

# **2008 -2010 AFFIRMATIVE ACTION PLAN**

FOR THE

**METROPOLITAN SPORTS FACILITITES COMMISSION  
900 SOUTH FIFTH STREET  
HHH METRODOME  
MINNEAPOLIS, MINNESOTA 55415  
(612) 332-0386**

Dated: July 31, 2008

**METROPOLITAN SPORTS FACILITIES COMMISSION  
2008-2010 AFFIRMATIVE ACTION PLAN**

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**TRANSMITTAL FORM**

Affirmative Action Plan  
For the Years 2008-2010

Review revealed underutilization of the following protected group(s) in the following goal units:

GOAL UNITS	WOMEN	MINORITIES	DISABILITIES
Officials/Administrators	X		X
Technicians		X	X
Office/Clerical			X
Skilled Craft	X		
Service/Maint. Workers			X

Once approved by the Director of Office of Diversity & Equal Opportunity, this plan will be posted or available for review at the Office of the Affirmative Action Officer so that every employee is aware of the Commission's commitments in affirmative action for the year.

This Affirmative Action Plan contains an internal procedure for processing complaints of alleged discrimination from employees. Each employee has been apprised of this procedure as well as our department's affirmative action goals.

Mary Fox-Stroman  
Mary Fox-Stroman  
Affirmative Action Officer

7/31/2008  
Date

This Affirmative Action plan contains clear designations 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 herein.

William Lester  
William Lester  
Executive Director

7/31/08  
Date

This Affirmative Action Plan meets the statute and rules governing affirmative action and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

\_\_\_\_\_  
Director  
Office of Diversity & Equal Opportunity

\_\_\_\_\_  
Date

## DESCRIPTION OF PROJECT OR CONTRACT

Contractor: Metropolitan Sports Facilities Commission  
900 South Fifth Street  
Minneapolis, MN 55415

Executive Director:

William Lester  
Metropolitan Sports Facilities Commission  
900 South Fifth Street  
Minneapolis, MN 55415  
(612) 332-0386

Estimated Contract Amount:

In excess of \$50,000.00.

Nature of Goods and Services Provided:

Operation of statewide sports facility

### EOUAL EMPLOYMENT OPPORTUNITY POLICY

This is to affirm Metropolitan Sports Facilities Commission (MSFC)'s policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 473.

MSFC will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, status with regard to public assistance or membership or activity in a local human rights commission.

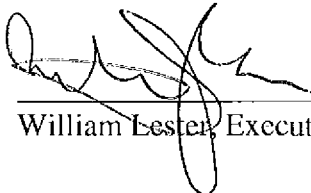
MSFC will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

MSFC will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action. MSFC fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts.

MSFC will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this organization, or subcontractor to this employer, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 473 will be subject to appropriate legal sanctions.

MSFC has appointed Mary Fox-Stroman to manage the Equal Employment Opportunity Program. Her responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. The Executive Director of MSFC will receive and review reports on the progress of the program. If any employee or applicant for employment believes he/she has been discriminated against, please contact Mary Fox-Stroman, 900 South Fifth Street, Minneapolis, Minnesota, or call 612-335-3311.

An Anti-Harassment Policy Statement is attached as Exhibit A and is also available at the office of the Affirmative Action Officer, Mary Fox-Stroman.

  
\_\_\_\_\_  
William Lester, Executive Director

Dated: 7-29-08

### **ASSIGNMENT OF RESPONSIBILITY FOR AFFIRMATIVE ACTION PROGRAM**

To carry out to the letter as well as the spirit, of the Affirmative Action Plan (Plan), the Metropolitan Sports Facilities Commission (MSFC) has outlined the implementation of responsibilities for the Commissioners, the Executive Director, managers, supervisors, employees and the Affirmative Action Committee. The responsibilities, duties and accountability for implementation are as follows:

#### **CHAIR OF THE METROPOLITAN SPORTS FACILITIES COMMISSION**

**Responsibilities:** To ensure that the Metropolitan Sports Facilities Commission's Affirmative Action program is in compliance with existing federal, state and local laws, rules and regulations.

Duties:

1. Affirm his/her commitment to equal opportunity/affirmative action at the Metropolitan Sports Facilities Commission.
2. Provide leadership in creating an atmosphere within the Metropolitan Sports Facilities Commission that promotes Affirmative Action.
3. Provide the necessary resources, both human and financial, to ensure success of the Affirmative Action Plan.
4. Monitor the goals set-forth in the plan and to take appropriate measures when these goals are not being met.
5. Work with Commissioners to ensure that the plan is being implemented.

Accountability: Reports to the Governor, the Legislature and the Department of Employee Relations pertaining to the affirmative action accomplishments of the MSFC.

