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**BOARD OF NURSING**

**AFFIRMATIVE ACTION PLAN**

**2006 - 2008**

**BOARD OF NURSING**  
**AFFIRMATIVE ACTION PLAN**

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Attachment A: Department of Employee Relations Administrative Procedure 5.4 “Time Off in Emergencies”

**AFFIRMATIVE ACTION PLAN TRANSMITTAL FORM**  
Plan Years 2006-2008

Transmittal form has been submitted online, in accordance with DOER guidelines. A copy of this transmittal form is included here.

This review revealed underutilization of the following protected group(s) in the following job groups where there are five or more persons in the goal unit\*:

Office/Clerical - Persons with disabilities – 2 underutilized

This plan meets the rules governing affirmative action, MCAR Chapter 3905.0600 Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Signed electronically on online transmittal form  
Affirmative Action Officer/Designee

July 27, 2006  
Date

Signed electronically on line transmittal form  
Executive Director

July 27, 20006  
Date

\*According to the Office of Diversity and Equal Opportunity, job groups with fewer than five employees are not considered large enough groups to accurately determine goals. For the Affirmative Action Plan dated 2006-2008, the Board of Nursing had one job group that has five or more employees (Office / Clerical), and for which availability and underutilization can be determined.

## STATEMENT OF COMMITMENT

The Board of Nursing is committed to the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action for its employees and the public it serves. I affirm my personal and official support of these policies which provide:

- That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, sex, sexual orientation, membership or activity in a local commission, national origin, status with regard to public assistance, marital status, or disability.
- That the Board will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Board will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce.
- That the Board will affirmatively act to retain protected group members as employees of the Board of Nursing

I will be held accountable for ensuring that Affirmative Action programs are implemented.

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Date

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Executive Director

## IDENTIFICATION OF AFFIRMATIVE ACTION OFFICER/DESIGNEE AND DUTIES

Persons responsible for directing and implementing the Affirmative Action Plan:

- Executive Director - Responsible to direct the office's affirmative action program in compliance with existing federal and state laws, rules and regulations. The Executive Director's duties include:
  - To appoint or designate an Affirmative Action Officer/Designee
  - To make decisions and changes in policy, procedures, and accommodations for persons as may be needed to facilitate equal opportunity and affirmative action progress.
  - To take action on complaints of alleged discrimination.
  - To report to the Commissioner of Employee Relations the office's progress in

affirmation action.

The Executive Director is accountable to the voters of the State of Minnesota. The Executive Director is Shirley A. Brekken, Minnesota Board of Nursing, 2829 University Avenue SE, Minneapolis, MN 55414, telephone number 612-617-2296.

- Affirmative Action Officer/Designee - Responsible to administer the office's affirmative action program. The Affirmative Action Officer/Designee duties include:
  - To write and update the office's affirmative action plan.
  - To monitor the plan.
  - To provide status reports, as required.
  - To implement the pre-employment review process and to complete the Protected Group Report in consultation with Cindy Greenlaw Benton, Personnel/Contracts Officer, Administrative Services Unit, 2829 University Avenue SE, Suite 445, Minneapolis, Minnesota 55414. Her telephone number is 612-617-2121.
  - To investigate in consultation with Cindy Greenlaw Benton, Personnel/Contracts Officer, alleged charges of discrimination and report a summary of findings to the Executive Director.
  - To disseminate information to supervisors, employees, and applicants.

The Affirmative Action Officer/Designee is accountable to the Executive Director. The Affirmative Action Officer/Designee is Sheryl Meyer, Administrative Officer, Minnesota Board of Nursing. She is located at 2829 University Avenue SE, Minneapolis, MN 55414, telephone number 612-617-2290.

## **COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN**

The Board of Nursing Affirmative Action Officer/Designee will ensure all employees are advised of the policy of non-discrimination, the provision of reasonable accommodation, and the procedure for filing a complaint. The material can be provided in alternative formats such as large print, Braille or on tape.

