

MINNESOTA DEPARTMENT OF HUMAN SERVICES  
EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PLAN

2008-2010

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## ORGANIZATION

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For many years, the Minnesota Department of Human Services (DHS) consisted of ten (10) organizational units and locations in the state, which included a Central Office site and nine (9) State Operated Services (SOS) campuses serving persons with mental illness and developmental and behavioral disabilities. Today, those SOS sites number in the hundreds and are located throughout the state on both large and small campuses designed to serve clients in or near the communities in which they reside. In addition, the Department continues to provide technical assistance to and mentoring for equal employment opportunity activities of the county human service agencies in the Minnesota Merit System.

The State Operated Services system is organized by the services provided:

- Adult Mental Health, (including Community Behavioral Health Hospitals);
- Special Populations, which includes:
  - Chemical Health (C.A.R.E.),
  - Child & Adolescence Behavioral Health,
  - Neurorehabilitation Services;
- Minnesota State Operated Community Support (MSOCS), which includes:
  - Group Homes,
  - Foster Care,
  - Day Programs;
- Forensics, which includes:
  - Minnesota Security Hospital; and
  - Minnesota Extended Treatment Options Program (METO).

The Minnesota Sex Offender Program (MSOP) which was once part of SOS Forensics has become its own stand alone program, and is now separate from State Operated Services.

The Director of the DHS Office for Equal Opportunity provides Department-wide direction, oversees equal employment opportunity activities for Central Office, and provides consultation and oversight to State Operated Services and the Minnesota Sex Offender Program for same. The Administrators for State Operated Services and the Minnesota Sex Offender Program have the responsibility for implementing the DHS Affirmative Action Plan in their parts of the agency and for designating one or more Affirmative Action Officers. The following are the current DHS Affirmative Action Officers/Designees:

### **CENTRAL OFFICE**

#### **Office for Equal Opportunity**

#### **Chief Recruiter/Affirmative Action Officer**

**651-431-3040**

Elmer L. Andersen Human Services Building

540 Cedar Street

P.O. Box 64997

St. Paul, MN 55164-0997

**ADULT MENTAL HEALTH (including Community Behavioral Health Hospitals)**

**Rod Kornrumpf, Site Administrator, 651-431-5003**

**Twanda MacArthur, Affirmative Action Officer, 651-431-5023**

**Bonnie Thiem, Human Resources, 651-431-5055/Mary Buss, Human Resources, 651-431-5059**

Anoka-Metro Regional Treatment Center

3300 Fourth Avenue North

Anoka, MN 55303

**SPECIAL POPULATIONS (including Chemical Health [C.A.R.E.], Neurobehavioral Hospital and Adolescent Behavioral Health Hospital)**

**Doug Seiler, Site Administrator, 218-739-7224**

**Paula Skaalrud, Human Resources Director, 218-739-7223**

1400 Union Avenue North

Fergus Falls, MN 56537-1200

**MINNESOTA STATE OPERATED COMMUNITY SERVICES (MSOCS)**

**(Foster Care/Group Homes and Day Programs)**

**Doug Seiler, Site Administrator, 218-739-7224**

**Sean Tolefree, Human Resources, 651-766-4115**

444 Lafayette Road

St. Paul, MN 55155-3818

**FORENSICS (including Minnesota Security Hospital and Minnesota Extended Treatment Options [METO])**

**Larry TeBrake, Site Administrator, 507-985-3128**

**Nancy Draves, Human Resources, 507-985-2244**

**Linda Vaske, Affirmative Action Coordinator, 507-931-7119**

Minnesota Security Hospital

100 Freeman Drive

St. Peter, MN 56082

**Jenny McAlpine, Affirmative Action Coordinator, 763-689-7219**

Minnesota Extended Treatment Options

1425 East Rum River Drive South

Cambridge, MN 55008

**MINNESOTA SEX OFFENDER PROGRAM (MSOP)**

**Dennis Benson, CEO, 651-431-4390**

**Dan Storekamp, Deputy Director, 651-431-2148**

**Melissa Greszyk, Human Resources, 218-485-5300 x5530**

1111 Highway 73

Moose Lake, MN 55767

## RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES

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### I. Commissioner/DHS Chief Operating Officer/Assistant Commissioner -- Cal Ludeman/Wendy Dwyer/ Read Sulik/Dennis Benson

#### Responsibilities:

Oversee and ensure implementation of the Department's equal opportunity policy and affirmative action plan, including Central Office, State Operated Services and the Minnesota Sex Offender Program, in compliance with existing federal and state laws and regulations.

- Duties:
1. Appoint the Director of the Office for Equal Opportunity (Commissioner/ Chief Operating Officer).
  2. Include accountability for the administration of the agency's Affirmative Action and Equal Opportunity Plan in his/her position description.
  3. Require all Department managers and supervisors to include responsibility statements for affirmative action in their position descriptions and annual objectives.
  4. Take action on complaints of discrimination as outlined in the Plan's complaint procedure (through the Director of the Office for Equal Opportunity).
  5. Issue an annual written statement to all employees affirming support of the State's equal employment opportunity policy and the Department's Affirmative Action, Equal Opportunity, and Civil Rights Programs.
  6. Make decisions and changes in policy, procedures, or accommodations as may be needed to facilitate effective affirmative action and equal employment opportunity.

Accountability: The Governor.

### II. Office for Equal Opportunity Director – Constance M. Tuck

#### Responsibilities:

To administer the Department's Affirmative Action, Equal Opportunity, and Civil Rights Programs.

- Duties:
1. Monitor implementation of the Department's Affirmative Action and Equal Opportunity Plan.
  2. Investigate complaints of alleged discrimination, coordinate handling of discrimination charges brought against the Department, and maintain a centralized record of such charges.
  3. Establish annual hiring goals, review the Department's Affirmative Action and Equal Opportunity Plan annually and complete all civil rights and affirmative action reports as required.
  4. Monitor and provide direction and consultation on affirmative action and equal employment opportunity matters to State Operated Services Site Managers, Minnesota Sex Offender Program Directors and their Affirmative Action Officers/designees.

5. Ensure that Affirmative Action and Equal Opportunity Plan information is disseminated throughout the Department.
6. Monitor employee engagement and retention rates, particularly for their representation of disparate group members.
7. Act as the liaison between the Department and the Office for Diversity and Equal Opportunity of the Minnesota Management and Budget Department
8. Determine the need for affirmative action-related training activities.
9. Review Department policies, procedures, programs, and requests for reasonable accommodations for disabled persons, and recommend changes to the Commissioner.
10. Plan and participate in the recruitment of protected group applicants for Department job openings.
11. Maintain contacts with protected group recruitment sources, hold membership in professional and community organizations as funding permits, and keep apprised of new developments in the areas of affirmative action and equal opportunity.
12. Ensure compliance with state and federal human and civil rights laws.

Accountability: Commissioner/DHS Chief Operating Officer

### III. DHS Human Resources Director -- Connie Jones

#### Responsibilities:

Ensure that personnel policies are administered fairly and are uniformly applied to all employees, and take positive action to remove all barriers to equal employment opportunity within the Department.

Duties: The duties of the Human Resources Director include, but are not limited to the following:

1. Make available to the Director of the Office for Equal Opportunity all records, information, and data necessary to perform affirmative action duties and responsibilities.
2. Provide the Director of the Office for Equal Opportunity an opportunity to participate in decisions regarding personnel practices.
3. Aid in the recruitment of members of protected groups and ensure that managers and supervisors are notified of existing disparities at the time of the employment interview.
4. Recommend changes in policy and procedure to improve the Department's ability to achieve affirmative action objectives.
5. Inform the Director of the Office for Equal Opportunity of discrimination charges brought through a union grievance process and consult with the Director of the Office for Equal Opportunity regarding resolution of the grievance.

Accountability: Commissioner/DHS Chief Operating Officer

### IV. Civil Rights Coordinator -- Joann daSilva

#### Responsibilities:

Develop and implement the Department's Civil Rights Plan to ensure on-going compliance with federal requirements enforced by the U.S. Department of Health and Human Services' Office for Civil Rights (OCR) and by the U.S. Department of Agriculture's Food and Nutrition Services (USDA/FNS).

- Duties:
1. Maintain a structure for the Department's Civil Rights Plan.
  2. Serve as liaison between the Department and OCR, and between DHS and USDA.
  3. Conduct prompt and thorough complaint investigations to resolve allegations of discrimination in the provision of human services.
  4. Provide technical assistance, training and education to DHS county service providers, other providers, and those with a need to know and an interest in the public's right to equitable access to human services.

Accountability: Director of the DHS Office for Equal Opportunity

V. A. State Operated Services Site Administrators

Responsibilities:

To oversee and ensure implementation of the State Operated Services Equal Opportunity Policy and Affirmative Action Plan in compliance with existing federal and state laws and regulations.

- Duties:
1. Serve as Affirmative Action Officer and Section 504 Coordinator and/or Americans with Disabilities Act Coordinator for each site.
  2. Report internal discrimination complaints to the DHS Office for Equal Opportunity at: [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us)
  3. Ensure that DHS affirmative action policies are carried out and approve all actions necessary to facilitate this.
  4. Communicate at least annually in writing to staff their responsibilities to follow DHS affirmative action and equal opportunity policies.

Accountability: CEO of State Operated Services/Assistant Commissioner for Chemical & Mental Health Services

V. B. Minnesota Sex Offender Program ("MSOP") Site Administrator(s)

Responsibilities:

To oversee and ensure implementation of the DHS Equal Opportunity Policy and Affirmative Action Plan in compliance with existing federal and state laws and regulations.

- Duties:
1. Serve as Affirmative Action Officer and Section 504 Coordinator and/or Americans with Disabilities Act Coordinator for each site.
  2. Report internal discrimination complaints to the DHS Office for Equal Opportunity at: [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us).
  3. Ensure that DHS affirmative action policies are carried out and approve all actions necessary to facilitate this.
  4. Communicate at least annually in writing to staff their responsibilities to follow DHS affirmative action and equal employment opportunity policies.

Accountability: CEO of MSOP

- VI. A. State Operated Services Affirmative Action Officer/Designees for:
- 1) Adult Mental Health (Anoka & CBHHs),
  - 2) Minnesota State Operated Community Services (MSOCS),
  - 3) Forensics (Minnesota Security Hospital, Minnesota Extended Treatment Options [METO]),
  - 4) Special Populations (Child & Adolescent Behavioral Health Hospitals, Chemical Health and Neurobehavioral Residential Services)

Responsibilities:

Implement and maintain the DHS Affirmative Action Plan.

- Duties:
1. Develop and recommend changes or improvements to affirmative action and equal opportunity policies and programs.
  2. Monitor personnel practices for impact on protected groups; complete quarterly reports, including “monitoring of the hiring process,” internal complaint reports, and other required reports.
  3. Act as liaison with the DHS Director of Office for Equal Opportunity or designee.
  4. Ensure that equal employment opportunity and affirmative action policies and procedures are disseminated to employees, including developing and implementing training activities as needed.
  5. Investigate, mediate and recommend resolution of discrimination complaints as directed by the DHS Director of Office for Equal Opportunity or designee.

Accountability: DHS Director of Office for Equal Opportunity/SOS HR Director

- VI. B. MSOP Affirmative Action Officer/Designee(s):

Responsibilities:

Implement and maintain the DHS Affirmative Action Program.

- Duties:
1. Develop and recommend changes or improvements to affirmative action and equal opportunity policies and programs.
  2. Monitor personnel practices for impact on protected groups; complete quarterly reports, including “monitoring of the hiring process,” internal complaint reports, and other required reports.
  3. Act as liaison with the DHS Director of Office for Equal Opportunity or designee.
  4. Ensure that equal employment opportunity and affirmative action policies and procedures are disseminated to employees, including developing and implementing training activities as needed.
  5. Investigate, mediate and recommend resolution of discrimination complaints as directed by DHS Director of Office for Equal Opportunity or designee.

Accountability: Director of DHS Office for Equal Opportunity/MSOP HR Director

- VII. All Managers and Supervisors

Responsibilities:

To ensure compliance with statewide and Department affirmative action requirements and to ensure equal treatment of all employees.

- Duties:
1. Assist the Director of the DHS Office for Equal Opportunity and/or Affirmative Action Officer(s) in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
  2. Recruit and interview qualified protected group members in job categories where a disparity exists. When hiring and promoting where disparities exist, give strong consideration to qualified disparate candidates.
  3. Communicate and demonstrate a personal commitment to the Department's equal employment opportunity and affirmative action policy.
  4. Include responsibility statements for affirmative action and equal employment opportunity in position descriptions, and annual performance objectives.
  5. Assist and make recommendations to the Director of the Office for Equal Opportunity or Designated Affirmative Action Officer regarding special recruitment projects.
  6. Discuss and document training needs and discuss career planning goals with each employee during scheduled performance evaluations.
  7. Ensure that all employees under their supervision receive an annual affirmative action orientation.

Accountability: Assistant Commissioner/Department of Human Services Chief Operating Officer/SOS Chief Executive Officer/ MSOP Chief Executive Officer, directly, and to the Commissioner, indirectly.

#### VIII. All Employees

##### Responsibilities:

All employees shall be responsible for conducting themselves in accordance with the State's Equal Employment Opportunity Policy by refraining from any actions which would interfere with any employee's work performance with respect to that person's race, creed, color, sex, national origin, age, marital status, disability, sexual orientation, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions or affiliations. Employees who believe they have been subjected to unlawful discrimination are encouraged to avail themselves of recourse through the Department's discrimination complaint procedure.

Accountability: Supervisor or Manager/Director of Office for Equal Opportunity.