METROPOLITAN SPORTS FACILITIES COMMISSION BOARD OF COMMISSIONERS

Responsibilities: Assist the Chair of the Metropolitan Sports Facilities Commission in directing the agency's affirmative action efforts.

Duties:

1. Reaffirm the board's commitment to affirmative action at the MSFC.
2. Provide the Chair of the MSFC with the necessary support to implement affirmative action policies and procedures.
3. Meet with the Executive Director to discuss his commitment to affirmative action and to assess the ability of the management to affect affirmative plan.
4. Work with the Chair to ensure that the affirmative action plan is implemented.

Accountability: Reports to the Chair of the MSFC.

EXECUTIVE DIRECTOR

Responsibilities: Ensure that all policies and procedures including, but not limited to, the affirmative action plan are implemented.

Duties:

1. Make affirmative action policy recommendations to the MSFC.
2. Implement the MSFC's policy on the treatment of applicants and employees to prevent discrimination and harassment.
3. Monitor adherence to the affirmative action plan.
4. Take appropriate action when it is determined that the affirmative action plan is not being implemented.
5. Give full support and to allocate necessary resources to implement Equal Opportunity/Affirmative Action programs at the MSFC.
6. Work with the Chair and the Commissioners to ensure that the affirmative action plan is carried out.

Accountability: Reports to the Chair of the MSFC.

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION OFFICER**

Responsibilities: Implement the MSFC's affirmative action program.

Duties:

1. Develop our EEO/AA policy statement and Affirmative Action Plan/Program, so that it is consistent with our policies, and that it establishes our affirmative action goals and objectives.
2. Implement the Affirmative Action Plan/Program including internal and external dissemination of our EEO/AA policies and plan.
3. Conduct and/or coordinate EEO/AA training and orientation of our supervisors, managers, and subcontractors to inform them of their responsibilities pursuant to the Affirmative Action Plan/Program.
4. Ensure that our managers and supervisors understand it is their responsibility to take action to prevent the harassment of protected class employees and applicants for employment.
5. Hold discussions with managers, supervisors and employees to ensure that our equal opportunity policies are being followed.

6. Ensure that all minority and female employees are provided equal opportunity as it relates to organization-sponsored training programs, recreational/social activities, benefit plans, pay and other working conditions without regard to race and sex.
7. Review the qualifications of all our employees to ensure that minorities and women are given full opportunities for transfers and promotions.
8. Periodically audit our training programs and hiring and promotion patterns to remove any impediments to the attainment of our goals and objectives.
9. Design, implement and maintain EEO reporting and recording systems which will measure the effectiveness of our Affirmative Action Plan/Program and determine whether our goals and objectives have been attained.
10. Maintain, monitor and measure our progress toward meeting our affirmative action goals.
11. Identify problem areas and recommend solutions.
12. Coordinate the implementation of necessary affirmative action to meet compliance requirements and goals.
13. Serve as liaison between us and relevant or applicable governmental enforcement agencies.
14. Serve as liaison between protected class groups and our organization.
15. Coordinate the recruitment and employment of women and minorities.
16. Receive, investigate and attempt to resolve all EEO complaints.
17. Keep management informed of the latest developments in the area of EEO.
18. Disseminate Anti-Harassment Policy to all new employees and re-communicate such policy annually.

Accountability: Reports to the Executive Director

### **SUPERVISORY AND MANAGEMENT STAFF**

Responsibilities: Ensure compliance with affirmative action plan and Equal Employment Opportunity for all applicants and employees.



Duties:

1. Responsible for general understanding of federal and state statutes regarding nondiscrimination and equal employment opportunity and all provisions of the affirmative action plan.
2. Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers, inhibiting equal employment opportunity, including providing reasonable accommodations for applicants and employees. Also responsible for reporting all violations of the spirit and intent of the affirmative action program to the Affirmative Action Officer for investigation and possible disciplinary action.
3. Cooperate with the Affirmative Action Officer to determine areas of employment where protected classes are underutilized.
4. To establish annual goals in cooperation with Affirmative Action Officer for employment of underutilized, protected class members.
5. Assist the Affirmative Action Officer in compiling data to monitor and analyze the affirmative action program.

Accountability: Reports to the Executive Director

EMPLOYEES

Responsibilities: Work with the management of the MSFC to ensure that equal opportunity and affirmative action is successful.

Duties:

1. Assist in creating a bias-free work atmosphere at the MSFC.
2. Assist minorities, women, and persons with disabilities in adjusting to the professional work environment at the MSFC.
3. Support management in implementing and adhering to the affirmative action plan.
4. Cooperate in any complaint investigation conducted by the Affirmative Action Officer or other designated employee.

Accountability: Reports to their respective supervisors.