### Methods for Communicating the Affirmative Action Plan Internally:

The Administrative Officer will, in consultation with the Affirmative Action Officer/Designee take the following actions to communicate the Affirmative Action Plan Internally:

- The Affirmative Action Officer/Designee will include a copy of the full Affirmative Action Plan with each employee manual and review the plan with the supervisory staff with an explanation of their responsibility to read, understand, support and implement the plan.
- The Affirmative Action Officer/Designee will post the following documents on the agency's official bulletin board located in the copy/service room in the office suite:
  - the Board of Nursing Affirmative Action Plan

- the Minnesota Equal Opportunity Policy, and
- the name and phone number of the agency's Affirmative Action Officer/Designee.
- Additional copies of the Affirmative Action Plan will be available to employees upon request from the Affirmative Action Officer/Designee.
- All required equal opportunity postings are also located at the Administrative Services Unit of the Health-Related Licensing Boards, Suite 445.

Methods of Communicating the Affirmative Action Plan Externally:

- The Board of Nursing will include the statement, "an equal opportunity / affirmative action employer," on agency letterhead, on its website and job announcement; and will include on its website the statement:

The Minnesota Board of Nursing is an affirmative action/equal opportunity employer. The Minnesota Board of Nursing does not discriminate in employment on the basis of race, color, creed, religion, national origin, sex, marital status, disability, public assistance, age, sexual orientation, or membership on a local human rights commission.

## **DISCRIMINATION AND DISCRIMINATORY HARASSMENT POLICY**

**Statement of Policy:** It is the policy of the Board of Nursing to prohibit discrimination and discriminatory harassment of its employees based on race, creed, color, age, marital status, status with regard to public assistance, membership or activity in a local commission, national origin, religion, sex, sexual orientation or disability. Any employee or applicant subjected to discrimination or discriminatory harassment should file a complaint with the Affirmative Action Officer/Designee. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action, up to and including termination.

Any employee who believes they may be subject to such discrimination or discriminatory harassment should file a complaint internally with the Board of Nursing's Affirmative Action Officer designee. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the office of Diversity and Equal Opportunity at the Minnesota Department of Employee relations for information regarding the filing of a complaint. Violation of this policy against discrimination, by an employee, will be cause for appropriate disciplinary action up to and including termination.

The Executive Director is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that discriminatory harassment is unacceptable behavior, and the Executive Director will be responsible for orienting staff to the Board policy. The Affirmative Action

Officer/Designee will be expected to keep the organization apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, the Executive Director will be responsible for:

- Making certain each individual who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
- Notifying all employees within the agency and orienting each new employee who is hired of this policy;
- Informing all employees in his/her section of the complaint procedure and ensuring all complaints will be investigated promptly and carefully.

**Definitions:** Discriminatory harassment is a severe type of discrimination, which includes negative, offensive behavior based on protected class status that substantially interferes with an individual's employment. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment is one type of discriminatory harassment. Sexual harassment has been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Forms of discriminatory sexual harassment may include, but are not limited to, the following:

- Verbal: unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
- Non-Verbal: unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
- Physical: unwelcome physical contact, including touching, pinching, brushing by the body, coerced sexual intercourse, and assault.

It is possible for discriminatory harassment to occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment are encouraged to bring the matter to the attention of the Affirmative Action Officer designee, any Board supervisor or manager, or the Executive Director. In fulfilling our obligation to maintain a positive and productive work environment,

employees are encouraged to report any suspected harassment or retaliation to the Executive Director, any Board of Nursing supervisor or manager, or the Affirmative Action Officer designee.

Individuals who violate this policy against discrimination and discriminatory harassment are subject to disciplinary action, up to and including termination. Additionally, employees who engage in inappropriate behaviors that do not rise to the level of discriminatory harassment, but are nonetheless disruptive, are also subject to disciplinary action.

Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this policy is prohibited.

**Procedure:** Any employee or applicant of the Board who believes that he/she has been harassed based on race, creed, color, age, sexual orientation, marital status, status with regard to public assistance, membership or activity in a local commission, national origin, religion, sex or disability may file a complaint.

Complaints of discriminatory harassment should be filed using the internal discrimination complaint procedure.