## INTERNAL AND EXTERNAL DISSEMINATION

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### I. Internal Dissemination

- A. The Commissioner will transmit a letter or memo annually to the Department's employees reaffirming DHS' commitment to equal employment opportunity and affirmative action.
- B. Annual training sessions will be conducted for managers and supervisors on the Affirmative Action Plan and their responsibilities under it.
- C. On each official bulletin board the following will be posted:
  - 1. the Affirmative Action/Equal Employment Opportunity Policy and Procedures; and
  - 2. information about locating a complete copy of the Affirmative Action Plan.
- D. Employee orientation programs will have an equal opportunity/affirmative action component.
- E. The Affirmative Action Policy will be summarized in appropriate Departmental publications.
- F. The Equal Employment Opportunity and Affirmative Action Policy will be included in the agency's official policies and procedures, whether electronic or hard copy.
- G. The Affirmative Action and Equal Opportunity Plan will be posted in its entirety on InfoLink or other official electronic resource for easy access by all employees. Additionally, a print copy will be kept in the Office for Equal Opportunity and will be made available upon request to any employee who seeks to view it.

### II. External Dissemination

- A. The phrase "Equal Opportunity Employer" will be included on DHS' letterhead and in all advertisements for positions.
- B. Positions will be advertised in appropriate protected group publications or electronic job postings, as funding permits.
- C. A written expression of the Department's position on equal opportunity

will be included in publications advertising employment at DHS.

- D. An assurance of non-discrimination will be included in all contracts for programs or activities receiving federal financial assistance, in accordance with U.S. Health and Human Services regulations, 45 CFR, Part 80.
- E. The Affirmative Action and Equal Opportunity Plan will be posted in its entirety on the DHS public website for easy access by all applicants and potential employees, as well as by members of the public. Additionally, a print copy will be kept in the Office for Equal Opportunity and will be made available upon request to any one who seeks to view it.

## REPORT, AUDIT AND EVALUATION

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- A. On a quarterly basis, the DHS Office for Equal Opportunity, in concert with State Operated Services' and MSOP's affirmative action officer(s)/designee(s), will:
1. review goal achievement, separation, and missed opportunity reports to identify trends/problems and develop action steps to correct.
  2. inform the Commissioner/SOS and MSOP CEOs, and supervisors and managers of progress or changes in goal achievement status; and
- B. Annually, the DHS State Operated Services' and MSOP affirmative action officer(s)/designee(s) will forward an Internal Complaint Report to the DHS Office for Equal Opportunity. The report will summarize the numbers and category of complaints alleged and closed during that year.
- C. Biennially, the DHS State Operated Services' and MSOP's affirmative action officer(s)/designee(s) will forward an Affirmative Action summary to the Director of the Office for Equal Opportunity that contains:
1. completed and signed transmittal forms that identify SOS or MSOP workforce disparities;
  2. recommendations for improvement in DHS' affirmative action/equal employment opportunity policies and recommendations for necessary department-wide action steps;
  3. hiring goals for the next two years, based on current disparities;
  4. number of reasonable accommodation requests received, approved, or denied;
  5. recruitment and retention plans;
  6. other items as required by Administrative Procedures.
- D. Biennially, the DHS Director of the Office for Equal Opportunity will submit for approval to the Office for Diversity and Equal Opportunity of Minnesota Management and Budget Department
1. all transmittal forms;
  2. policy revisions or additions that have occurred during the previous two fiscal years;
  3. all DHS hiring goals for the period;
  4. Commissioner's statement of commitment; and
  5. all DHS action steps;
  6. recruitment and retention plans;
  7. other items required by Administrative Procedures.

## MINNESOTA MERIT SYSTEM AFFIRMATIVE ACTION GUIDELINES SUMMARY

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### PURPOSE

The Minnesota Merit System's Affirmative Action and Equal Employment Opportunity Policies are administered by the Minnesota Department of Human Services' (DHS) Office for Equal Opportunity, Current Equal Employment Opportunity and affirmative action guidelines for the Minnesota Merit System (MMS) are promulgated in DHS bulletin number 08-89-01, published on November 26, 2008. The purpose of the guidelines is to establish minimum affirmative action and equal employment opportunity standards for the human services agencies in MMS counties. These guidelines are intended to provide a consistent framework with regard to equal employment opportunity and affirmative action in MMS human services agencies.

### POLICY

It is the policy of the Minnesota Merit System that county human services agencies conduct all employment practices without regard to race, color, political affiliation, creed, religion, sex, national origin, disability, age, marital status, or status with regard to public assistance. Equal employment opportunity under this policy includes, but is not limited to, the following: recruitment, examination, appointment, tenure, compensation, classification or promotion and other activities in accordance with applicable federal, state, and local laws and regulations.

A program of affirmative action will be maintained to eliminate barriers to equal employment opportunity and to encourage the employment and advancement of qualified female and minority persons when these groups are underrepresented in a county human service agency's workforce in any job category. Although hiring goals are not set for persons with a disability, agencies are required to provide equal employment opportunities to, and encouraged to actively recruit, persons with a disability.

### RESPONSIBILITIES

A county human service agency's Director has overall responsibility for implementing the MMS affirmative action guidelines throughout that agency. This includes establishing specific internal procedures that minimally meet the standards established in the MMS guidelines.

### ROLE OF DHS

The DHS Office for Equal Opportunity provides consultation, technical assistance, recruitment, training, goal setting review and monitoring of MMS human service agencies to ensure affirmative action and equal employment opportunity in these agencies.

### SCOPE

The MMS affirmative action guidelines apply specifically to all employees in MMS human services agencies. All MMS human services agencies must comply with these guidelines regardless of whether they have county-wide affirmative action plans or not. Any Minnesota county may choose to create a county-wide affirmative action plan and have it approved by the Minnesota Department of Human Rights, which will issue a certificate of compliance for approved plans. Alternatively, a county may choose simply to adopt the MMS affirmative action guidelines that are offered by the Minnesota Department of Human Services -- published in

bulletin number 08-89-01 on November 26, 2008 -- for that county's human services agency.

Merit system rules 9575.0090, subpart 2a, and the American with Disabilities Act (ADA), Title I, require an affirmative action plan, which must contain the following:

- A. A policy defining and prohibiting harassment, including sexual harassment.
- B. An internal discrimination complaint policy and procedure that includes notification of the Department of Human Services' (DHS) Office for Equal Opportunity of complaints that are brought and their resolution.
- C. Provision for appointment of a person to provide liaison between the county human services agency and the DHS Office for Equal Opportunity and to have responsibility for implementation of the guidelines within the agency.
- D. Notification of the DHS Office for Equal Opportunity of periodic hiring goals established by the county human services agency.
- E. Compliance with the ADA, Title I, which prohibits discrimination against employees or job applicants with disabilities.

## **CIVIL RIGHTS PLAN SUMMARY**

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### **LEGAL BASIS/SCOPE:**

Under the U.S. Department of Health and Human Services (HHS) Regulations, every state agency receiving federal financial assistance from HHS, for any program, is charged with the responsibility to ensure that the service, financial aid, or benefits it provides -- whether through its own staff, its local counterparts, its sub-grantees, or others participating in administration of its programs -- are provided without discrimination on the bases of race, color, national origin, sex, religion, disability and age. The same is required of state and local agencies receiving federal funding from the U.S. Department of Agriculture (USDA). Under USDA regulations, discrimination is also prohibited on the bases of creed and political beliefs.

State and local agencies applying for federal financial assistance for continuing health care, income maintenance, and social service programs are further required to provide methods of administration for their programs to ensure that benefits and services are provided in a nondiscriminatory manner. Agencies must also execute an assurance of compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the 1973 Rehabilitation Act, as amended, and the Food Stamp Act of 1977.

Finally, under the Department of Human Services policy on equal opportunity in service delivery, discrimination is also prohibited on the bases of sexual orientation and public assistance status in compliance with the Minnesota Human Rights Act (363A).

DHS disseminated its updated civil rights compliance plan in 2008. This plan is administered by the Department's Civil Rights Coordinator. It ensures that the Minnesota Department of Human Services and its sub-grantees do not discriminate against applicants or clients for services in their operations, policies and procedures of federally funded programs. The following areas are addressed in the plan:

1. Purpose and legal authorities;
2. Assignment of responsibility for implementation;
3. Policy for equal opportunity in service delivery;
4. Civil rights complaint policy and procedure;
5. Continuing compliance with Title VI language access and Section 504 and Americans with Disabilities physical and program accessibility requirements;
6. Information privacy protection;
7. Dissemination of information to beneficiaries and general public;
8. Compliance records.

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## **PROHIBITION OF DISCRIMINATION**

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**PURPOSE:**

To provide work environments free of unlawful discrimination.

**AUTHORITY:**

Minnesota Statutes, Sections 43A.01, Subd. 2; Minnesota Statutes, Chapter 363A; Minnesota Department of Finance and Employee Relations Administrative Procedure 1.2; and all other relevant state and federal laws.

**POLICY:**

It is the policy of the Minnesota Department of Human Services to prohibit discrimination against any employee, applicant, contractor, volunteer or member of a community board, because of race, creed, sex, age, color, national origin, religion, disability, marital status, sexual orientation, membership or activity in a local (human rights) commission, or status with regard to public assistance, and to establish procedures for reporting, reviewing and investigating complaints. (See also PROHIBITION OF GENERAL HARASSMENT later in this document.)

**POLICY VIOLATION:**

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

**DEFINITIONS:**

**DISCRIMINATION:** An unlawful employment action based on race, creed, sex, age, color, national origin, religion, disability, marital status, sexual orientation, membership or activity in a local (human rights) commission, or status with regard to public assistance.

**DISCRIMINATORY HARASSMENT:** A repeated, blatant or persistent pattern of verbal, psychological, social or physical action -- based on a protected group characteristic -- which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. Behavior that unreasonably creates an intimidating, hostile or offensive work environment between supervisors and subordinates or among co-workers and is based on a characteristic protected in law from discrimination.

**EMPLOYEE:** For the purposes of this policy, employee is defined as any person, whether a paid employee, applicant for employment, volunteer, intern, consultant or contractor under the management of the department.

**GENERAL HARASSMENT:** An egregious, repeated, blatant or persistent pattern of verbal, psychological, social or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment, or unreasonably creating an intimidating, hostile or offensive work environment.

**SEXUAL HARASSMENT:** A form of discriminatory harassment that includes unwanted behavior of a

sexual nature such as requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment.
2. Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual's employment.
3. That the conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive work environment.

EMPLOYMENT ACTIONS: include hiring, discharge, tenure, compensation, terms, upgrading, conditions, facilities or privileges of employment. Adverse employment actions can result from intentional discrimination or from the use of employment systems that have the unintended effect of unlawfully discriminating against groups of persons.

AGE DISCRIMINATION: means an unlawful employment action taken on the basis of age (under Minnesota law, there is no requirement that the individual be a particular number of years of age or older).

PERSON WITH A DISABILITY: means a person who: a) has a physical, sensory or mental impairment that substantially limits one or more major life activities, b) has a record of such impairment; or c) is regarded as having such impairment.

MARITAL STATUS: means whether a person is married, single, remarried, divorced, separated or a surviving spouse, and includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

NATIONAL ORIGIN: means the place of birth of an individual or of any of the individual's lineal ancestors, or culture or linguistic characteristics common to a specific ethnic group.

SEX: means gender and includes but is not limited to sexual harassment, and/or actions based on pregnancy, childbirth, or disabilities related to pregnancy and childbirth.

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

HOSTILE WORK ENVIRONMENT: the workplace is permeated with discriminatory intimidation, ridicule and insults that are sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.

#### RESPONSIBILITIES:

##### Commissioner or his/her designee

- Implement and promote the provisions of this policy in the department.



- Ensure that employees are fully aware of this policy.
- Hold managers accountable for the enforcement of this policy.
- Make final determinations to resolve Central Office complaints of discrimination.

#### Managers/supervisors

- Model appropriate behavior in the workplace.
- Take necessary steps to protect employees from unlawful discrimination in the workplace.
- Receive reports of alleged unlawful discrimination.
- Consult with the Office for Equal Opportunity (OEO) or the OEO Director's designee to determine if the complaint is related to equal employment opportunity and is properly one of harassment/discrimination based on protected characteristics and jointly determine a plan of action.
- Hold employees who violate this discrimination policy accountable and take appropriate action when complaints are substantiated.
- Participate in internal investigation by providing truthful, accurate and complete information.
- Testify truthfully in administrative and legal proceedings.

#### Employees

- Model appropriate behavior in the workplace.
- Inform supervisor/manager or the Office for Equal Opportunity (OEO)/designee promptly of any concerns regarding unlawful discrimination.
- Participate in internal investigations by providing truthful, accurate and complete information.
- Testify truthfully in administrative and legal proceedings.

#### Office for Equal Opportunity (OEO)/Designees

- Counsel manager/supervisors and employees regarding discrimination issues and complaints.
- Receive and evaluate complaints of unlawful discrimination. Refer complaints to alternate resources for resolution of concerns as appropriate.
- Thoroughly and impartially investigate complaints when investigation is appropriate.
- Make recommendations to management regarding appropriate actions to be taken in response to a complaint of discrimination.

### COMPLAINT RESOLUTION PROCESS:

#### Resolution of concern:

While employees may make the initial complaint directly to the Office for Equal Opportunity (OEO) or the OEO Director's designee, employees are encouraged to attempt resolution of the situation first by any of the following:

- An applicant or employee who has a concern about discrimination may inform the person who is perceived to have behaved in a discriminatory manner that his/her behavior is objectionable and ask that it cease.
- If the employee is not comfortable confronting the person directly, the employee may make a complaint of discrimination to his/her direct supervisor or the other person.
- If the employee's supervisor is the person perceived to be engaging in unlawful discrimination, the employee may go to his/her next higher supervisor or manager, or to the OEO/designee.
- Request mediation services through the OEO/designee.