## **DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN**

The Equal Opportunity/Affirmative Action Plan will be disseminated as outlined below:

A. Internal Dissemination: The dissemination of the affirmative action plan will include, but will not be limited to, the following methods:

1. All employees will receive a copy of the Affirmative Action Policy Statement.
2. The affirmative action plan will be available at the office of the Affirmative Action Officer for review by all employees.
3. A copy of the Affirmative Action Policy Statement will be posted on bulletin boards at the receptionist area and other locations identified by the Affirmative Action Officer.
4. The Anti-Harassment Policy will be distributed to all new employees and re-communicated annually to all employees.
5. All persons with personnel responsibilities, such as the Commissioners, the Executive Director, management and employees, will be informed of their duties to communicate and explain the affirmative action plan to employees under their supervision.
6. Information about the affirmative plan will be a component of all employee orientations and other appropriate in-house training programs.
7. The informational posters, as provided by the Minnesota Department of Employee Relations will be posted in all MSFC work areas and other locations accessible to employees and all applicants for employment.

B. External Dissemination

1. The phrase “An Equal Opportunity/Affirmative Action Employer” will be included on MSFC letterhead and all advertisements for employment or contracting.
2. All persons and organizations doing business with the MSFC will be informed of the agency’s affirmative action policy.

## **ORGANIZATIONAL CHART**

See attached chart.

**WORKFORCE AVAILABILITY & UTILIZATION/UNDERUTILIZATION  
ANALYSES**

Charts are included at the end of this report and are on file at the Affirmative Action Officers office. No changes have been made to the census data job group matches used for each of the classifications.

**GOALS AND TIMETABLES AND SPECIFIC PROGRAMS TO ACHIEVE GOALS**

According to the utilization analysis, our agency’s workforce is underutilized by one (1) woman in the Officials and Managers Job Group and by two (2) women in the Skilled Craft Group. We are also underutilized by one (1) minority in our Technician Job Group. In the Persons with a Disability Job Group we are underutilized by one (1) person in the Officials/Administrators Group, six (6) people in the Technicians Job Group, one (1) person in the Office/Clerical Job Group and three (3) people in the Service Maintenance Job Group. Because of the unavailability of fine-tuned census availability data in the Persons with a Disability group, the goals for our Technician and Service Maintenance job groups may be overstated.

Based on our analysis of the conditions in the agency, we expect no job growth or retirements in the next two years. It is also anticipated that our workforce may have significant reductions by May 2010 due to our tenants’ future relocations. Due to these conditions, we anticipate that if there are any retirements or terminations of employees at any level that they may not be replaced. If a position is considered to be essential, it may be replaced by contract means until the facility and agency future is determined.

If any unanticipated openings occur in the underutilized job groups that we must fill with an employce, we will make a good faith effort to recruit and hire women, minorities and/or people with a disability into those positions in the next two years. We will use the recruitment plan cited in our Affirmative Action Plan to accomplish this.

**Goals for Underutilized Job Groups**

	<u>Job Group</u>	<u>Numerical Goal</u>	<u>Timetable</u>
<b>Minority Goals:</b>	Technicians	1	August 2010
	<u>Job Group</u>	<u>Numerical Goal</u>	<u>Timetable</u>
<b>Female Goals:</b>	Officials/Admin.	1	August 2010
	Skilled Craft	2	August 2010
	<u>Job Group</u>	<u>Numerical Goal</u>	<u>Timetable</u>
<b>Disability Goals:</b>	Officials/Admin.	1	August 2010

Technicians	6	August 2010
Office/Clerical	1	August 2010
Service Maint.	3	August 2010

## **PROBLEM AREAS/DEFICIENCY IDENTIFICATION AND ANALYSIS**

Many of the Technician and Service Maintenance employees are part-time and/or seasonal and are called back year after year and opportunities for recruiting are very limited. When we have experienced turnover in the Technician, Office/Clerical, Skilled Craft and Service Maintenance areas we typically have not replaced these positions.

Recruitment and hiring activities, if any, may result from filling positions which are open due to unanticipated turnover and attrition. Goals as stated in the Goals and Timetables section of this plan have been established to allow progress in the areas identified as underutilized if unanticipated turnover or attrition occurs.