### **INTERNAL DISCRIMINATION COMPLAINT PROCEDURE**

The Board of Nursing has established the following discrimination complaint procedure to be used by all employees or applicants. This procedure is designed to permit the resolution of problems internally before seeking redress from an outside authority. We encourage employees to use this internal procedure before filing a charge with the Department of Human Rights, EEOC or other external agencies. Coercion, reprisal or intimidation against anyone filing a complaint, either internally or through an outside enforcement agency or other legal channel, or serving as a witness, under this procedure is prohibited.

**Responsibility of Employees:** All employees shall respond promptly to any and all requests by the Affirmative Action Officer/Designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer/Designee to carry out her responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the Affirmative Action Officer/Designee shall be reported to the Executive Director.

**Who May File:** Any employee or applicant of the Board of Nursing who believes that they have been discriminated against by reason of race, religion, creed, color, age, sex, sexual orientation, membership or activity in a local commission, national origin, status with regard to public assistance, marital status, or disability may file a complaint. Employees who are terminated are encouraged to use this internal complaint process.

#### **The Complaint Procedure:**

1. The employee or applicant should contact the Affirmative Action officer designee, and

complete the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Supervisors who know or should know of an alleged violation of the policy against discrimination will take timely and appropriate action, including informing the Affirmative Action officer designee of the alleged violations. When an allegation of a violation of this policy occurs, the Board will take timely and appropriate action, including investigation of the complaint. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation(s) may involve discrimination or discriminatory harassment. The Affirmative Action officer designee will provide assistance in filling out the form upon request.

2. The Affirmative Action Officer/Designee determines if the complaint is a discrimination complaint, i.e., whether the complaint alleges discrimination or discriminatory harassment on the basis 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; or, rather, if the complaint is a general personnel matter, and unrelated to discrimination.
  - o If determined by the Affirmative Action Officer/Designee that it is **not** a discrimination complaint, the Affirmative Action Officer designee will inform the complainant of this determination in writing within ten (10) working days.
  - o If determined by the Affirmative Action Officer/Designee to be a discrimination complaint, the Affirmative Action Officer designee will notify the complainant and all parties named as respondent(s) and outline the alleged facts of the complaint within 10 working days.
3. If determined to be a discrimination complaint, the Affirmative Action Officer designee will investigate the complaint. At the conclusion of the investigation, the Affirmative Action officer designee shall notify the complainant(s) and respondent(s) that s/he has completed the investigation and review the findings of the investigation.
  - o If probable cause of a violation of the policy against discrimination is found, appropriate action will be taken in accordance with this policy and any applicable labor agreements.
  - o If no probable cause of a violation of the policy against discrimination is found, a letter will be provided to the complainant(s) and the respondent(s) dismissing the complaint.
4. Investigation of the complaint will be completed within sixty days after the complaint is filed, unless there are extenuating circumstances. The complainant(s) will be notified if such circumstances prevent completion of the investigation within sixty days.
5. Disposition of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
7. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. A thorough investigation may include, but not be limited to, the following types of data:

- Interviews or written interrogatories with all parties involved in the complaint; complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
  - All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three years after the case is closed.

## **GOALS AND TIMETABLES**

Ideal goals for protected classes are set by bargaining unit or compensation plan. The Affirmative Action Officer/Designee will continue to work with the Department of Employee Relations to refine these goals. According to the Office of Diversity and Equal Opportunity, job groups with fewer than five employees are not considered large enough groups to accurately determine goals. For the Affirmative Action Plan dated 2006-2008, the Board of Nursing had two job groups that have five or more employees (Professionals and Office / Clerical), and for which availability and underutilization can be determined.