FORMAL COMPLAINT HANDLING FOR CENTRAL OFFICE :

- If a concern is not satisfactorily resolved, OR if the employee is not comfortable attempting resolution, an employee should contact the Office for Equal Opportunity (OEO).
- A complainant may be interviewed and may be requested to submit a complaint in writing, or to sign a completed Discrimination/Harassment Complaint Form. In some situations, when it has notice of a potential problem of discrimination, the OEO may conduct an investigation even if a specific person has not filed a complaint.
- The OEO will determine if a complaint is based on protected group characteristics and if it is appropriate for OEO to conduct an investigation. The OEO will notify the complainant and the appropriate bargaining unit of its decision to investigate or not in a timely manner, generally within 10 business days and according to the agreement. The OEO may bring in an outside investigator or refer a complaint to another office or state agency as appropriate.
- The investigation may include interviews with the complainant(s), subject(s) of the investigation and witnesses. The OEO may review pertinent documents including but not limited to personnel files, computer files and e-mail.
- Upon completion of the investigation, the OEO will submit its findings to the responsible party who is authorized to resolve the situation.
- If the investigation results in a finding that discrimination occurred, appropriate action will be taken in a timely manner. It may include discipline, up to and including discharge. Discipline will be determined on a case-by-case basis, after careful review of all the relevant facts and in accordance with the relevant collective bargaining agreements, Managerial and/or Commissioner's Plans.
- The complainant, and others who need to know, will be notified of the outcome of the investigation in a timely manner; generally within 60 days of the filing of the complaint. Notification will be made in accordance with the requirements of the Minnesota Data Practices Act and other relevant laws.
- The OEO may exceed the time limits stated in this complaint procedure when the OEO director determines it is necessary to do so. Factors may include, but are not limited to, the scope and complexity of the investigation, number of witnesses and the availability of investigation resources.

FORMAL COMPLAINT HANDLING IN STATE OPERATED SERVICES AND IN MINNESOTA SEX OFFENDER PROGRAMS:

**POLICY:** Charges alleging discrimination in employment or service delivery are to be dealt with in a timely and consistent manner, and appropriate Department of Human Services and Attorney General staff will be involved at the various stages of response and resolution.

**AUTHORITY:** Commissioner of the Department of Human Services.

**PURPOSE:** To prescribe a standard method for dealing with charges of illegal discrimination in State Operated Services or the Minnesota Sex Offender Programs.

**RESPONSIBILITIES:** State Operated Services (SOS) Site Managers and the Minnesota Sex Offender Programs (MSOP) Director are responsible for notifying the Director of the Office for

Equal Opportunity (OEO) or his/her designee in Central Office of all charges of alleged discrimination at any facility for which the Site Manager or Director is responsible.

**PROCEDURES:**

- A. Upon receipt of a charge of alleged discrimination, SOS Site Managers or MSOP Directors will notify the OEO Director/designee of the charges by telephone at 651-431-3040, followed by e-mail confirmation along with a copy of the charge to: [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us) The e-mail confirmation must include the name, e-mail and phone number of a contact person who will be responsible for coordinating any information gathering or arranging interviews.
- B. The Office for Equal Opportunity will review the charge and work with SOS/MSOP staff and appropriate attorney general staff to prepare a response to the charges. The OEO will forward all documents to the Attorney General's Office.
- C. The DHS Office for Equal Opportunity will act as the central source of consultation and will maintain a centralized database of all human rights or Equal Employment Opportunity Commission charges. The database will include a log of charges, including the name of charging parties and respondents, and decisions made concerning those charges.

External options:

Any employee or applicant also has the right to file a discrimination complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission (EEOC) or an appropriate court of law. Other affected parties may file with the Minnesota Department of Human Rights, or an appropriate court of law. Complaints made to the above agencies or in a court of law must be filed within certain time limitations after the occurrence of the alleged discriminatory incident. Contact those agencies for information.

**THE DEPARTMENT OF HUMAN SERVICES**  
**CENTRAL OFFICE**  
**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Please Read Before Completion of Form

TENNESSEN NOTICE: This form asks you to supply data concerning yourself that is considered private or confidential under the Minnesota Government Data Practices Act (Mn. Stat., chapter 13). The reason this data is being collected is to help the Department of Human Services understand and investigate a complaint that you wish to file alleging discrimination or harassment. Although you are not legally required to supply the requested data, failure to do so may make it difficult for the department to investigate your complaint. Additionally, the consequences of not supplying the data could be that we do not have all of the information relevant to your complaint. If you supply this data, it may be used to take disciplinary or other remedial action, or you may be required to testify at subsequent hearings relating to the data you provide. The other persons or entities which, as authorized by law, may see the data at some point include: supervisors and managers whose input is necessary in the decision-making process; exclusive representatives of employees; staff of the Minnesota Department of Employee Relations; persons and/or entities authorized by you to see the data; arbitrators, hearing examiners and other judicial and/or quasi-judicial officials; and other entities involved in grievances, appeals and litigation over the subject matter of this investigation. This list could include the: Attorney General's Office; State and federal courts; State and federal human rights enforcement agencies; the Re-employment Compensation Division of the Minnesota Department of Economic Security; law enforcement agencies; counsel for and parties to litigation pursuant to court order; the Legislative Auditor's office; and the employee who is being investigated.

<b>Complainant (You)</b>		
Name	Job Title or Position Applied for	
Work/Home Address	City, State, Zip Code	Telephone (    )
Work Unit/Area	Mail Code	Supervisor
<b>Respondent (the person who you believe discriminated against or harassed you or another individual)</b>		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone (    )
Agency	Division	Supervisor
<b>The Complaint</b>		
Check any of the following that you feel may be the basis for the complaint.		
<input type="checkbox"/> Race <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Color <input type="checkbox"/> Creed <input type="checkbox"/> National Origin	<input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Marital Status <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Reliance on Public Assistance	<input type="checkbox"/> Membership or activity in a local human rights commission <input type="checkbox"/> Veterans Status <input type="checkbox"/> Political Affiliation <input type="checkbox"/> General Harassment

Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:
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Describe the situation(s) that makes you feel that you or another individual have been discriminated against or harassed. Be specific. Include the name(s) of the individual(s) who you feel have discriminated against or harassed you or another individual; a detailed description of the incident(s) the date and time of the incident(s), names of any witnesses and the name(s) of anyone with whom you discussed the incident(s). Use additional paper if necessary.

Give the following information on all witnesses. Use additional paper if necessary.

Name	Address/Work Location	Telephone number

How do you think this situation can be resolved?

This complaint is being filed based on my honest belief that the named person(s) has discriminated against or harassed me or another individual. I hereby certify that the information I have provided in this complaint is true, correct, and complete, to the best of my knowledge and belief. I hereby affirm that I am not using this complaint procedure for reasons of personal malice or abuse towards another employee.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Please take, fax or send this completed form to the DHS, Office for Equal Opportunity, Mail Code 0997,  
PO Box 64997, St. Paul, MN, 55164-0997.

This information is available in other forms to people with disabilities by contacting us at the Office for Equal Opportunity  
via:  
651-431-3040 (Voice); 866-786-3945 (TTY); 651-431-7444 (Fax); or Speech to Speech Relay 877-627-3848.

## DHS AFFIRMATIVE ACTION REQUIREMENTS

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### PURPOSE:

To establish a method to ensure that Affirmative Action hiring goals and job class disparities are considered when employment decisions are made.

### POLICY:

Whenever a classified or unclassified vacancy occurs at DHS in an EEO4 job category (formerly tracked by Bargaining Unit) where there is an unmet affirmative action goal, and one or more identified qualified disparate protected group candidate(s) is/are in the applicant pool, the disparate protected group candidate(s) will be offered an interview, *except* in the following cases: 1) the position will be filled from a layoff list as required by collective bargaining agreements, 2) the seniority article in the contract applies, 3) the position is to be filled under the terms of a grievance or arbitration settlement, 4) the vacancy is due to a change in allocation of an occupied position. In all other instances, before an offer of employment is made to anyone other than a qualified disparate protected group candidate, the supervisor must submit written justification for the decision to not act affirmatively to, and receive approval from, the Director of the Office for Equal Opportunity or his/her designee.

### AUTHORITY:

M.S. 43A.191 and Department of Finance and Employee Relations Rules Governing the Statewide Affirmative Action Program and Administrative Procedure #19.1.

### DEFINITIONS:

- A. APPLICATION POOL: All candidates who are eligible for an interview for the vacancy in question
- B. DISPARATE GOAL UNIT: Goal units are EEO4 categories (formerly Bargaining Unit) in which the full time equivalency (FTE) representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.
- C. DISPARATE PROTECTED GROUP CANDIDATE: A person who is a member of a protected group that has applied for a vacancy within a goal unit where a disparity exists.
- D. DISPARITY: An unmet Affirmative Action Goal.
- E. MISSED OPPORTUNITY: Failure to hire an available, qualified disparate protected group candidate into a disparate goal unit. Under MN statute, sanctions and penalties may be imposed on Departments whose missed opportunities exceed 25% of all hiring opportunities.
- F. PROTECTED GROUPS: Persons who are African American, Asian or Pacific Islander, American Indian or Alaskan native, persons of Latino descent, persons with a disability, and women.
- G. QUALIFIED PERSON: A candidate capable of performing the essential job functions of the position in question.
- H. TARGETED RECRUITMENT: Affirmative outreach and efforts to identify and attract applications from qualified disparate protected group members. Includes a specific plan of action, responsible parties and a time frame.
- I. VACANCY: An approved, unclassified or classified position that is open and will be filled.

- J. WRITTEN JUSTIFICATION: Correspondence by memo or e-mail specifying the reasons why none of the disparate protected group candidates interviewed could perform the basic functions of the job. This justification must include an analysis of the disparate protected group candidate(s) qualifications in relation to requisite qualifications for successful job performance.



## RESPONSIBILITIES AND PROCEDURES

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### Responsibilities:

- A. Assistant Commissioners/Site Administrators/MSOP Director:
  - 1. Review and make final determinations on hiring selection decisions that the Director of the Office for Equal Opportunity or his/her designee have not approved.
  
- B. Office for Equal Opportunity Director/Designees:
  - 1. Evaluate written justifications for non-selection of available disparate protected group candidates in all disparate goal units.
  - 2. Approve or disapprove selection decisions where disparate protected group candidates are not selected to fill vacancies in disparate goal units; if not approved, request that the Assistant Commissioner for that area review and make a final determination.
  - 3. Provide consultation services, as requested, to hiring supervisors about the interview process related to state and federal laws.
  - 4. Develop and provide training activities for hiring supervisors about Affirmative Action requirements, policy and procedures.
  
- C. Human Resources Division/SOS HR Directors/MSOP HR Director:
  - 1. Notifies the Office for Equal Opportunity/designee of all vacancy postings by transmitting an electronic copy of those postings to the Office's Director or his/her designee.
  - 2. If there are no internal bidders for a vacancy, the HR Specialist sends the hiring supervisor an affirmative hiring memo and the "Monitoring the Hiring Process Form" which identifies the disparity for the vacancy; both the memo and the form are provided by the Office for Equal Opportunity. Qualified disparate protected group candidates are identified for the hiring supervisor at this time.
  - 3. Provides consultation and assistance to hiring supervisors in developing job-related interviews and other assessment processes.
  - 4. HR Specialists send completed "Monitoring the Hiring Process Form" to the Office for Equal Opportunity for review and signature.
  
- D. Hiring Supervisor:
  - 1. Contact and consult with the Office for Equal Opportunity/designee at the earliest possible step in the hiring process to discuss the need for affirmative action and targeted recruitment.
  - 2. When hiring for an Unclassified position, if the applicants have not applied through Resumix or a state job application, the supervisor needs to include a Self-Declaration Form with any information sent to potential applicants about the vacancy.
  - 3. Develop an interview and selection process that complies with applicable

state and federal laws and the Uniform Guidelines on Employee Selection Procedures (UGESP), 29 CFR, Section 1607.

4. When a disparity exists, make a good faith effort to contact and offer an interview to all qualified, available, disparate protected group candidates of whom you have been made aware.
5. Provide the Director of the Office for Equal Opportunity/designee with written justification if you choose not to make an offer to an available disparate protected group candidate whenever you are seeking to fill a vacancy in a disparate goal unit.
6. When a disparity exists but you do not wish to hire a qualified disparate candidate, delay making an offer of employment until either an approval is received from the Office for Equal Opportunity Director/designee or a final determination is made by Assistant Commissioner/Site Administrator/MSOP Director.
7. Document the interview process for all candidates interviewed and document all reasons for failure to select an available disparate protected group candidate.
8. Provide documentation of the interview and selection process as requested for compliance and other evaluation audits.

E. Recruitment & Retention Team:

1. Whenever feasible consult with the hiring supervisor to insure that a Self-Declaration Form is sent by the supervisor to all candidates for Unclassified positions.
2. Maintain a system of tracking protected group representation in the applicant pool for Unclassified positions.
3. Upon receipt of notification of a vacancy, assist the hiring supervisor in determining what steps need to be taken to assure affirmative action when a disparity exists.
4. When a disparity exists, in cooperation with the hiring supervisor, develop, implement and coordinate a targeted recruitment plan.
5. Review the "Monitoring the Hiring Process" form, and take appropriate action and follow up.
6. Develop and maintain a database of missed opportunities.
7. Track workforce composition and produce regular reports of progress toward established numerical employment goals.
8. Consult with hiring supervisors regarding how to achieve affirmative action goals and reduce missed opportunities.

## REASONABLE ACCOMMODATION

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### PURPOSE

The Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act prohibit employment discrimination based on disability. The Department of Human Services is committed to the fair and equal employment of people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without accommodation. Reasonable accommodation is the key to this nondiscrimination policy.

Reasonable accommodation applies to three aspects of employment:

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

### AUTHORITY

Americans with Disability Act (ADA), 42 U.S.C. §12101.et.seq.;

Section 504 of the Federal Rehabilitation Act of 1973 as amended;

Minnesota Human Rights Act, Minnesota Statutes, chapter 363A;

Minnesota Statutes, chapter 43A;

Minnesota Management and Budget Department) rules governing the Statewide Affirmative Action Program;

MMB Administrative Procedures, 13.1 and 19.2;

All applicable collective bargaining agreements

### POLICY

DHS shall assure equal opportunity in the employment process for qualified individuals with physical or mental disabilities through reasonable accommodation unless the accommodation imposes an undue hardship. This policy applies to applicants, employees, and employees seeking promotional opportunities.