1. Workforce Composition. There has been and will continue to be no expansion hiring activity during the next plan period. Recruitment and hiring activities, if any, will result primarily from filling positions which are open due to unanticipated turnover and attrition. Continued monitoring of job groups and openings will facilitate affirmative hiring practices if necessary.
2. Applicant Flow Composition. There has been no statistically significant adverse impact. Efforts will be undertaken to review and improve the applicant flow if opportunities to recruit occur.
3. Total Selection Process. The Affirmative Action Officer will continue to aggressively monitor as well as proactively assist hiring managers with outreach, advertising and selection to insure they have the ability to capitalize on bringing in qualified minority and female applicants to fill any unanticipated vacancies. MSFC will review all new job descriptions, hiring policies and procedures to eliminate potential discrimination.
4. Transfer And Promotion. No statistically significant adverse impact or problems in this area.
5. Organization Facilities And Employer-Sponsored Activities. There is no discrimination in facilities, or in employer-sponsored activities based upon protected class's status. Reasonable accommodation has been and will continue to be made for persons with disabilities to insure full access to facilities and activities.
6. Seniority Practices And Contract Provisions For Same. Layoff by departmental seniority versus overall company seniority mitigates impact on newly-hired protected class employees.
7. Employer Training Programs. MSFC has held training classes for MSFC supervisory and management staff on key human resource issues in order to be in compliance with federal, state and local civil/human rights laws.

8. Workforce Survey. MSFC has conducted a periodic survey of the agency workforce to determine employee attitudes toward implementation of the plan.
9. Employee Committee. MSFC has created a committee to advise on implementation of the plan and on any changes needed in the plan.
10. Performance Evaluation. MSFC has evaluated supervisory and managerial employee's performance in implementing the agency's affirmative action plan and in preventing forbidden discrimination in the workplace.
11. Workforce Attitude. No problem identified. MSFC through its management and the Affirmative Action Officer will monitor workforce attitude throughout the plan term and take action appropriate where necessary.
12. Posters. Application Retention And Subcontractor Notification. No problem identified. MSFC will include §363 of the Minnesota Statutes in all contracts with unions, contractors, subcontractors and suppliers and will hold them accountable.
13. Retention and Promotion Plan. MSFC has established a retention and promotion plan for protected groups to minimize the potential loss of these employees. The plan provides for training opportunities for protected group members, to the extent necessary to eliminate underutilization in specific parts of the workforce.

**MEASURES TO FACILITATE IMPLEMENTATION OF EQUAL  
EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION  
PROGRAMS**

In order to facilitate the implementation of our commitment to Equal Employment Opportunity and Affirmative Action, MSFC will take the following positive steps:

Recruitment of Employees

- A. All solicitation or advertisements for employees placed by or on our behalf or our subcontractors will state that all qualified applicants will receive consideration for employment regardless of their race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, status with regard to public assistance or membership or activity in a local human rights commission. Copies of advertisements for employees will be kept on file.
- B. We will not indicate, in help-wanted advertisements, a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for a particular job. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female" is considered an expression of a preference, limitation, specification or discrimination based on sex.
- C. We and our subcontractors will make job opportunity information equally available to potential applicants from both protected and non-protected class groups, unless there is a bona fide occupational requirement for a particular job.

- D. We will encourage present minority and female employees to recruit other minorities and women.
- E. Recruitment brochures pictorially presenting work situations will include minority and female members of our workforce.
- F. Special efforts will be made to have minorities and women on the personnel relations staff.

Training Programs

- a. We will provide training programs leading to promotions for protected class employees
- b. Minority and female employees will be afforded a full opportunity and will be encouraged to participate in all organization sponsored educational and training programs.
- c. On-the-job training programs as well as other training and educational programs to which we give support or sponsorship, will be reviewed to insure that minority and female employees are given equal opportunity to participate.
- d. Appropriate steps will be taken to give active encouragement to minority and female employees to increase their skills and job potential through participation in available training and educational programs.
- e. We will insure that qualified minority and female employees are included in supervisory training classes.

Retention and Promotion Plan

MSFC has established a retention and promotion plan for protected groups to minimize the potential loss of these employees. The plan provides for training opportunities for protected group members, to the extent necessary to eliminate underutilization in specific parts of the workforce.

**INTERNAL AUDIT AND REPORTING SYSTEMS**

**Internal Auditing and Reporting System**

The Metropolitan Sports Facilities Commission (MSFC) has developed an internal monitoring and reporting system to assist the Affirmative Action Officer (AAO) in evaluating progress essential for a successful Affirmative Action Program.