The goals and timetables for the Board of Nursing are as follows:

Job Group: Office Clerical  
 Class underutilized: persons with disabilities  
 Number underutilized: 1  
 Hiring goal: eliminate underutilization within 3 years

## **PROGRAMS AND PROGRAM OBJECTIVES**

### **Identification and description of methods for developing programs designed to meet affirmative action goals and program objectives:**

1. Program: Affirmative Action Hiring
  - Objective: The Board of Nursing will continue to hire affirmatively and will include affirmative action consideration in the hiring process for all hires.
  - Method: The Administrative Officer in consultation with the Affirmative Action Officer/Designee will maintain current information regarding disparities. Prior to working with supervisors on all hires, the Affirmative Action Officer/Designee will check data identifying disparities which exist. For all hires where a disparity exists, the Affirmative Action Officer/Designee will initiate the pre-employment review process prior to interview activities. The Affirmative Action Officer/Designee will maintain files with background materials/documentation on any missed opportunities. In addition to advertising opportunities through posting on the Department of Employee Relations career site, the Board will forward postings to Minnesota Department of Economic Security for publication.
  - Completion date: Ongoing.
  - Evaluation: Review of disparities with supervisors continues on a regular basis as

opportunities for hiring come available.

## 2. Program: Affirmative Action Education

- Objective: The Board of Nursing will provide education to supervisory staff about affirmative action and about responsibilities in implementing the Affirmative Action Plan.
- Method: Supervisory staff will be educated about their role in implementing the Affirmative Action Plan, specific supervisor responsibilities in the hiring process for situations where a disparity exists and how they can contribute to the retention of protected group members. All staff will attend equal employment opportunity education offerings by the Administrative Services Unit Personnel/Contracts Officer
- Completion date: Ongoing.
- Evaluation: Training by Administrative Services Unit Personnel/Contracts Officer completed during 2004 -2006 and continuing annually.

## METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

**Pre-employment review procedure of all hiring decisions for goal units with unmet affirmative action goals:** Statewide affirmative action rules require pre-employment review of all occupational categories with unmet affirmative action goals. Pre-employment review requires justification of a hiring decision for which there is a disparity and for which a protected group member is not selected. The AAO requests the hiring supervisor explain his/her rationale for selecting an applicant or his/her rationale for rejecting all of the other applicants. The ideal time for the Affirmative Action Officer/Designee to conduct a pre-employment review is when interviewees are being selected. It is the responsibility of the Affirmative Action Officer/Designee to conduct this pre-employment review prior to the appointment of employees.

When a vacancy occurs in a goal unit with unmet affirmative action goals, the following procedures will be followed:

- The Affirmative Action Officer/Designee will notify the supervisor of the unmet affirmative action goals and advise him/her on an ongoing basis of the affirmative action responsibility as outlined in the procedure below.
- In all cases, the most qualified person, as determined by training and experience, will be hired for a position at the Board of Nursing.

**Pre-review procedure of all layoff decisions to determine their effect on agency affirmative action goals and timetables:** The Affirmative Action Officer/Designee will perform a pre-review of all layoff decisions to determine the effect on Board of Nursing affirmative action goals and timetables. The layoff procedures will comply with union contracts.

**Methods of auditing, evaluating, and reporting program success:** The affirmative action program will be audited to ensure that hiring and retention procedures support the Board of Nursing's commitment to hire affirmatively in a work environment void of discrimination. The

Administrative Officer in consultation with the Affirmative Action Officer/Designee will maintain records reflecting hires and any complaints regarding such activity.

The Administrative Officer in consultation with the Affirmative Action Officer/Designee will evaluate the Affirmative Action Plan as follows:

- Review quarterly statistics reflecting current complement based on protected classes.
- Review disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, sex, and disability status.
- Review recruitment sources and strategies used, and the results used to help fill specific vacancies for which there was under-representation.
- Review formal discrimination complaints filed in the past quarter.
- Review training provided to employees to analyze for upward mobility impact including job assignment, job progression, promotion, and transfer by job classification, bargaining unit, racial/ethnic group, sex, and disability.

The Minnesota Board of Nursing has a limited budget and only expects three hires in the upcoming year. The Board will follow the above procedures.

## **WEATHER EMERGENCIES AND EVACUATION**

A copy of the Department of Employee Relations Administrative Procedure 5.4 "Time off in Emergencies" is attached to this plan and the Board of Nursing Weather Emergency Guidelines are included in this plan. All employees will be notified as outlined in the guidelines.