### DEFINITIONS

#### A. ESSENTIAL FUNCTIONS

Essential functions are tasks considered most critical to the job that employees in the position are actually required to perform, and which if removed would fundamentally change the job.

#### B. PERSON WITH A DISABILITY

For the purposes of this policy, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

#### C. QUALIFIED INDIVIDUAL WITH A DISABILITY

A qualified individual with a disability is a person with a disability who has the required skills, experience, education and other job-related requirements for the position the individual holds or desires and who can perform the essential functions of that position either with or without reasonable accommodation.

D. REASONABLE ACCOMMODATION

A reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to satisfactorily perform the essential functions of the job and to enjoy equal benefits and privileges of employment.

E. UNDUE HARDSHIP

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Agency.

METHODS OF PROVIDING REASONABLE ACCOMMODATION

Methods of providing reasonable accommodation include, but are not limited to:

- A. Job restructuring: e.g., adjusting work schedules through flexible work hours, or limitations on overtime hours.
- B. Job site modifications: e.g., space dividers, rearranged office furniture and equipment, accessible routes to and within the building.
- C. Providing support services: e.g., sign language interpreters, readers, or transportation except between the employee's home and permanent workstation.
- D. Modifications of equipment and/or provision of assistive devices: e.g., captioning on video equipment, assistive listening devices, tactile markings on equipment, or special computer equipment or software.

## ACCOMMODATION REQUEST PROCEDURE: EXISTING STAFF

### A. Employee responsibilities:

1. The reasonable accommodation process begins when the employee informs his/her manager or supervisor or the DHS ADA Coordinator of the request for an accommodation. This may be done orally or in writing. The request for accommodation may also come from a third party.
2. The employee may complete the Employee Request for Reasonable Accommodation form and submit it to the supervisor, or request assistance in completing the form from the supervisor or the ADA Coordinator. The employee must complete an Authorization for Release of Medical information when requested by the ADA Coordinator.

Completion of the above forms by the employee is not required to process the request, but if requested information or authorization for release of medical information is not provided it may delay the accommodation process or result in a denial of the accommodation request.

3. Provide additional information as requested by manager, supervisor or ADA Coordinator.

### B. Manager or supervisor responsibilities:

1. When informed by an employee of the request for accommodation the manager or supervisor should request that the employee complete the Employee Request for Reasonable Accommodation form and consult with the ADA Coordinator.
2. Within a reasonable amount of time the manager or supervisor must consult with the employee and the ADA Coordinator or designee, using the Employee Request for Reasonable Accommodation form as guidance to:
  - a. Discuss the purpose and essential functions of the particular job involved;
  - b. Determine the precise job-related limitation;
  - c. Identify possible accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job; and
  - d. If an accommodation is needed, select and implement the accommodation that is effective, taking into consideration the individual's preferences.
3. Consult with ADA Coordinator and the employee to periodically review the accommodation to assess if the accommodation is still necessary and effective. Take the necessary steps to maintain, revise or discontinue the accommodation as needed.

### C. ADA Coordinator or designee responsibilities:

1. Consult with the manager or supervisor and the employee to provide both with a copy of this policy when notified of the accommodation request, explain the

reasonable accommodation process, and to assist in completion of step 2 under the Supervisor's responsibilities above.

2. Request documentation of the employee's functional limitations to support the request, including medical information as needed, and maintain records of each accommodation request.
3. Within a reasonable amount of time make a determination of whether the employee is a qualified individual with a disability.
  - a. If Yes, the ADA Coordinator or designee will notify the employee and the manager or supervisor of this determination and continue with the accommodation process.
    - If an accommodation is needed, the Department will consider an individual's preference. However, the Department is free to choose between equally effective accommodations and may choose the one that is less expensive or easier to provide. The ADA Coordinator or designee will make a recommendation to the employee and the manager or supervisor regarding any necessary actions to implement the accommodation.
    - If the ADA Coordinator or designee is unable to make a decision about providing the accommodation, he or she will notify the employee and the manager or supervisor and forward the request, along with his/her recommendations, to the Director of the Office for Equal Opportunity for review and a decision.
  - b. If No, the ADA Coordinator or designee will notify the employee and the supervisor that the request for accommodation has been denied.
4. If an accommodation cannot overcome the existing barriers or would cause an undue hardship on the operation of the business, then the employee, the manager or supervisor and the ADA Coordinator or designee will work together to determine whether job reassignment may be an appropriate accommodation.
  - When job reassignment is appropriate, the ADA Coordinator or designee will first look for a vacant position in the Department equivalent to the one presently held by the employee in terms of pay and job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position, (or a position the Department knows will become vacant within a reasonable period) the Department may reassign the individual as a reasonable accommodation to a lower graded vacant position for which the employee is qualified. If this occurs, the Department is not required to maintain the individual's salary at the previous level.
  - The Department will look at transfer, mobility, appointment, noncompetitive

and competitive opportunities. The Department is not required to create a new job or to bump another employee from a job to provide a reassignment as a reasonable accommodation.

D. Director of the Office for Equal Opportunity responsibilities:

1. When the Director of the Office for Equal Opportunity reviews a request for accommodation he or she will provide a decision regarding provision of the accommodation in writing to the ADA Coordinator, supervisor, and employee within a reasonable amount of time from the date the request was received from the ADA Coordinator.

ACCOMMODATION REQUEST PROCEDURE: JOB APPLICANTS IN HIRING PROCESS

A. Applicant responsibilities:

1. The reasonable accommodation process for applicants begins when the applicant informs the interviewing manager or supervisor, or the Human Resources Division, of the need for accommodation in order to participate in any part of the hiring process.

B. Interviewing or hiring manager or supervisor, or Human Resources Division responsibilities:

1. Discuss the request for accommodation with the applicant when the request is made.
2. Consult with the ADA Coordinator as needed to determine if the applicant is a person with a disability and if an accommodation is needed, and to identify possible accommodations.
3. If an accommodation is needed, select and implement the accommodation that is most effective.
4. If an accommodation is not needed, inform the applicant of the reason in writing, within five working days of the decision.

ADVERSE HIRING, FIRING, OR PROMOTIONAL ACTIONS

If any health care records or medical information adversely affects any hiring, firing, or promotional decisions concerning an applicant or employee, the applicant or employee must be notified of that information within ten days of the final decision.

CONFIDENTIALITY

Any medical documentation or information obtained in this process must be collected and maintained on separate forms and in separate medical files and must be treated as a confidential medical record, available only under limited conditions specified in the ADA and the Minnesota Human Rights Act.

FUNDING

The Department must provide funding for reasonable accommodations which do not cause an

undue hardship. Hiring units or their divisions are expected to assume the cost of accommodations. The Central Office Reasonable Accommodation Fund may also be used to pay for accommodations with prior approval from the DHS ADA Coordinator.

#### NOTIFICATION

The DHS ADA Coordinator will notify employees of the DHS Reasonable Accommodation Policy through employee orientation, training and disability awareness events, or when a request for reasonable accommodation has been made.

#### COMPLAINTS AND APPEALS

The DHS ADA Coordinator will advise employees of their right to appeal accommodation requests that are denied through the DHS discrimination complaint procedure.

The hiring or interviewing manager or supervisor, or the Human Resources Division, will advise applicants of their right to file a complaint with outside enforcement agencies for accommodation requests that are denied.



## **PERSONS WITH HIV/AIDS ARE PROTECTED UNDER ADA**

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### **What is AIDS?**

Acquired Immunodeficiency Syndrome (AIDS) is a disease characterized by a defect in the body's immune system. People who develop AIDS become more vulnerable to certain infections and cancer.

### **What is the State's policy on AIDS?**

As an employer, we treat state employees with HIV/AIDS the same way we treat employees with any disability. We will not discriminate against any applicant, employee or client because he or she may have AIDS or an HIV-related condition. A person with HIV/AIDS is protected by the federal Americans with Disabilities Act.

Employees with AIDS or an HIV-related condition may wish to continue working until they are unable to work any longer. As long as employees are able to perform essential job functions with or without reasonable accommodation, they will not be denied continued employment with the State. If it is determined necessary, an effort will be made to modify an employee's duties based on medical recommendations from the employee's physician.

If you have AIDS, and need reasonable accommodation, please contact your ADA Coordinator.

- Culled from Department of Finance and Employee Relations policy on AIDS

For more information about AIDS and state employment, call:

### **Minnesota Department of Finance and Employee Relations**

State Employee Assistance Program

(651) 296-2616      TTY (651) 282-2699

(800) 657-3719

Remember that chemical dependency treatment is covered by the state's health insurance plans. Please contact your health plan for specific information about your coverage.

For more general AIDS information, call:

### **Minnesota Department of Health**

(651) 201-5414

### **Minnesota AIDS Line**

Twin Cities      (612) 373-2437

Greater Minnesota    1-800-248-AIDS

## PROHIBITION OF GENERAL HARASSMENT & COMPLAINT PROCEDURES

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**PURPOSE:** To establish a policy on prohibition of general harassment and to establish procedures for reporting and reviewing and/or investigating such complaints.

**Authority:** The Department of Employee Relations (DOER) Administrative Procedure 1.2 (harassment prohibited).

**POLICY:** DHS shall provide an environment free of verbal, psychological, interpersonal or physical harassment. Employees who believe they have been harassed by other employees or agency customers or clients may file complaints (as described in this document) against those persons.

### DEFINITIONS:

- **GENERAL HARASSMENT:** An egregious, repeated, blatant or persistent pattern of verbal, psychological, social or physical action which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment, or unreasonably creating an intimidating, hostile or offensive work environment. General harassment does not include actions which are based upon any protected characteristics; such actions are covered by the DHS Non-Discrimination Policy.

- **PROTECTED CHARACTERISTICS:** Race, color, sex, disability, religion, creed, national origin, age, marital status, status with regard to public assistance, sexual orientation, political activity and membership or activity in a local human rights commission.

- **EMPLOYEE:** As used in this document, the word employee includes DHS employees, applicants, interns, volunteers and independent contractors.

### POLICY VIOLATIONS:

1. The commissioner shall:

- a. Implement the provisions of this policy.
- b. Ensure that employees are fully aware of this policy.

2. Each employee shall:

- a. Report allegations of harassment to his/her immediate supervisor, to the Office for Equal Opportunity Director, or to the Human Resources director by completing the Central Office Discrimination/Harassment Complaint Form (available in the Office for Equal Opportunity, the Human Resources Division or on the DHS intranet site InfoLink), or by submitting a written statement detailing the specific action involved, type of harassment (general or protected characteristic), persons responsible and requested remedy.
- b. Not intentionally use this complaint procedure for reasons of personal malice or abuse toward another employee.

3. Supervisors shall:

- a. Review complaints with staff of the Office for Equal Opportunity to determine if the complaint alleges harassment based on the employee's protected group characteristics, or if there is some other indication that the issue might be related to the employee's protected group characteristics.
  - b. Investigate and resolve complaints of general harassment.
  - c. Coach and counsel employees or take disciplinary action, up to and including discharge, when warranted.
4. The Director of The DHS Office for Equal Opportunity or designee shall:
  - a. Review all complaints to determine whether the complaint is general harassment or based on protected characteristics.
  - b. Handle the complaint to its conclusion if the determination is made that the alleged harassment is related to protected characteristics.
  - c. Refer the complaint to the Human Resources director if the determination is that the alleged harassment is not related to protected characteristics.
5. The Human Resources director or designee shall:
  - a. Conduct an appropriate review of the complaint, refer the complaint to the employee's supervisor or, if the complaint is related to an action of the supervisor, to a higher level of supervision for review. The review shall begin within 15 working days from the date the complaint was received by the Human Resources director. The review may include any or all of the following:
    - Interview the complainant.
    - Interview other appropriate individuals.
    - Gather relevant information.
    - Write a summary.
    - Discuss the situation with appropriate supervisory and managerial personnel.
    - Provide a written statement to the complainant and/or to the person (s) charged with general harassment outlining the status of the review and whether action is to be taken.
  - b. Ensure that appropriate levels of management implement any necessary actions.

## RETENTION PLAN

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### PURPOSE:

To establish a plan of activities to retain protected group employees. These initiatives will improve productivity, make the work place more conducive to employees with diverse backgrounds, and guide employees toward promotional opportunities.

### AUTHORITY:

MS 43A.191, Subd. 3(c), ADA, Title VII of the Civil Rights Act, and MS 363A

### POLICY:

The DHS Office for Equal Opportunity (OEO) will determine separation patterns that may have disparate impact on protected group members. The Office for Equal Opportunity will insure that reporting of retention rates will coincide with Affirmative Action reporting requirements and auditing.

### RESPONSIBILITIES:

#### A. Commissioner:

1. State the agency's commitment to affirmatively retain protected group employees in the affirmative action statement of commitment.
2. Designate person(s) who are responsible for the agency's retention activities.
3. Inform the OEO Director of any pending reductions in workforce.

#### B. Division Directors/ Site Managers/ Site Directors/ Site Administrators:

1. Demonstrate a good faith effort to retain protected group member employees.

#### C. OEO Director/designee:

1. Analyze separation and layoff patterns of all employees to determine the impact on protected group members.
2. Identify specific methods of helping to retain protected group employees (e.g., mentorship, training, individual development plans, employee network groups, etc.).

#### D. Recruitment and Retention Team:

1. Where possible, identify and advise current employees of mobility and career advancement opportunities.
2. Develop programs and implement activities that will promote awareness, acceptance, and appreciation of diversity and affirmative action.
3. As necessary, establish a designated liaison to work with the Office of Diversity and Equal Opportunity at the Minnesota Department of Management and Budget (MMB) to assist with implementation of statewide retention efforts.
4. As necessary, work to re-deploy laid off employees to other areas within state government.
5. Create reports from data provided by MMB or other sources for separation analyses, exit surveys and internship experiences.