<b><u>SYSTEM</u></b>	<b><u>RESPONSIBILITY</u></b>	<b><u>FREQUENCY</u></b>
1. <b><u>EEO</u></b> Provides the MSFC with a workforce breakdown	AAO	Annually
2. <b><u>Applicant Flow</u></b> Provides statistical count of the number of applicants according to race, sex and disability	AAO	Annually

3. <b><u>Eligible Hires</u></b>	AAO	Annually
Reports all hires, terminations and discharges, including job classifications, bargaining units, racial classifications, sex and disability		
4. <b><u>Disciplinary Actions</u></b>	AAO	Annually
Report disciplinary actions taken by name, job classification, bargaining unit, racial group, sex and disability		
5. <b><u>Recruitment Sources</u></b>	AAO	Annually
Recording of recruitment sources, strategies used and the results of attempts to fill vacancies for which there was underutilization and goals were established		
6. <b><u>Discrimination Complaints</u></b>	AAO	Annually
List all formal complaints of discrimination filed in the past year		
7. <b><u>Training</u></b>	AAO	Annually
List all training provided, pertaining to AA/EEO issues in order to analyze upward mobility, including job assignment, job progression, promotion, transfer by job classification and bargaining unit		
8. <b><u>Employee Roster</u></b>	AAO	Annually
List of employee rosters, and other reports as requested by DOER		
9. <b><u>Agency Performance</u></b>	AAO	Annually
Review the MSFC's performance in meeting its affirmative action goals with annual goals		

10. <b><u>Progress Report</u></b> Report on action oriented objectives	AAO	Annually
11. <b><u>Status Reports</u></b> Provides DOER with status reports as requested	AAO	On request

An internal audit report will be maintained, reviewed and evaluated by the Affirmative Action Officer and discussed with department managers with recommendations for improvement, where needed, to meet annual goals. Top management shall be informed periodically of progress within the program, with recommendations to improve unsatisfactory performance in areas where needed.

External reporting requirements. MSFC will submit reports to the Minnesota Department of Human Rights upon request for non-construction employers and non-construction personnel.

**Internal Complaint Investigation Procedure**

Applicants for employment, employees, part and full-time employees, and persons terminated by the MSFC, may file a complaint with the Affirmative Action Officer when they believe their employment has been adversely affected because of protected group status.

This section sets-forth the procedures for filing an equal opportunity/affirmative action (EO/AA) complaint. All complaints will be handled in an expeditious manner. Investigations will be objective. Federal, state and local court and administrative decisions will be used as guidelines in conducting these investigations. All information in the case files will remain confidential unless properly released pursuant to the Minnesota Government Data Practices Act, or by a court or administrative body.

The Affirmative Action Officer (AAO), or someone at her direction, may determine findings after an investigation, attempt resolution to the satisfaction of both parties and draft appropriate agreements. The EO/AA complaint mechanism is structured for voluntary resolution of applicant or employee complaints. The AAO has no power to demand settlement or to impose sanctions on any parties without written approval from the Executive Director.

1. **INTERNAL COMPLAINT PROCESS**

- a. An individual files a complaint by filling out a Complaint Form or calling the AAO for an in-person meeting, the result of which will be the completion of the MSFC's Complaint Form. In the event that the subject of the complaint is the AAO, the complaint shall be filed with the Executive Director. Experience shows that it is difficult to investigate a case after the passage of any significant time. Complaints shall be filed within sixty (60) working days of the alleged act(s) of discrimination or harassment.



- b. The AAO will make an initial determination as to whether the complaint alleges discriminatory harassment, employment discrimination or some other violation of this policy. The complainant must be notified of this determination.
- c. The AAO shall immediately conduct an investigation interviewing all relevant parties and prepare a report of the findings. The alleged violator ("respondent") may, within ten days of receiving that report, submit his or her own report to the AAO. This report may be oral or written. In the event of an oral report, the AAO will prepare a summary of the report which shall be reviewed and signed by the respondent.
- d. The AAO, within his or her sole discretion, may attempt to mediate the complaint between the parties where appropriate, and bring about an informal resolution. Informal resolution under this paragraph is not appropriate for a second or succeeding complaint of a similar nature against the same person within the preceding twelve months.
- e. If informal resolution of the complaint is not attempted or successful, the AAO's and respondent's reports will be submitted to the Executive Director, who shall take appropriate action and notify all parties of the action within 15 working days of receiving the report. The Executive Director may initiate any additional investigation he or she deems necessary.
- f. Within 60 days of such action, the Executive Director will issue a written report of the complaint, investigation and actions taken and will provide that report to the complainant and respondent.
- g. If the complainant or respondent is not satisfied with the findings, method of investigation or action taken, the party may make a written appeal to the Executive Director of the MSFC. The Executive Director shall take one or more of the following steps:
  - 1. Reopen the case for further investigation;
  - 2. Take additional action on the complaint;
  - 3. Arrange for an independent investigation to be conducted by a consultant experienced with the type of case involved; or
  - 4. Refer the case to the Board or a subcommittee of no fewer than three members designated by the Board to take whatever action the Board or subcommittee deems necessary.
- h. Any employee who has been demoted, suspended, or dismissed by the Executive Director may, within thirty days of such action, submit a written request for a hearing by the Board as provided in Minnesota Statutes §473.553, Subd. 9 (b).
- i. Adverse action taken against any person because he/she filed or intends to file a complaint, has sought information relevant to his/her rights under this affirmative

action plan, cooperated in an EEO/AA investigation, or opposed any unlawful employment practice, is considered retaliation and reprisal and is a violation of the affirmative action plan and Minnesota law. Any allegation of retaliation or reprisal shall be governed by the foregoing process for investigation or resolution.

