.47%	13	1
Technicians	2	0	0%	3.58%	0	0
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	99	3	3.0%	3.74%	4	1
Skilled Craft	n/a	n/a	-	-	-	-
Service Maintenance	1	0	0%	7.56%	0	0

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

D = Availability % (from the Census data)

E = Column A multiplied by Column D (rounded numbers)

F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

PRINTABLE UTILIZATION ANALYSIS CHART

UTILIZATION ANALYSIS for DEED

Protected Group Disabilities - Greater MN						
EEO Job Group	A	B	C	D	E	F
	Total Number In Group	Total Number of <u>Disabilities</u> in Group	% <u>Disabilities</u> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	6	1	16.7%	11.31%	1	0
Professionals	289	32	11.1%	10.88%	3	0
Technicians	2	1	50%	11.52%	0	0
Protective Services	n/a	n/a	-	-	-	-
Paraprofessionals	n/a	n/a	-	-	-	-
Office/Clerical	99	6	6.1%	11.56%	11	5
Skilled Craft	n/a	-	-	11.55%	-	-
Service Maintenance	1	0	0%	11.37%	0	0

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

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E = Column A multiplied by Column D (rounded numbers)

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XII. RETENTION PLAN

The Minnesota Department of Employment and Economic Development (DEED) strives to affirmatively ensure equal employment opportunity by retaining a diverse, talented and qualified workforce. The responsibility for these retention efforts lies with all employees of DEED, including the Commissioner and his Leadership Team; all directors, managers and supervisors; the Human Resources Director and staff, the Equal Opportunity Officer(s) and ODEO.

Responsibility for Retention Program Activities

Primary responsibility for retention activities:

1. Mary Oman, Acting Human Resources Director
2. Kathy Mullarky, Equal Opportunity Director, and the ODEO

Secondary responsibility for retention activities:

1. Hiring authorities in all divisions
2. Human Resources staff
3. Training and Learning Resources staff

Retention Strategies

Turnover is one of the most critical problems facing an organization. To address possible retention issues at DEED, the Department plans to do the following to help retain employees:

1. Utilize internal exit survey process to determine specific reasons for departures. ODEO compiles the data and prepares quarterly reports for the Human Resources Director and management. Utilize exit survey data to identify possible issues in retention and to map out a course of action to address avoidable departures.
2. Analyze hiring authorities' soft skills, such as communicating with staff, maintaining a respectful workplace, resolving conflicts, and solving problems, to determine if the hiring authorities are playing a role in any retention issues of the Department.
3. Partner with Human Resources staff in the Performance Development Communication Process. Partner with managers and supervisors to develop a Career Training plan that matches the employee's and organization objectives.
4. Continue providing formal and informal venues for training in career development. DEED utilizes formal training sessions such as Respect in the Workplace: Preventing Sexual Harassment and informal Lunchtime Learning Workshops such as Peak Performance.

5. DEED has also provided E-learning opportunities in career development to DEED staff in such topics as Word, Excel, Crystal Reports, time management, career development, customer service procedures, project development, and organizational skills.
6. Promote National Mentoring Day activities targeted at students and applicants with disabilities.
7. Review the Department's policies to determine if revisions are needed to make DEED's workplace a more family/employee oriented environment.
8. Continue to inform employees of the Employee Assistance Program as a tool to resolve conflicts in the workplace.
9. Human Resources staffing data has shown that DEED has experienced a rapid increase in retirement rates. HR and ODEO will monitor the retirement rates and provide projections to management. A coordinated approach will be developed that will provide information on demographic compositions of the workforce and diversity strategies to maintain an adequate level of qualified employees.
10. DEED's Leadership Development Program is an excellent means by which we can improve employee retention and reduce turnover. The DEED Leadership Development Program is a multi-level program designed to provide current and emerging leaders with opportunities to improve their skills, expand and share their knowledge, and enhance their capacity to lead. Information on each level is listed below:

Level 1 - Creating a foundation for new and emerging leaders

This class is considered mandatory for all DEED managers and supervisors and is encouraged for DEED employees who have an interest in future leadership positions.

Level 2 - Strengthening skills and expanding knowledge

Classes on five specific leadership topics are being offered to DEED's current and emerging leaders: Employee Motivation, Managing Conflict, Business Process Mapping, Change Management, and Performance Measurement. The classes were developed in conjunction with the MN Dept. of Administration's Management, Analysis and Development.

Level 3 - Enhancing Understanding and building relationships

These mid-month roundtables are intended to create opportunities for supervisors and managers to connect with one another, exchange ideas, and learn from their colleagues. Existing and future roundtable topics include managing poor performance, providing accommodations under the Americans with Disabilities Act (ADA), cultural competency, and creating cultures of inclusion.

Level 4 - Improving through individualized, Self-paced learning options

Suggested outside coursework, recommended reading lists and websites on various leadership topics are shared as they become available.

XII.A Analysis of 2006 and 2006 Fiscal Year Separation and Lay-off Patterns:

DEED has developed Separation and Lay-Off reports that identify employees who have separated from employment in fiscal years 2005 and 2006. The data is broken down by job classification, location, protected class characteristics, and the separation date. Separation categories include lay-off, expiration of lay-off rights, retirement, resignation, termination without rights, failure to return from leave, and death. The following information provides aggregate detail on the separations:

FY 2005:

- Total of 190 Separations
- Largest group of separations included 71 retirements (37%)
 - 35 male employees; 36 female employees
 - 1 racial minority employee
 - 10 employees with a disability
 - Included ages 52 to 73
 - Average age at retirement of 62.1
 - Median age at retirement of 61
 - Most frequent age at retirement - Age 57 (10); Age 59 (10); Age 62 (14)
- Lay-offs totaled 33
 - 29 female employees; 4 male employees
 - 3 racial minority employees
 - 2 employees with a disability
 - Thirty-two age 40 or greater; twenty age 50 or greater; one age 60 or greater
 - Lay-offs largely reflect a reduction in federal funding for the Unemployment Insurance and Job Service programs. There were 18 lay-offs in Job Service and 6 in Unemployment Insurance. The Career One-Stop program was transferred to MNSCU resulting in 5 lay-offs.
- The classifications most affected by separation include Customer Service Specialist, Senior (13); Employment and Economic Development Representative (20); Office and Administrative Specialist, Senior (9);

Rehabilitation Service Career Counselors (12); Unemployment Insurance Judge (13).

FY 2006:

- Total of 163 Separations
- Largest group of separations included 72 retirements (44%)
 - 46 Male employees; 26 female employees
 - 3 racial minority employees
 - 5 employees with a disability
 - Included ages 53 to 69
 - Average age at retirement of 61
 - Median age of retirement of 61.1
 - Most frequent age of retirement - 59 (12); 60 (8); 62 (12); 63 (9)
- Lay-offs totaled 18
 - 7 male; 11 female
 - 1 racial minority employee
 - 6 employees with a disability
 - Eighteen age 40 or greater; fifteen age 50 or greater; four age 60 or greater
 - Lay-offs largely reflect a reduction in federal funding for the Unemployment Insurance, Job Service and Rehabilitation Services programs. There were 8 lay-offs in Job Service, 5 in Unemployment Insurance and 4 in Rehabilitation Services.

The classifications most affected by separation include Employment and Economic Development Representative (21); Rehabilitation Services Career Counselor (14); Unemployment Insurance Operations Analyst (9); OAS Intermediate (6); Unemployment Insurance Supervisor 3 (6).