- E. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Director of the Office for Equal Opportunity/designees. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternative course of action that would accomplish the supervisor's goals without the negative impact.

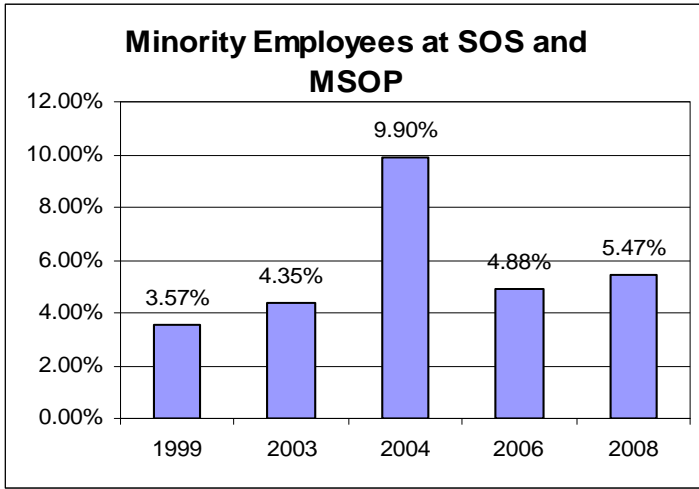
## **WEATHER EMERGENCIES AND EVACUATION**

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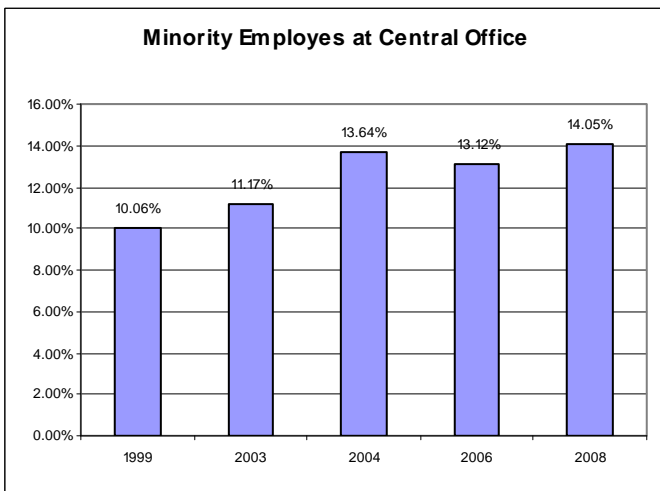
All locations that are considered DHS buildings have conspicuously posted weather and emergency evacuation or relocation plans. Written plans are communicated and readily available to employees at each location. Plans include alternative methods for persons with disabilities for notification of evacuation or relocation. Auditory signals, visual signals, and substitute avenues for elevator or stairway use are included in the plans. It is the procedure to assign a “buddy” to each employee who has different needs for physical evacuation of the buildings. Specific accommodations may be made for persons with disabilities consistent with their needs in accordance with reasonable accommodation request procedures.

These plans may be incorporated into, consistent with, substituted by, or equivalent to safety plans.

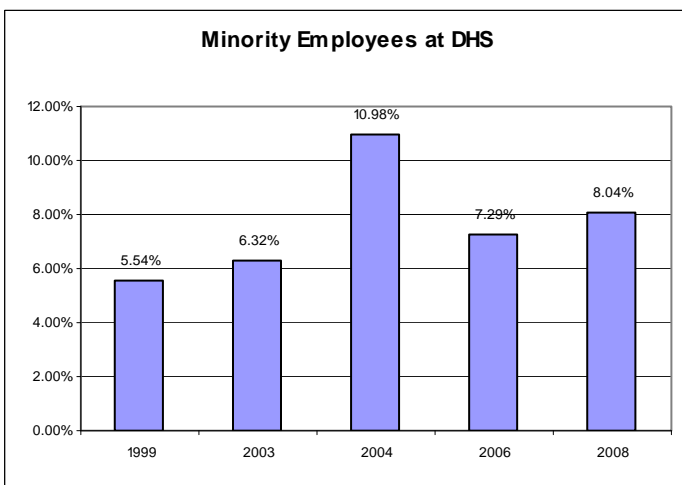
**DHS WORKFORCE COMPARISON  
MINORITY GROUP 1999-2008  
(EMPLOYEE DATA AS OF JULY 2008) DHS WORKFORCE COMPARISON  
WOMEN GROUP 1999-2008**



<b>MINORITY EMPLOYEES AT SOS AND MSOP</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	3.57%	4.35%	9.90%	4.88%	5.47%
MINORITY EMPLOYEES	143	204	481	251	289
TOTAL EMPLOYEES	4004	4695	4857	5148	5285

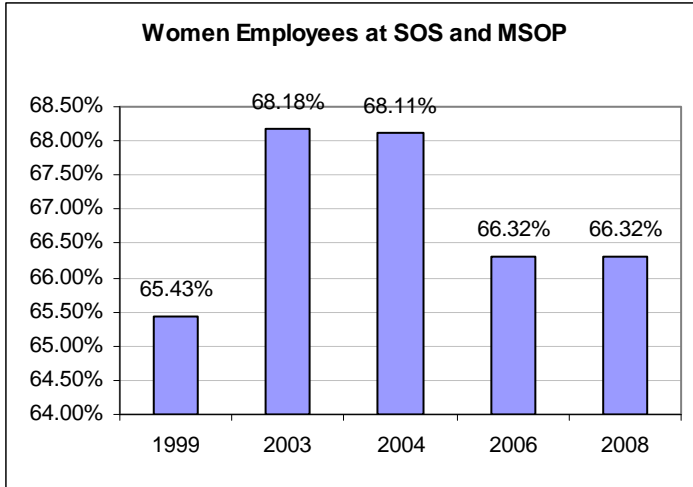


<b>MINORITY EMPLOYEES AT CENTRAL OFFICE</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	10.06%	11.17%	13.64%	13.12%	14.05%
MINORITY EMPLOYEES	176	214	268	280	318
TOTAL EMPLOYEES	1750	1916	1965	2134	2263

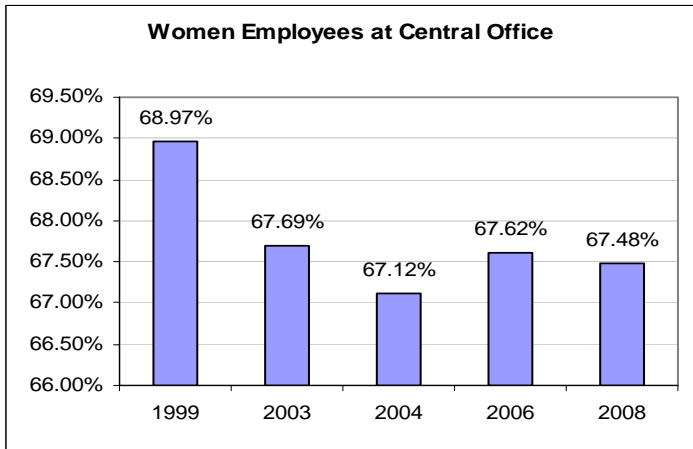


<b>MINORITY EMPLOYEES AT DHS</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	5.54%	6.32%	10.98%	7.29%	8.04%
MINORITY EMPLOYEES	319	418	749	531	607
TOTAL EMPLOYEES	5754	6611	6822	7282	7548

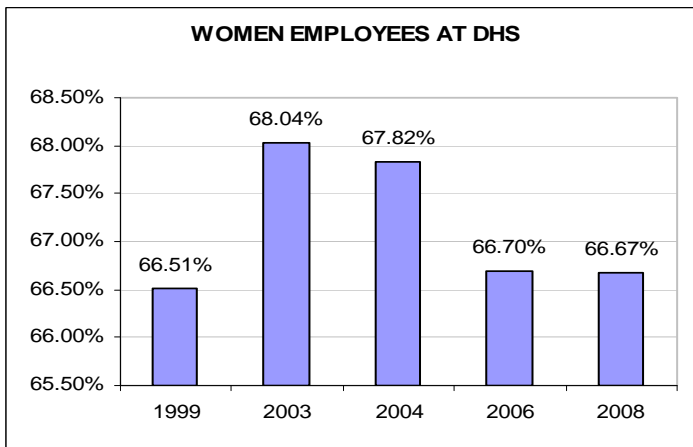
**EMPLOYEE DATA AS OF JULY 2008**



<b>WOMEN EMPLOYEES IN SOS AND MSOP</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	65.43%	68.18%	68.11%	66.32%	66.32%
WOMEN EMPLOYEES	2620	3201	3308	3414	3505
TOTAL EMPLOYEES	4004	4695	4857	5148	5285



<b>WOMEN EMPLOYEES AT CENTRAL OFFICE</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	68.97%	67.69%	67.12%	67.62%	67.48%
WOMEN EMPLOYEES	1207	1297	1319	1443	1527
TOTAL EMPLOYEES	1750	1916	1965	2134	2263

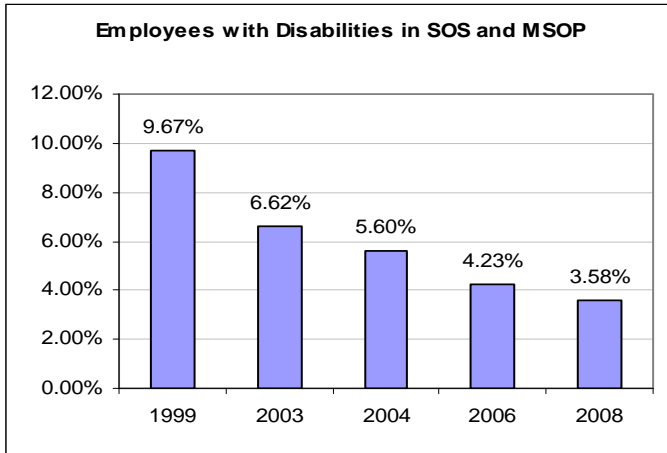


<b>TOTAL WOMEN EMPLOYEES AT DHS</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	66.51%	68.04%	67.82%	66.70%	66.67%
WOMEN EMPLOYEES	3827	4498	4627	4857	5032
TOTAL EMPLOYEES	5754	6611	6822	7282	7548

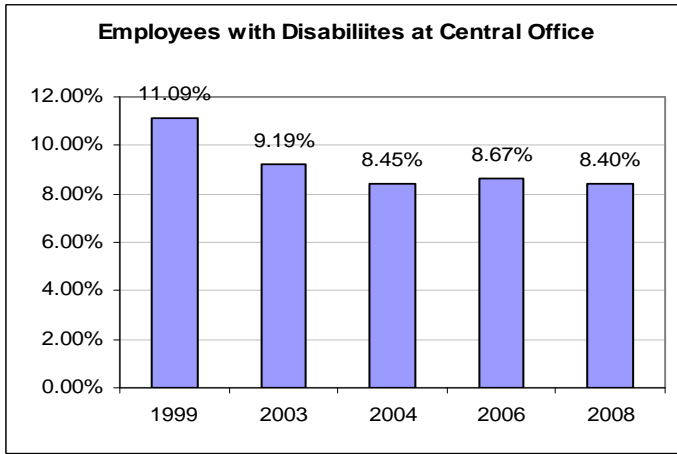
**DHS WORKFORCE COMPARISON  
PERSONS WITH DISABILITIES GROUP 1999-2008**



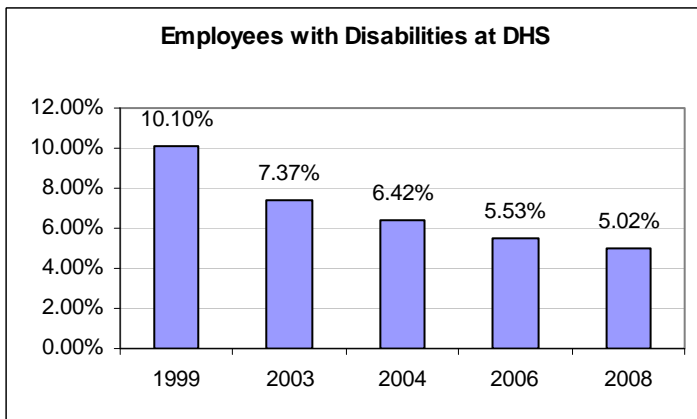
**(EMPLOYEE DATA AS OF JULY 2008)**



<b>EMPLOYEES WITH DISABILITIES IN SOS AND MSOP</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	9.67%	6.62%	5.60%	4.23%	3.58%
EMPLOYEES WITH DISABILITIES	387	311	272	218	189
TOTAL EMPLOYEES	4004	4695	4857	5148	5285