**Building Evacuation:** All Board employees have received and new employees will receive a copy of the University Park Plaza tenant handbook which contains the building evacuation procedure. University Park Plaza holds yearly fire and severe weather drills.

Persons with disabilities including those with mobility impairments and deaf or hard of hearing individuals who are in need of assistance to evacuate the building will be accompanied by a pre-assigned assistant.

In case of an emergency all employees who are deaf or hard of hearing will receive notification, if at work, by the supervisor or designated backup staff. If a weather emergency is called after work hours, employees who are deaf or hard of hearing can obtain official notification by watching weather broadcasts on WCCO, or KARE 11 Television. Broadcasts are closed captioned. In addition, if employees who are deaf or hard of hearing prefer, they may arrange for notification at home from their supervisor or designee. If an emergency which affects the employee is called, the supervisor or designee may use the Minnesota Relay Service (1-800-627-3529) to contact the employee using the TTY.

## **REASONABLE ACCOMMODATION POLICY**

**Policy:** The Board of Nursing is committed to the fair and equal employment of people with disabilities, including a commitment to reasonable accommodation of qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, reasonable accommodation will be provided to employees, including those seeking promotional opportunities, and applicants.

“Disability” means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory, or mental impairment which materially or 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.

“Reasonable accommodation” means steps which must be taken to accommodate the known physical or mental limitations of a qualified disabled person. “Reasonable accommodation” may include but is not limited to, nor does it necessarily require: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis. [Minnesota Human Rights Act]

**Examples of Reasonable Accommodation May Include, But Are Not Limited To:**

- Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
- Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area, special parking facilities or other types of similar modifications.
- Job restructuring. They may include flexible work hours and/or restructuring job duties while retaining the essential job functions.
- Support services. Services such as interpreters for individuals who are deaf or hard of hearing, readers for individuals who are blind or special attendants.
- Reassignment to a vacant position of equal status when possible and appropriate.

These are examples of possible reasonable accommodations, depending on the limitations of the disability and the essential functions of the job; this does not necessarily mean a request will be granted, or a particular type of accommodation will be made. Each reasonable accommodation determination is made on a case by case basis.

**Requests for Reasonable Accommodations for Employees:** The steps to request a reasonable accommodation are:

1. The employee shall inform their supervisor of the request for an accommodation. The supervisor will consult with the ADA Coordinator as needed. The supervisor or ADA Coordinator and the individual with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job site modification and accessible devices.
2. The supervisor must inform the Affirmative Action Officer/Designee of the request and

provide the employee with a Request for Accommodation form (copy can be obtained from the Affirmative Action Officer/Designee). The request must include a justification for the request including a statement which provides documentation of the limitations, the suggested accommodation, approximate cost, and any other pertinent information, as well as any necessary release forms. Access to medical information will be in accordance with the Minnesota Data practices Act and the Health Insurance portability and Accountability Act (HIPAA) unless the disability might require emergency treatment. The Affirmative Action Officer/Designee will assist the employee in preparing the request by providing the necessary resources and information.

3. Upon receipt of the supporting documentation, the supervisor will consult with the Affirmative Action officer/Designee within seven (7) working days upon receiving the request.
4. When a qualified individual with a disability requests an accommodation, the employer shall, in consultation with the individual:
  - o Discuss the purpose and essential functions of the particular job involved.
  - o Determine the precise job-related limitation that requires accommodation.
  - o Identify potential accommodations that would allow the individual to perform the essential functions of the job.
5. The ADA Coordinator, the supervisor and the Executive Director will determine whether reasonable accommodation is required, and implement the accommodation, if accommodation is required. It is the responsibility of the employer to determine whether reasonable accommodation is required and appropriate accommodation.
6. The supervisor will inform the employee of the outcome of the request for reasonable accommodation.
7. The Affirmative Action Officer/Designee will maintain all documents pertaining to the accommodation.

**Funding for Reasonable Accommodation:** Funding will be provided for reasonable accommodations that do not cause an undue hardship, and is provided through the budget of the Minnesota Board of Nursing.