- j. If the complainant is not satisfied with the resolution of this process, he or she may seek alternative legal action in accordance with any state or federal law.
- k. At any stage of the foregoing process after a complaint has been received, the Executive Director, at his or her sole discretion, may turn the matter over to an independent investigator to prepare a report of the facts and circumstances leading to the complaint. Upon exercising this option, all deadlines for action will be suspended during the independent investigation, which will be concluded in a reasonable time under all the circumstances. Upon completion of the independent investigation the Executive Director shall take such action as is deemed appropriate within 15 business days of receipt of the report of the independent investigation and shall inform the parties of that action. The process shall then proceed as set forth in paragraph c and succeeding paragraphs above.
- l. If any party is covered by a collective bargaining agreement, the AAO will consult with the appropriate union representative. In the event of any conflict between the terms of a collective bargaining agreement and this policy, the collective bargaining agreement will control.

### **PRE-EMPLOYMENT REVIEW PROCESS**

The Affirmative Action Officer will generate annually Affirmative Action data reports indicating current disparities and will distribute them to department supervisors and managers. When filling a vacancy in an occupational category in which a disparity exists, we will follow these procedures.

1. Upon notification by the hiring manager that an opening exists, the Affirmative Action Officer will determine whether a disparity exists for that position.
2. The Affirmative Action Officer will work with the hiring supervisor, monitoring the hiring process, to ensure that available protected group candidates for whom there are disparities are included.
3. Where a disparity exists, protected group candidates are available and the intended hiring selection is not a protected group member, the hiring supervisor must provide rationale with the Affirmative Action Officer to substantiate his/her decision.
4. The Affirmative Action Officer will review the rationale and attempt to resolve the hiring situation. If agreement cannot be reached, the Executive Director will approve or deny the selection. All decisions will be made in writing and will be maintained on file in the Office of the Affirmative Action Officer.

### Procedure for Layoffs

All layoffs will be discussed with the Affirmative Action Officer/Designee to determine their effect on the Metropolitan Sports Facilities Commission's Affirmative Action goals and timetables.

## **AFFIRMATIVE ACTION PLAN FOR INDIVIDUALS WITH DISABILITIES**

### Affirmative Action Clause for Individuals with Disabilities

MSFC will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. MSFC agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

MSFC agrees to comply with the rules and relevant orders of the Minnesota Department of Employee Relations

MSFC agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Employee Relations. Such notices will state MSFC's obligation under the law to take affirmative action to employ and advance in employment qualified employees with disabilities and applicants for employment, and the rights of the applicants and employees.

MSFC will notify each labor union or representative of workers with which it has a collective bargaining or other contract understanding, that the employer is bound by the terms of Minnesota Statutes, section 473 and is committed to take affirmative action to employ and advance in employment individuals with physical and mental disabilities

### Schedule for Review

MSFC will annually review all new job descriptions for physical and mental job requirements to the extent that these requirements tend to screen out qualified individuals with disabilities. It will be determined whether these requirements are job related and are consistent with business necessity and safe performance of the job.

### Pre-Employment Medical Exam

MSFC may require a comprehensive medical exam after a conditional offer of employment. The results of such an examination will not be used to screen out qualified individuals with disabilities. Information obtained in response to such inquiries or examination will be kept

confidential except that (a) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding accommodations, (b) first aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment, and (c) officials, employees, representatives, or agents of the MN Department of Employee Relations or local human rights agencies investigating compliance with the act or local human rights ordinances will be informed if they request such information.

#### Accommodations to Physical and Mental Limitations of Employees

MSFC will make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless such an accommodation would impose an undue hardship on the conduct of the business.

#### Compensation

In offering employment to individuals with disabilities, MSFC will not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.

#### Outreach, Positive Recruitment, and External Dissemination of Policy

MSFC will review employment practices to determine whether the personnel programs provide the required affirmative action for employment and advancement of qualified individuals with disabilities. Based upon the findings of such review, MSFC will undertake appropriate outreach and positive recruitment activities, such as those listed below.