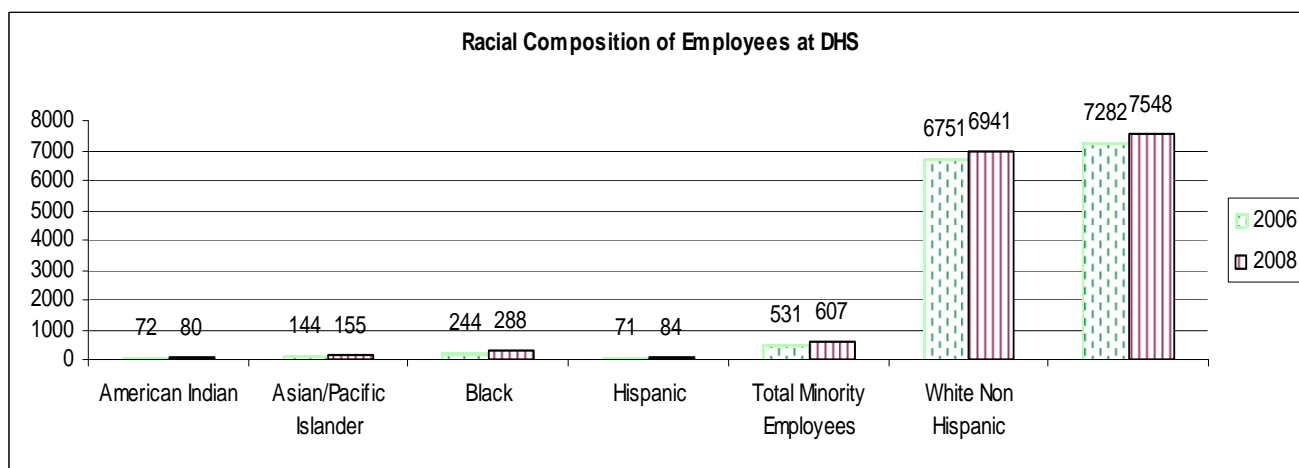
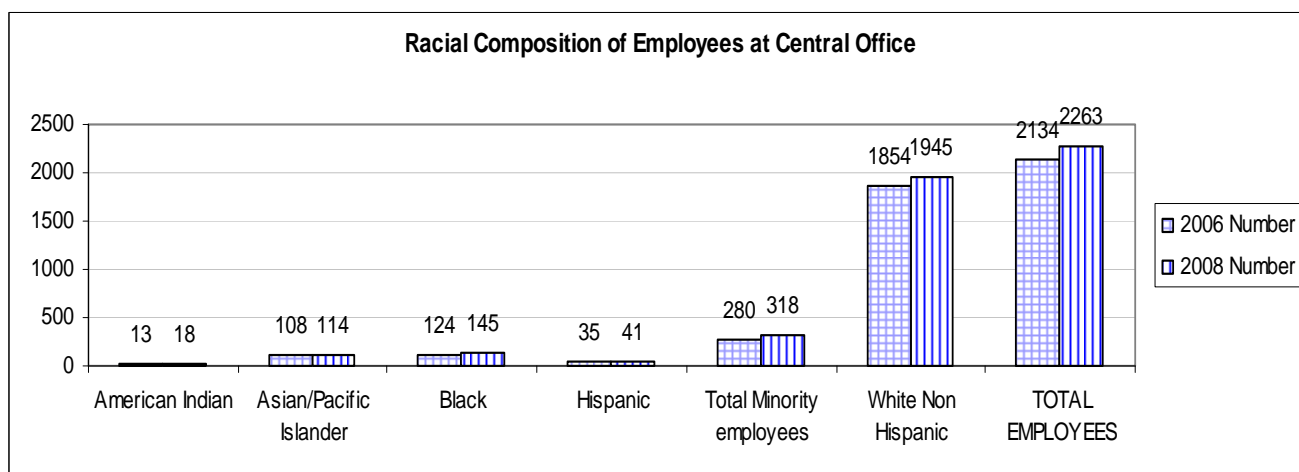
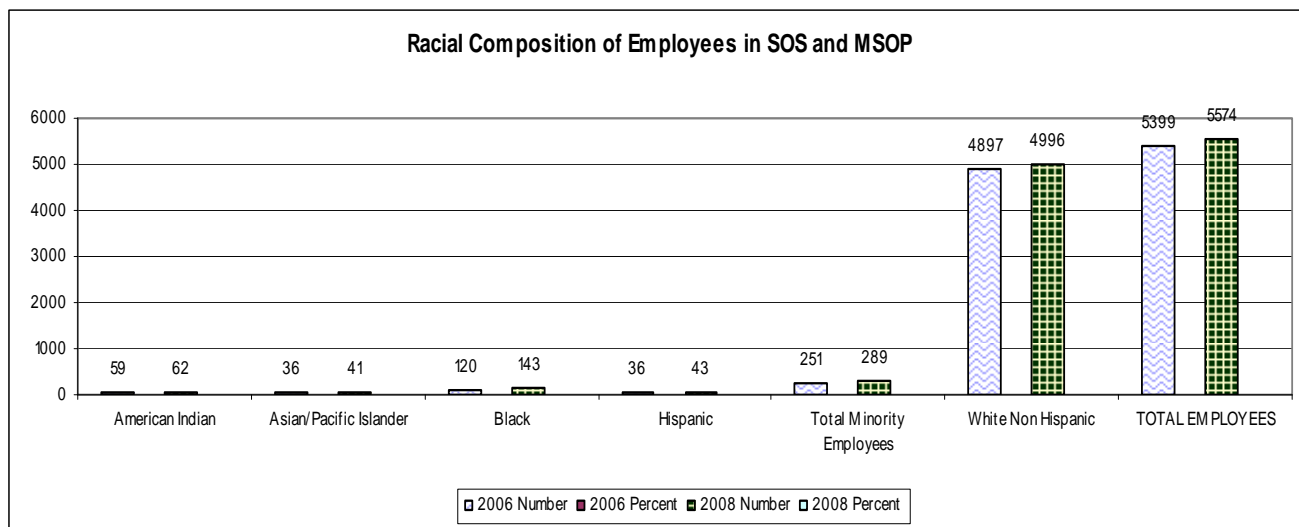
<b>EMPLOYEES WITH DISABILITIES AT CENTRAL OFFICE</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	11.09%	9.19%	8.45%	8.67%	8.40%
EMPLOYEES WITH DISABILITIES	194	176	166	185	190
TOTAL EMPLOYEES	1750	1916	1965	2134	2263



<b>TOTAL EMPLOYEES WITH DISABILITIES AT DHS</b>					
YEAR	1999	2003	2004	2006	2008
PERCENT	10.10%	7.37%	6.42%	5.53%	5.02%
EMPLOYEES WITH DISABILITIES	581	487	438	403	379
TOTAL EMPLOYEES	5754	6611	6822	7282	7548

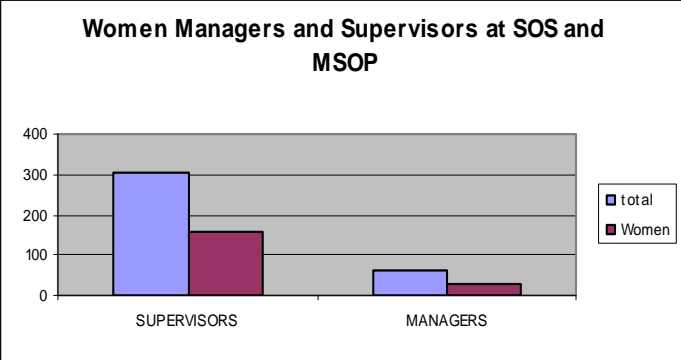
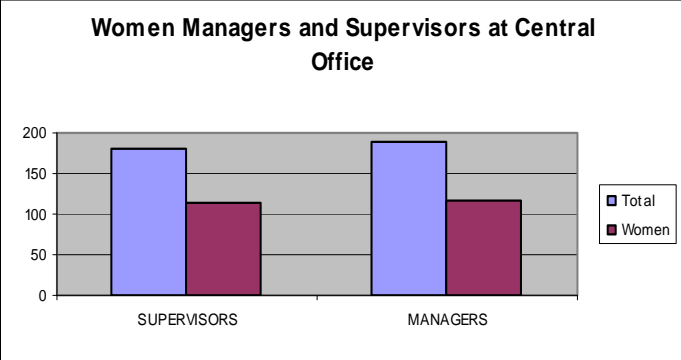
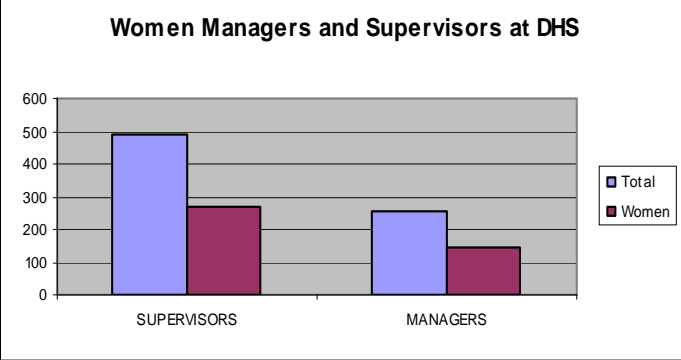
**DHS Workforce Representation by Racial Group**

**(Employee data as of July 2008)**

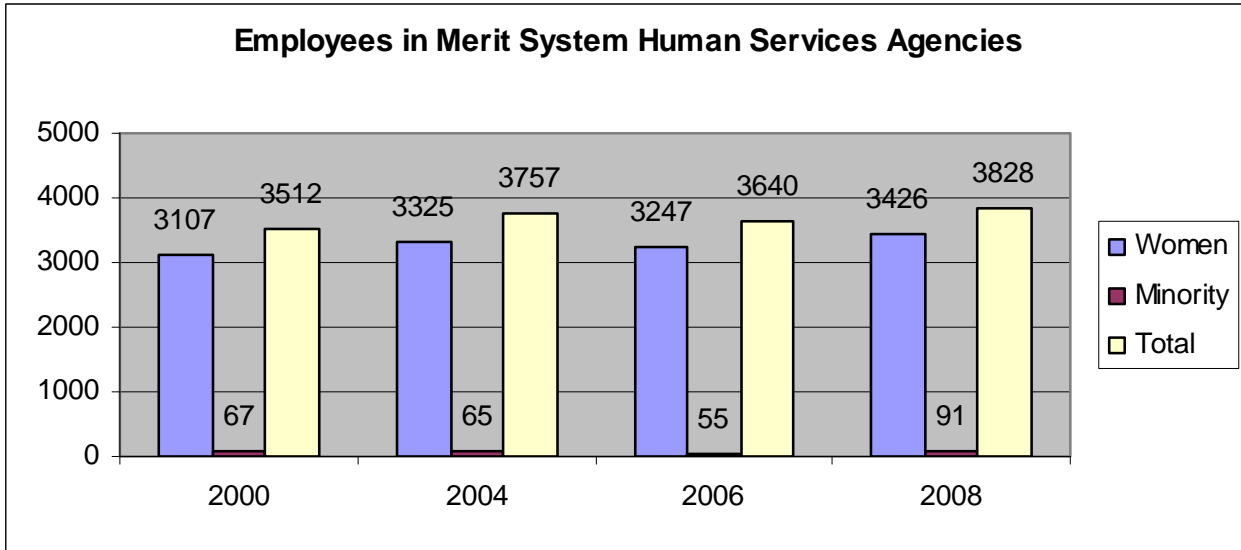


**DHS WORKFORCE COMPARISON**

## FTE Minority Managers and Supervisors (Employee data as of July 2008)

Women Managers and Supervisors at SOS and MSOP		YEAR	2008										
 <p>The bar chart for SOS and MSOP shows the following data:</p> <table border="1" style="display: none;"> <thead> <tr> <th>Category</th> <th>Total</th> <th>Women</th> </tr> </thead> <tbody> <tr> <td>Supervisors</td> <td>306</td> <td>156</td> </tr> <tr> <td>Managers</td> <td>64</td> <td>27</td> </tr> </tbody> </table>		Category	Total	Women	Supervisors	306	156	Managers	64	27		SUPERVISOR S	MANAGERS
		Category	Total	Women									
		Supervisors	306	156									
		Managers	64	27									
		TOTAL	306	64									
WOMEN	156	27											
% WOMEN	50.98%	42.19%											
Women Managers and Supervisors at Central Office		YEAR	2008										
 <p>The bar chart for Central Office shows the following data:</p> <table border="1" style="display: none;"> <thead> <tr> <th>Category</th> <th>Total</th> <th>Women</th> </tr> </thead> <tbody> <tr> <td>Supervisors</td> <td>181</td> <td>113</td> </tr> <tr> <td>Managers</td> <td>188</td> <td>116</td> </tr> </tbody> </table>		Category	Total	Women	Supervisors	181	113	Managers	188	116		SUPERVISOR S	MANAGERS
		Category	Total	Women									
		Supervisors	181	113									
		Managers	188	116									
		TOTAL	181	188									
WOMEN	113	116											
% WOMEN	62.43%	61.70%											
Women Managers and Supervisors at DHS		YEAR	2008										
 <p>The bar chart for DHS shows the following data:</p> <table border="1" style="display: none;"> <thead> <tr> <th>Category</th> <th>Total</th> <th>Women</th> </tr> </thead> <tbody> <tr> <td>Supervisors</td> <td>487</td> <td>269</td> </tr> <tr> <td>Managers</td> <td>252</td> <td>143</td> </tr> </tbody> </table>		Category	Total	Women	Supervisors	487	269	Managers	252	143		SUPERVISORS	MANAGERS
		Category	Total	Women									
		Supervisors	487	269									
		Managers	252	143									
		TOTAL	487	252									
WOMEN	269	143											
% WOMEN	55.24%	56.75%											

## Minnesota Merit System Protected Group Workforce Representation



<b>EMPLOYEES IN MERIT SYSTEM HUMAN SERVICES AGENCIES</b>				
YEAR	2000	2004	2006	2008
TOTAL	3512	3757	3640	3828
WOMEN	3107	3325	3247	3426
PERCENT WOMEN	88.47%	88.50%	89.20%	89.50%
MINORITY	67	65	55	91
PERCENT MINORITY	1.91%	1.73%	1.51%	2.38%

### DHS Separation & Retention Analysis

## **By Protected Group July 2008**

In an effort to provide leadership and support for DHS to achieve, retain and develop a workforce representative of Minnesota's population, the Office for Equal Opportunity has conducted an analysis of employee separation patterns to determine the impact that the loss of protected group members has on the DHS workforce.

For each protected group, the turnover data for FY 2007 was calculated by taking the number of protected group employees that separated during the year (due to non-certification, resignation, dismissal, enhanced separation, retirement, death or layoffs) and dividing that number by the total number of protected group employees in that protected group.

**Female** employees represent 66.6% of the DHS workforce. In 2007, 13% of the total female workforce separated from DHS by reason of non-certification, dismissal, resignation, enhanced separation, retirement or layoff. The EEO4 job categories affected by the separation of female employees were Officials and Administrators, Professionals, Technicians, Protective Services, Paraprofessionals, Office Clerical and Service Maintenance. More than 50% were due to resignations and the most number of separations were in the Paraprofessionals, Technicians and Professional EEO4 job categories.