**Request for Reasonable Accommodations for Job Applicants:**

1. Initial communication between a job applicant and Executive Director or Operations Manager regarding a position at the Board shall indicate the willingness of the Board to make a reasonable accommodation upon request, prior to the job interview. This may include a general written notice on a posting.
2. The Executive Director or Operations Manager shall contact the Affirmative Action Officer/Designee immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
3. The Affirmative Action Officer/Designee shall contact the applicant to discuss the needed accommodation and discuss possible alternatives if necessary.
4. Reasonable accommodation shall be provided if the cost does not cause an undue hardship on the Board.

5. If approved, the Affirmative Action Officer/Designee shall take the necessary steps to see that the accommodation is provided.

**Appeals:** Appeal of Reasonable Accommodation: Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

## RECRUITMENT PLAN

**Advertising Sources:** During the year ending June 30, 2006, the Board of Nursing did not incur any advertising expenses as we did not advertise in any publication. The Board does not anticipate incurring any advertising expenses during the affirmative action plan period.

**Other Methods:** The Board utilized the Department of Employee Relations and the Minnesota Workforce Center (Department of Economic Security). In addition to advertising opportunities through posting on the Department of Employee Relations career site, the Board will forward postings to Minnesota Department of Economic Security for publication.

**Job Fairs:** The Board does not plan to attend any job fairs during this affirmative action plan period.

**Projected Hiring Opportunities for the Upcoming Period and Strategies to Recruit for those Positions:** The Board will implement current recruitment practices, including contacting DOER as needed for assistance in filling positions. The Board has low staff turnover; if there is turnover, the Board will recruit and hire in accordance with this Affirmative Action Plan.

**Measures to Recruit and Hire Individuals as Described in Internship Administrative Procedures:** The Board does not anticipate hiring any interns during the affirmative action plan period. If the need arose, we would work with local/area colleges and universities to recruit and hire for proposed internships.

**Recruiting Persons with Disabilities:** The Board will continue to work with DOER to identify realistic methods of recruiting qualified persons with disabilities. These methods may include advertising in the Access Press or contacting local rehab/vocational agencies.

Statewide Disability Goals for 2006 have been set by DOER as follows:

<b>EEO Job Groups</b>	<b>% Availability</b>
Officials / Administrators	11.31
Professionals	10.88
Technicians	11.52
Protective Service	11.60
Paraprofessionals	10.863
Office / Clerical	11.56

Skilled Craft 11.55  
Service Maintenance 11.37

Supported Work - We do not have positions or functions in the Board that can be used for supported work at this time, however, we will periodically review the possibility of hiring a supported worker and will work with the State ADA/Disability Coordinator to fill these positions if created.

### RETENTION PLAN

The following person is responsible for the agency's retention program and activities: Sheryl Meyer, Administrative Officer, Board of Nursing, 2829 University Avenue SE, Minneapolis, MN 55414, 612/617-2290.

She will work in consultation with Cindy Greenlaw Benton, Personnel / Contracts Officer and Affirmative Action Officer / Designee, 2829 University Avenue SE, Minneapolis, MN 55414, 651-201-2737.

#### Separated employees (total of 8 employees) from July 2004 through June 2006:

**Professionals:** Total of one separation. The female employee left state service. The employee was a protected group member, but not in a group in which the Nursing Board has underutilization.

**Office / Clerical:** Total of seven separations. Two female employees retired from state service; three female employees left state service; two female employees transferred to other state agencies. All were protected group members, but not in a group in which the Nursing Board has underutilization.

The Board of Nursing will include the following methods and activities in its program to retain qualified protected group members:

The Board will continue training and organization development programs directed at building and enhancing the understanding and valuing diversity in the workplace. We have been actively working with the TDRC and with the Administrative Services Unit to collaborate with other health related licensing boards in our building to bring affordable training to employees.