- A. Develop an internal communication plan which encourages affirmative action efforts to employ qualified individuals with disabilities in such a manner as to foster understanding, acceptance, and support among executive, management, supervisory, and all other employees and encouraging such persons to take the necessary action to aid MSFC in meeting this obligation.
- B. Develop reasonable internal procedures to ensure that our obligation to engage in affirmative action to employ and promote qualified individuals with disabilities is being fully implemented.
- C. Periodically inform all employees and prospective employees of our commitment to engage in affirmative action to increase employment opportunities for qualified individuals with disabilities.
- D. Establish meaningful contacts with appropriate social service agencies, organizations of and for individuals with disabilities, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance, and referral to potential employees.
- E. Review employment records to determine the availability of promotable and transferable qualified known individuals with disabilities presently employed, and to determine

whether their present and potential skills are being fully utilized or developed.

- F. Include workers with disabilities when employees are pictured in consumer, promotional, or help wanted advertising.
- G. Send written notification of our policy to all subcontractors, vendors and suppliers, requesting that they act in a manner consistent with MSFC's policy on affirmative action.
- H. Take positive steps to attract qualified persons with disabilities who are not currently in the workforce and have requisite skills and can be recruited through affirmative action measures.

#### Internal Dissemination of Policy

Realizing that an outreach program is ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with persons with disabilities in the past, and in order to assure greater employee cooperation and participation MSFC shall disseminate this policy internally as follows

- A. Include it in the policy manual.
- B. Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation.
- C. Periodically schedule meetings with all employees to discuss policy and explain individual employee responsibilities
- D. Discuss the policy thoroughly in both employee orientation and management training programs.
- E. Meet with union officials to inform them of our policy, and request their cooperation.
- F. Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.
- G. Post the policy on our bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Minnesota Department of Employee Relations.

#### Responsibility for Implementation

Mary Fox-Stroman, Affirmative Action Officer, has been designated director of our affirmative action activities.

Her identity shall appear on all internal and external communications regarding our affirmative action programs. Ms. Fox-Stroman has been given necessary top management support and staff to manage the implementation of this program, including the following activities:

- A. Develop policy statements, affirmative action programs, and internal and external communication techniques, including periodic discussions with local managers, supervisors, and employees to be certain our policies are being followed. In addition, supervisors shall be advised that:
  - 1) their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria; and
  - 2) we are obligated to prevent harassment of employees placed through affirmative action efforts.
- B. Identify problem areas in conjunction with line management and employees with known disabilities, in the implementation of the affirmative action plan, and develop solutions.
- C. Design and implement reporting systems that will:
  - 1) measure effectiveness of our plan
  - 2) indicate need for remedial action
  - 3) determine the degree to which objectives have been attained
  - 4) determine whether known disabled employees have had the opportunity to participate in all employer sponsored educational, training, recreational, and social activities
  - 5) ensure that each location is in compliance with the Minnesota Statutes.
- D. Serve as liaison between us and the Minnesota Department of Employee Relations.
- E. Keep management informed of the latest developments in the entire Affirmative Action area.

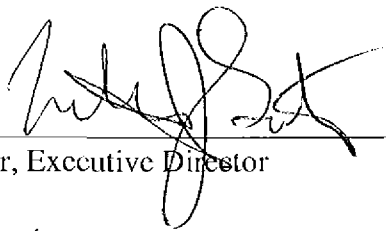
#### Development and Execution of Affirmative Action Programs

The Affirmative Action Plan for our organization will be developed and executed as follows:

- A. Job qualification requirements reviewed will be made available to all members of

management involved in the recruitment, screening, selection, and promotion process.

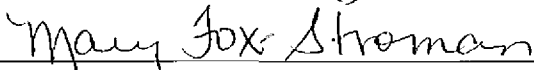
- B. We will evaluate the total selection process to ensure that persons with disabilities are not stereotyped in a manner which limits their access to all jobs for which they are qualified.
- C. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will be carefully selected and trained to ensure that there is a commitment to the affirmative action program and its implementation.
- D. We will use all available resources to continue or establish on-the-job training programs.



William Lester, Executive Director

7-29-08

Date



Mary Fox-Stroman, Affirmative Action Officer

7/31/2008

Date

## EXHIBIT A

### **METROPOLITAN SPORTS FACILITIES COMMISSION HARASSMENT AND OFFENSIVE BEHAVIOR POLICY**

Harassment is against the law. It is the policy of the Commission to abide by the federal and state laws that prohibit sexual harassment and to maintain an employment atmosphere free of any form of harassment, intimidation, or coercion regarding race, sex, color, creed, religion, ancestry, national origin, disability, age, affectional preference, marital status or status of public assistance.

Sexual harassment of any employee by any other employee will not be tolerated. If investigation of a complaint of sexual harassment produces evidence of harassment, appropriate disciplinary action will be taken.