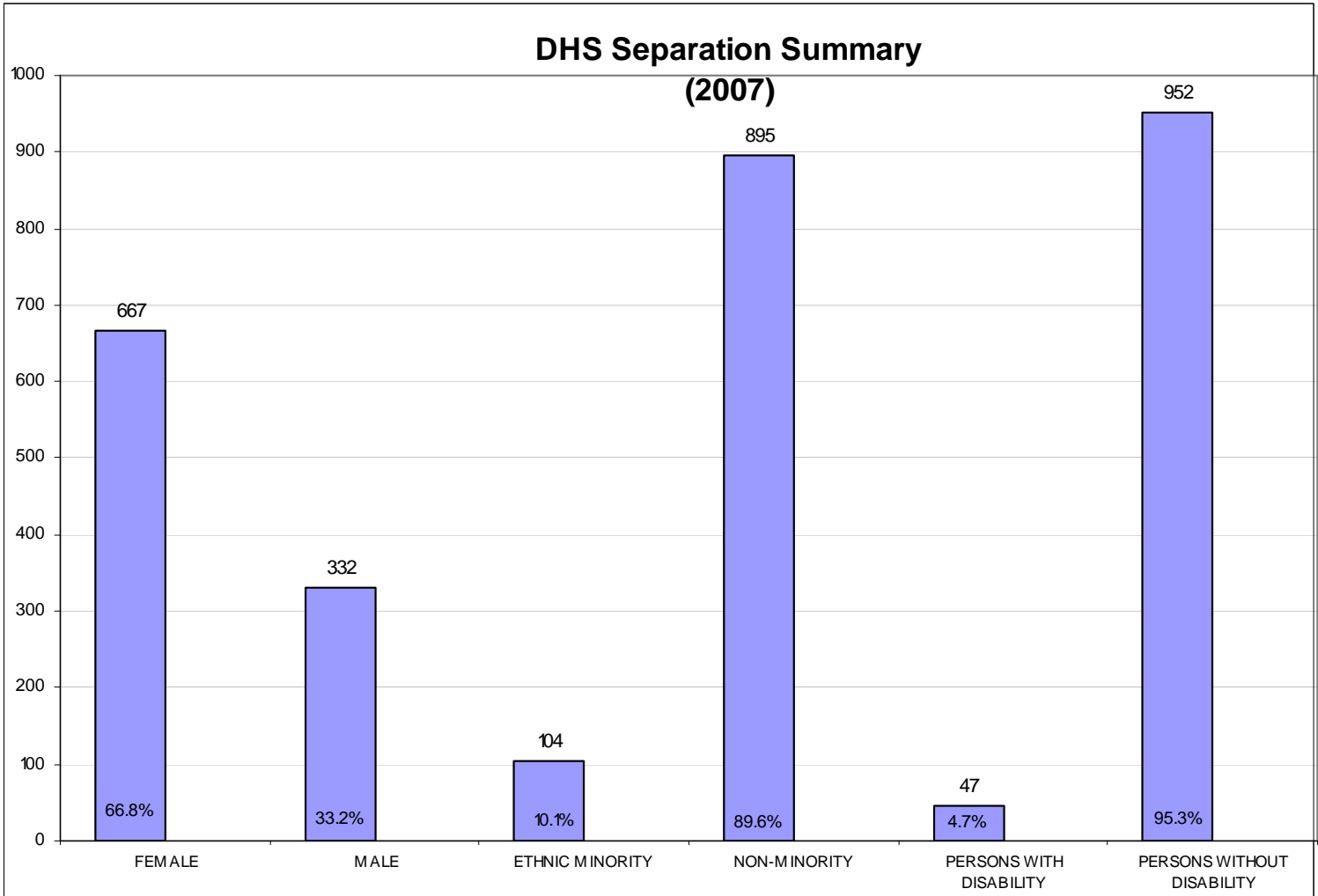
**Minority** employees represent 8.3% of the DHS workforce. In 2007, 10.4% of the total minority workforce separated from DHS by reason of dismissal or non-certification, resignation, retirement, death or layoff. In 2007 DHS had a higher percentage of minority separation (10%) than the percentage of total minority employees in the workforce (8.3%.) The EEO4 job categories affected by minority employee separation are Professionals, Technicians, Protective Services, Paraprofessional/Clerical and Skilled Craft job groups.

**Employees with Disabilities** represent 4.8% of the DHS workforce. In 2007, 4.7% of the total workforce with disabilities separated from DHS by reason of dismissal or non-certification, enhanced separation, resignation or retirement. Almost half of the separations of disabled employees were due to retirement. The EEO4 job categories that had separations by employees with disabilities were Professionals, Technicians, Protective Services, Paraprofessionals, Office Clerical, Skilled Craft and Service Maintenance. The greatest number of separations was in the Professionals category and the largest percentage was in Service Maintenance category.

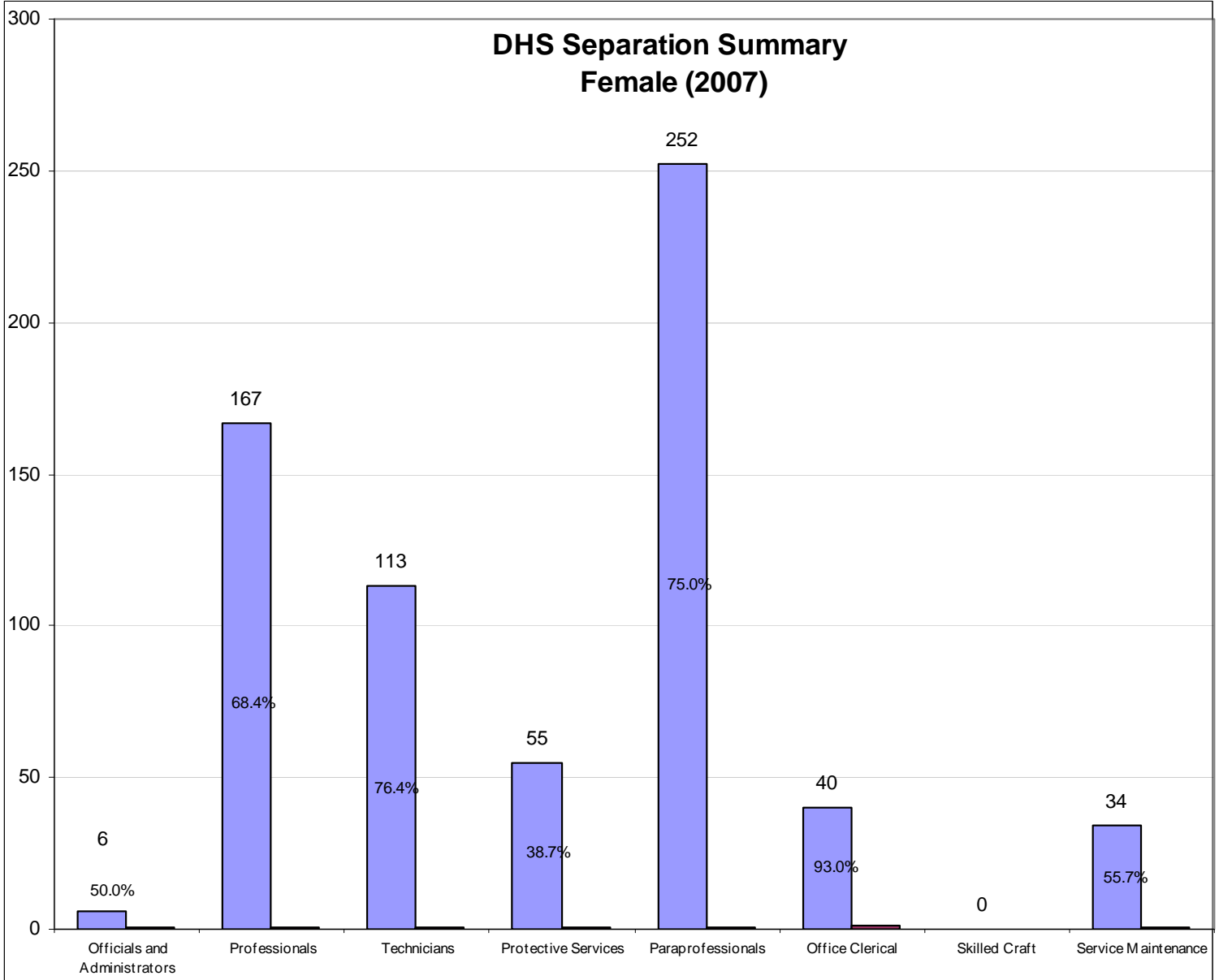
DHS anticipates layoffs in the 2008-2010 plan period to address changes in business needs and budget deficits.

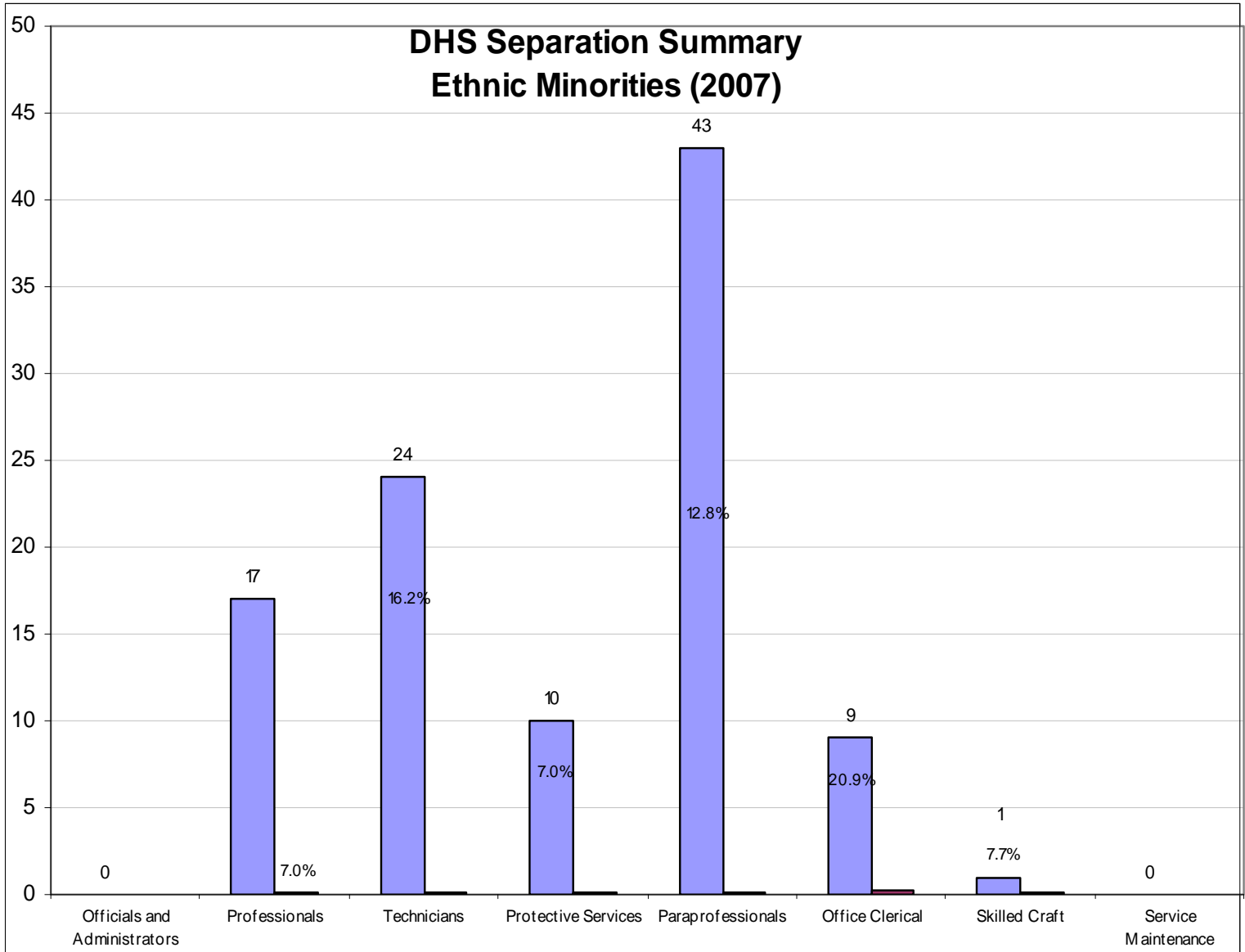
### **DHS Separation Summary By Protected Group**