DEPARTMENT OF EMPLOYEE RELATIONS STATUTORY EFF. DATE 12-23-82  
ADMINISTRATIVE PROCEDURE 5.4 REFERENCE 43A.05 REV. DATE 02-01-01  
Subd. 4

COMMISSIONER'S SIGNATURE Julien C. Carter  
/s/

## TIME OFF IN EMERGENCIES

Description and Scope - M.S. § 43A.05, Subd. 4 permits the Commissioner of DOER to excuse employees from duty and to authorize appointing authorities in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the Commissioner has the authority to declare an emergency situation, close agencies, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. Appointing Authorities retain the authority to close or not close their facilities at any time.

Objective - To provide appointing authorities and employees with a clearly defined procedure to follow during emergency situations thus increasing and improving the capabilities of state government to function during natural or man-made emergencies.

### Definitions - Key Terms

"Full pay" means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

"Time-off in Emergency Plan" is a comprehensive emergency procedure developed and implemented by each appointing authority.

### Responsibilities

Employees, appointing authorities, and DOER have responsibilities in emergency situations.

#### A. Employees:

- 1 If not needed to provide essential services, employees should take personal responsibility for own health and safety and coordinate with the appointing authority to be excused from work during natural or man-made emergencies.
- 2 To listen to local radio and television stations and/or follow their internal agency procedures prior to start of work shift to determine whether facilities in area have been closed due to natural or man-made emergencies.

#### B. Appointing Authorities:

- Determine if facilities should remain open or be closed as appropriate during

situations that could impact the health and safety of their employees and results in temporary unavailability of work. The decision as to whether the employee absence is with pay as declared by DOER or charged to some other approved leave is secondary to the health and safety of the appointed authorities' employees.

- ADMINISTRATIVE PROCEDURE 5.4 Page 2 of 4
- Develop and maintain a Time-off in Emergency Plan which specifies:
  - Essential staffing requirements to be maintained during emergency situations.
  - The name and phone number of the individual(s) who can make closure decisions.
  - Steps/procedures to follow in making closure decisions.
  - The name and phone number of the agency contact and back-up person responsible for implementing the plan.
  - Internal operating procedures to be followed during a natural or man-made emergency, including notification of closure for persons with hearing, vision, or other impairments.
- Keep current emergency contact lists used by agency and DOER in providing notification of emergency declarations.
- Request exemption from invocation of emergency leave for essential work units or employees.

C. Department of Employee Relations:

- Declare the emergency that may adversely impact the health and safety of employees and to ensure consistency among state agencies in a geographic area.
- Notify appointing authorities in the applicable geographic location of the declaration of the emergency.
- Authorize appointing authorities in the emergency area to pay employees for time off work as appropriate.
- Approve recommendations of Appointing Authorities as to which state agencies and/or facilities are to be exempted from the invocation of emergency leave.
- Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of appointing authority.
- Declare an end to the emergency.

D. Closing Facilities Due To Natural or Man-Made Emergencies:

A natural or man-made emergency may be declared by the appointing authority and/or DOER.

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1. Appointing Authority Declared Emergencies

Provided essential services are adequately staffed, an appointing authority may close a facility without consultation with DOER if the appointing authority determines a natural or man-made emergency may:

- a) Adversely impact the health and safety of employees in the facility; and,
- b) Results in unavailability of work until the emergency has passed.

If an appointing authority does close a facility due to a natural or man-made emergency, then employees shall cover the absence with annual leave, an adjusted

work schedule, compensatory time, or leave without pay.

As soon as is practical, an appointing authority shall notify DOER of the closure. The appointing authority may request approval for emergency leave by submitting documentation supporting the reason for the closure to the Commissioner of DOER. If DOER approves and subsequently declares an emergency, then the absence from work due to the emergency shall be with pay.

## 2. DOER Declared Emergencies

Provided essential services are adequately staffed, DOER may close a facility or facilities in a geographic area if it is determined that a natural or man-made emergency may:

- a) Adversely impact the health and safety of employees in the facility; and,
- b) Results in unavailability of work until the emergency has passed.

If an emergency is declared by DOER contemporaneously with or following declaration of the appointing authority, then the absence from work due to the emergency shall be with pay.