Some examples of inappropriate behavior include, but are not limited to

- a. Use of offensive or demeaning terms that have sexual connotation.
- b. Objectionable physical closeness, behavior, actions, or contact.
- c. Unwelcome suggestions regarding, or invitation to, social engagements or work-related social events.
- d. Any indication expressed or implied, that an employee's job security, job assignment, conditions of employment, or opportunities for advancement may depend on the granting of sexual favors.
- e. Any action relating to an employee's job status which is in fact affected by consideration of the granting or refusal of social or sexual favors.
- f. Deliberate or careless creation of an atmosphere of sexual harassment or intimidation
- g. Deliberate or careless jokes or remarks of a sexual nature to or in the presence of any employee who may find such jokes or remarks offensive.
- h. Showing materials (such as cartoons, articles, pictures, etc.) that have a sexual content to employees who may find such materials offensive.
- i. Insulting offensive behavior directed at an individual related to or because of the individual's gender, whether or not such behavior is of sexual nature.

All employees are expected to treat their coworkers, subordinates, and supervisors with respect at all times.



## **EXHIBIT A (continued)**

### **HARASSMENT AND OFFENSIVE BEHAVIOR POLICY continued**

The Commission also prohibits non-sexual offensive behavior. This includes words or actions that are offensive to another based on sex, race, age, religion, color, creed, sexual orientation, disability, marital status, or national origin. Each employee is expected to treat other employees with respect and to report immediately any sexual harassment or offensive behavior. If you feel that you are being subjected to sexual harassment or offensive behavior from an employee or customer, you have the right to demand immediately that the person stop. You should promptly report the conduct to your supervisor.

If you feel that reporting sexual harassment or offensive behavior to your supervisor is not effective or possible, or if your supervisor is participating in the sexual harassment or offensive behavior, then you should report it to the Executive Director or Affirmative Action Officer. All complaints will be handled promptly and as confidentially as practicable.

No retaliation of any kind will occur because you have, in good faith, reported an incident of suspected sexual harassment or offensive behavior. We encourage you, to help us keep the Commission free of sexual harassment and offensive behavior.

**PRINTABLE UTILIZATION ANALYSIS CHART**

**UTILIZATION ANALYSIS for Metropolitan Sports Facilities Commission**

	<b>Protected Group: WOMEN</b>					
<b>EEO Job Group</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	Total Number in Group	Total Number of Women in Group	% Women in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
<b>Officials and Administrators</b>	10	3	30	37.8	3.8	1
<b>Professionals</b>						
<b>Technicians</b>	62	12	19.4	16.7	11.0	0
<b>Protective Services</b>						
<b>Paraprofessionals</b>						
<b>Office/Clerical</b>	5	4	80	67.7	4.0	0
<b>Skilled Craft</b>	20	0	0	7.8	1.6	2
<b>Service Maintenance</b>	21	4	19	14.3	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 Metropolitan Sports Facilities Commission**

	<b>Protected Group: Minorities</b>					
<b>EEO Job Group</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	Total Number in Group	Total Number of Minorities in Group	% Minorities in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
<b>Officials and Administrators</b>	10	1	10.0	5.1	.51	0
<b>Professionals</b>						
<b>Technicians</b>	62	4	6.5	8.0	4.9	1
<b>Protective Services</b>						
<b>Paraprofessionals</b>						
<b>Office/Clerical</b>	5	1	20	8.2	.41	0
<b>Skilled Craft</b>	20	4	20	7.1	1.42	0
<b>Service Maintenance</b>	21	6	28.6	29.0	6.0	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 Metropolitan Sports Facilities Commission**

	<b>Protected Group: People with a Disability</b>					
<b>EEO Job Group</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	Total Number in Group	Total Number of Disabled in Group	% Disabled in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	10	0	0	11.3	1.0	1
Professionals						
Technicians	62	1	1.6	11.5	7.0	6
Protective Services						
Paraprofessionals						
Office/Clerical	5	0	0	11.5	.6	1
Skilled Craft	20	2	10.0	11.5	2.0	0
Service Maintenance	21	0	0	11.3	2.4	3

**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 GOAL and TIMETABLES CHART**

**GOALS AND TIMETABLES for Metropolitan Sports Facilities Commission**

<b>EEO Job Group</b>	<b>Women</b>			<b>Minorities</b>			<b>People with a Disability</b>		
	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable
<b>Officials and Administrators</b>	1	1	Aug 2010	0	0		1	1	Aug 2010
<b>Professionals</b>									
<b>Technicians</b>	0	0		1	1	Aug 2010	6	6	Aug 2010
<b>Protective Services</b>									
<b>Paraprofessionals</b>									
<b>Office/Clerical</b>	0	0		0	0		1	1	Aug 2010
<b>Skilled Craft</b>	2	2	Aug 2010	0	0		0	0	
<b>Service Maintenance</b>	0	0		0	0		3	3	Aug 2010

# Metropolitan Sports Facilities Commission