Process DOER shall follow in having a situation declared an emergency includes:

- a) Consulting with Commissioner of Public Safety regarding the emergency conditions and impact on health and safety of employees in geographic location.
- b) Consulting with appointing authority regarding availability of appropriate work for employees in geographic location of emergency.
- c) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
- d) Commissioner of DOER communicates decision to all affected Appointing Authorities.
- e) Commissioner of DOER authorizes emergency pay if appropriate.

## E. Employees At Work When Emergency Declared by DOER:

1. Employees who report to work and are then 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.

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2 Employees who are required by their appointing authorities to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.

## F. Employees On Leave When Emergency Declared by DOER:

1 Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.

2 Employees on any approved leave without pay shall not be paid for any emergency leave time.

3 Employees who call in, on the day of an emergency, for vacation time, or compensatory

time will be credited with emergency leave from the point of the declaration of the emergency declared by DOER to the end of the scheduled shift.

G. Amount Of Emergency Leave When Emergency Declared by DOER:

1. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of DOER authorizes a longer period.

H. Reporting Emergency Leave for DOER Declared Emergencies:

1. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" and record "MSL" to designate the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

M.S. § 43A.05, Subd. 4 - Time Off In  
Emergencies Collective Bargaining Agreements

## MINNESOTA BOARD OF NURSING

**Weather Emergency Guidelines**

**The Board of Nursing is committed to promoting employee safety in the event of a weather emergency (i.e. tornado, storm, etc.) impacting safe travel. The declaration of a weather emergency by the Department of Employee Relations (DOER) can be statewide or limited to a specific portion of the state. The guidelines listed below are general parameters for attendance expectations and are intended to assist employees to make responsible decisions about attending, leaving and reporting absence in the event of a weather emergency. The guidelines are consistent with DOER's weather emergency policies.**

Declaration of a weather emergency: Board employees should not be at work when a weather emergency has been declared by DOER for the Board office location.

Notification: Board staff should listen to WCCO 830, WMNN 1330, WCCO TV or KARE TV broadcast for announcement of closure of state offices due to a weather emergency prior to the start of a normal work day (8:00 a.m.) Board staff will not be notified individually of a weather emergency.

If deaf or hard of hearing staff have a TTY machine, the employee(s) will be contacted by the employee's supervisor through the Direct Connect Minnesota Relay Service (MRS) at (612)297-5353 (metro) or 1-800-627-3259 (out state). If deaf or hearing-impaired staff do not have a TTY machine, emergency communication arrangements will be made with the employee at the time of hire.

If a weather emergency is declared during the business day, the Operations Manager and/or Executive Director will inform Board staff of office closure by electronic mail or in person.

The individual employee should use discretion to determine whether or not to travel if the office is closed due to a declared weather emergency during the business day.

If employee(s) must remain in the Board office after closure due to a weather emergency, the Executive Director or designee will remain in the office with the employee(s).

Reimbursement in the event a weather emergency is declared: In the event a weather emergency is declared by DOER for the Board office location, the following provisions of the DOER Administrative Procedure 5.4 will be applied:

- Employees who reported to work and were then sent home will not be paid for more than their regularly scheduled hours. Employees will not be enriched through additional compensation, including compensatory time or increased benefits as a result of an emergency situation.
- Employees who are required to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.
- Employees who call in, on the day of an 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 to the end of the scheduled shift, if the Board office ceases operations during the employee's regular shift.

- Employees on approved sick or pre-arranged vacation leave will not have such leave time restored to their balances.
- Employees on any approved leave without pay will not be paid for any emergency leave time.
- Reporting of these emergency leave times for payroll purposes should be recorded using the earnings type "MSL" under other authorized paid leave hours taken.

Unique situations: If there is a unique individual situation due to the employee's location that makes it impossible or unsafe for an employee to report to work when an emergency has not been declared, the employee should use discretion to determine whether or not to travel to work.

If an employee determines not to report to work due to a unique situation, the employee is expected to notify the section supervisor or another administrative person, by telephone, of the decision not to report to work. The employee and the supervisor should refer to the Board's Work Attendance Guidelines and/or Work Hours Policy to determine what type of leave or means to make up lost time will be considered for authorization.

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