## In 2007, 999 employees separated from DHS



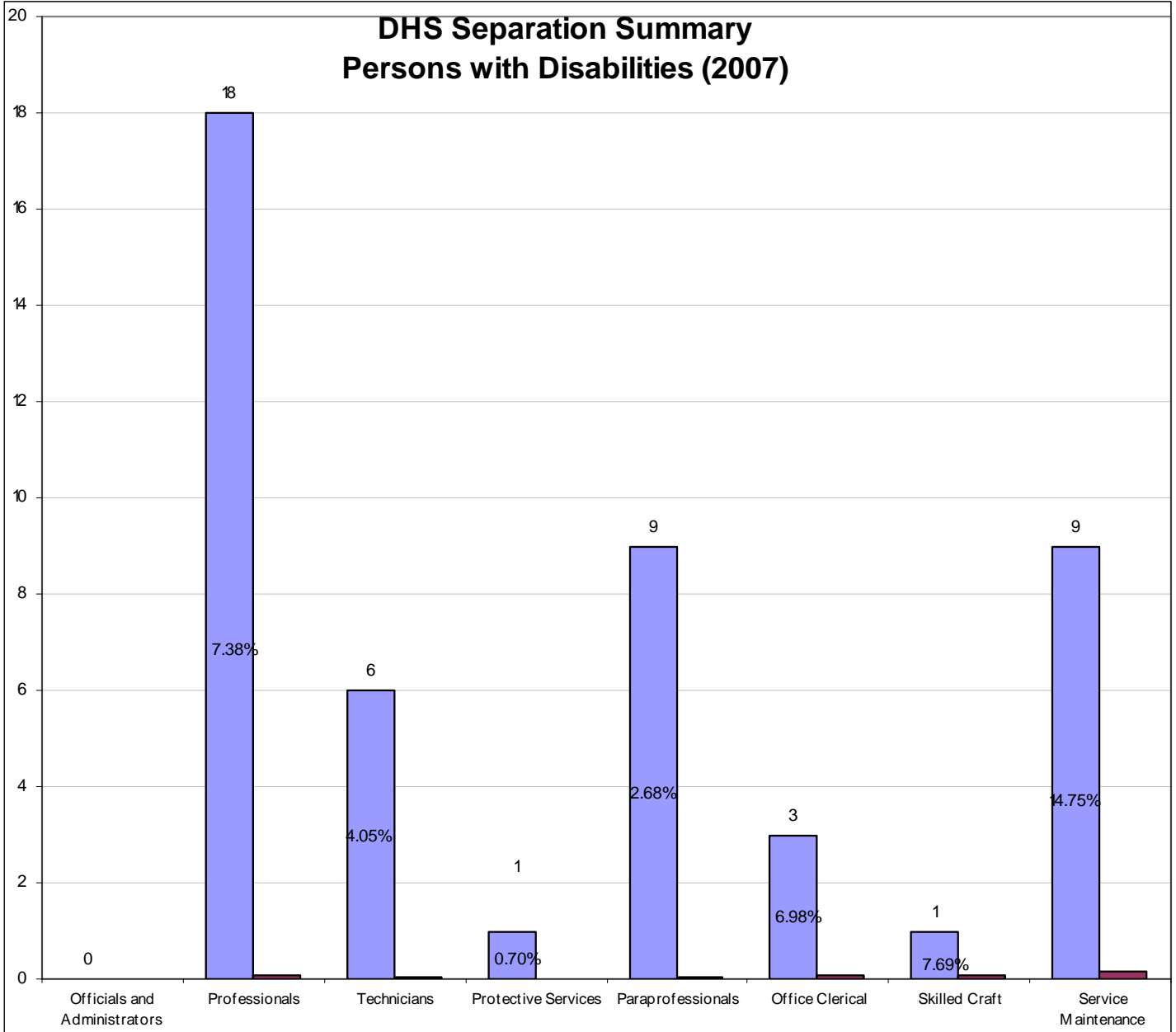
### DHS Separation Summary Female (2007)







### DHS Separation Summary Persons with Disabilities (2007)



# **MN Department of Human Services RECRUITMENT PLAN**

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Going forward, the Minnesota Department of Human Services wishes to obliterate the differences between central office and state wide facilities. Therefore there will be a unified Affirmative Action plan and recruitment for all of DHS.

Strategic plans have been developed to address sector shortages and hiring challenges in some job classes such as medical and technology personnel. DHS has a recruitment director and plans to fill a recruiter position to proactively attract the best talent available and become the employer of choice. In addition some business areas have identified their own needs and actively participate in recruiting.

In an effort to make affirmative hiring an integral part of every hiring decision, the chief operating officers of business areas were involved in setting hiring goals to diversify the workforce. The chief operating officers will facilitate training of supervisors to encourage a shared vision of a highly qualified and diverse workforce.

The recruitment plan envisions that employees in every area of the agency's operations possess the ability and skills to excel in delivery of service; to be creative, goal-oriented, and visionary; and to have the ability to redesign the delivery of services.

The leaders of the Human Resources, Organizational Development and Equal Opportunity Divisions are developing a new plan to address the growing labor needs of DHS while diversifying and developing the workforce.

Developing a formal plan provides DHS the opportunity to critically assess the effectiveness of its current recruitment process and practices. Specifically, it provides a method to recognize the value of having a systematic approach to who is hired and from where and to capture what results in the best match of employee and job requirements. Even with the uncertainty of the economy and difficult budgetary decisions, DHS will remain focused on employee recruitment and staffing to run its programs efficiently.

# MINNESOTA DEPARTMENT OF HUMAN SERVICES

## AFFIRMATIVE ACTION PLAN 2008-2010

DHS has decided to have a combined agency wide affirmative action plan and set hiring goals for the agency as a whole to reflect the intention of DHS to integrate diversity into all aspects of DHS.

### 2008-2010 HIRING GOALS FOR WOMEN

66.55% of the current DHS workforce is women. The utilization analysis was done based on state wide census data and MSA data. There are disparities in Protective Services and Skilled Craft categories. The goals set are optimistic considering that there will be significant workforce reductions as DHS restructures and separates MSOP and SOS and because of state hiring policies to address the budget deficit. DHS will attempt to meet these goals depending on availability and opportunity to hire.

EEO4 CATEGORY	Total Employees in Job Group	Utilization	Number Under-utilized	Plan goal of additional protected class members to be hired	State wide Availability %	Plan Goal #	Plan goal %
Office/Clerical	444	394	0	0	67.70%	n/a	n/a
Officials and Managers	269	152	0	0	37.80%	n/a	n/a
Professionals	3126	2062	0	0	53.80%	n/a	n/a
Protective Services	804	299	218	21	64.40%	320	39.80%
Service Maintenance	221	122	0	0	43.60%	n/a	n/a
Skilled Craft	68	0	5	2	7.80%	2	2.94%
Technicians	2618	1997	0	0	11.52%	n/a	n/a
Totals	7550	5026	223	23			

## 2008-2010 HIRING GOALS FOR ETHNIC MINORITIES

8.3% of the current DHS workforce is composed of ethnic minorities. The utilization analysis was done based on state wide census data and MSA data. There are disparities in the Protective Services, Service Maintenance and Skilled Craft categories. The goals set are optimistic considering that there will be significant workforce reductions as DHS restructures, and separates MSOP and SOS and because of state hiring policies to address the budget deficit. DHS will attempt to meet these goals depending on availability and opportunity to hire.

EEO4 CATEGORY	Total Employees in Job Group	Utilization	Number Under-utilized	Plan goal of additional protected class members to be hired	State wide Availability %	Plan Goal #	Plan goal %
Office/Clerical	444	52	0	0	8.20%	n/a	n/a
Officials and Managers	269	15	0	0	5.10%	n/a	n/a
Professionals	3126	256	0	0	8.00%	n/a	n/a
Protective Services	804	43	8	3	6.30%	46	5.72%
Service Maintenance	221	9	23	12	14.30%	21	9.50%
Skilled Craft	68	1	4	1	7.10%	2	2.94%
Technicians	2618	251	0	0	6.80%	n/a	n/a
Totals	7550	627	35	16			

## 2008-2010 HIRING GOALS FOR PERSONS WITH DISABILITIES

4.8% of the current DHS workforce is composed of persons with disabilities. The utilization analysis was done based on state wide census data and MSA data. There are disparities in all categories for persons with disabilities. DHS is aggressively recruiting this protected group to reduce disparities, including notifying the state disability recruiter of openings. The goals set are optimistic considering that there will be significant workforce reductions as DHS restructures and separates MSOP and SOS and because of state hiring policies to address the budget deficit. DHS will attempt to meet these goals depending on availability and opportunity to hire.

<b>EEO4 CATEGORY</b>	<b>Total Employees in Job Group</b>	<b>Utilization</b>	<b>Number Under-utilized</b>	<b>Plan goal of additional protected class</b>	<b>State wide Availability %</b>	<b>Plan Goal #</b>	<b>Plan goal %</b>
Office/Clerical	444	43	8	5	11.56%	48	10.81%
Officials and Managers	269	23	7	5	11.31%	28	10.41%
Professionals	3126	209	131	75	10.88%	284	9.09%
Protective Services	804	11	82	21	11.60%	32	3.98%
Service Maintenance	221	9	16	8	11.37%	17	7.69%
Skilled Craft	68	1	7	2	11.55%	3	4.41%
Technicians	2618	71	214	94	10.87%	165	6.30%
<b>Totals</b>	<b>7550</b>	<b>367</b>	<b>465</b>	<b>210</b>			

OBJECTIVE	ACTION STEPS	RESPONSIBLE	TARGET DATE
Executive Pathways Internship Program	The Executive Pathways Internship Program focuses on a diverse workforce by developing the talents of students as they prepare for professional employment. Graduate and undergraduate students majoring in public policy, social work, law and other related fields have the opportunity to learn how public policy is developed and implemented in a large and complex government organization.	EO Staff	October 2008 through May 2010
Public Policy Fellowship	The goal of the program is to grow talent for the Department, attract and retain high quality graduate students to the public sector	EO and OD staff	September 2008-August 2010
Retention	Identify and analyze trends through on-going review of standard reports showing protected groups, compensation, promotion, hires, etc.	HR and EO Staff	Ongoing
AA Recruitment	Facilitate supervisory training on affirmative recruitment and hiring policies. Inform hiring supervisors of the EO process and policy. Developing marketing and educational material to inform job seekers how to find and apply for career opportunities. Increase community resources and presence in community	Recruiter	Ongoing
	Provide training to Supervisors as requested	AAO, Recruiter	Ongoing
ADA	<ul style="list-style-type: none"> <li>-Provide technical support and advice</li> <li>-Audit current building work sites</li> <li>-Plan for future buildings</li> <li>-Provide training to Supervisors and Managers regarding Title I &amp; II</li> <li>-Disability awareness for all staff</li> <li>-Receive and process disability complaints under Title II</li> <li>-Investigate and respond to disability related charges/complaints</li> <li>-Prepare annual ADA report</li> </ul>	ADA Coordinator	<p>Ongoing</p> <p>ADA report due September</p>

<p>Cultural Competency and Reducing Disparities in Service Outcomes</p>	<p>In 2004, DHS identified as one of nine priority initiatives a department-wide effort <b><i>to Reduce Disparities and Improve Client Outcomes.</i></b> An initial step involved developing and adopting a set of <i>Guidelines for Culturally Competent Organizations</i>, based on broadly recognized best practices and federal standards for cultural proficiency in health and human services programs. The Initiative's overall intended outcome is that Minnesotans will receive needed services and experience similar results regardless of race, ethnicity or where they live. This work has been integrated into the everyday work of the agency, with an emphasis currently on children and families with disparate outcomes.</p> <p>1) Identify and eliminate barriers to applicants for services and clients in MN's human services programs. Apply <i>Guidelines for Culturally Competent Organizations</i> to the Department's administrative, clinical and program service delivery.</p> <p>2) Develop and deliver training for Central Office supervisors and managers that will enhance skills in managing employee and team performance and ensure the integration of a cultural competence perspective into all business activities.</p> <p>3) Building on the introductory diversity training delivered to DHS staff, develop, coordinate, and oversee the ongoing delivery of training that will provide Central Office employees with information about the ethnic and other cultural communities who utilize the human services system in MN. This training will also allow opportunities for skills development and application of knowledge gained.</p> <p>4) Wherever possible, assist State Operated Services staff with obtaining the above training opportunities at their sites.</p>	<p><u>Persons Responsible</u> EO Director and Assistant Commissioners</p> <p>for #1-3: Reduce Disparities Liaisons' Group; Coordinator for Diversity; Diversity Education Team of the EO Office; EO Recruitment &amp; Retention Staff; SOS Training and Staff Development Personnel</p>	<p>Throughout biennium</p> <p>#1-3 -- Ongoing</p> <p>#4 -- Ongoing</p>
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	5) Continue to facilitate the celebration and recognition of various cultural and ethnic groups in MN -- and their days of significance -- through the presentation of professional development opportunities (speakers, panels, videotapes, bulletin board displays, the <i>Did You Know?</i> Web-based calendar) as well as through the dissemination of information about cultural and ethnic groups and about cultural learning opportunities, workshops, conferences, etc.	Coordinator for Diversity, and members of the EO Office's Diversity Education Team, along with the Communications Office, Web-support staff, and Graphics Center staff	#5 -- Ongoing
Revise Merit System County EO/AA Guidelines	Review and revise the AA guidelines published in DHS bulletin	Merit System Affirmative Action Officer	By end of CY 08
Provide Ongoing T/A to Merit Counties for Recruitment to Remedy Disparities	1. Assist with utilization analysis and goal setting, as needed. 2. Assist with recruitment support aimed at remedying identified disparities.	Merits System staff; Merit System AA Officer; DHS Recruiter	Ongoing through biennium
Add Merit System AA Guidelines to DHS Website	Post updated Merit System AA guidelines to County Resource section of DHS public website, on the Merit System page.	Merit System AA Officer; DHS Communications Staff; Merit System Staff	By end of CY 08

## DHS AA OBJECTIVES

Increase community resources and presence in the community:

1. Have a DHS open house to invite county and community organizations in to learn more about program services and career opportunities at DHS.
2. Continue to work with the MN Workforce Center as the employer of the day. Creating a power point presentation on how to access the resume builder and to market DHS career opportunities.
3. Collaborate with other state agencies such as the Department of Health and the Veterans Home.
4. Participate in community events to increase community awareness about career opportunities at DHS.
5. Attend at least 3 job fairs a year with a focus on encouraging minorities and people with disabilities to consider DHS as an employer.
6. Create brochures and materials that will attract minorities and people with disabilities.
7. Continue to partner with communities and professional organizations informing the community on how to access the state's website and apply on line.
8. Participate in major community events such as the Hmong New Year holiday, Hmong



Resource Fair, Cinco de Mayo, Rondo Days and Juneteenth.

9. Maintain ongoing relationships with protected group communities, such as the minority councils to recruit affirmatively.

10. Continue to advertise in protected group newspapers.

11. Work with each DHS business area to promote and increase diversity and inform them of community events resources.

12. Implement Reduce Disparities/Improve Client Outcomes action steps, through service assessment, and employee training and development, as described in program objectives 1 – 7. Strengthen the link between a workforce that is culturally proficient and a human services delivery system that is responsive to cultural dimensions of all its applicants and clientele.

## **RECRUITMENT PLAN**

### **1. Recruitment of Persons with Disabilities:**

The Department will:

- a. Contact our local Rehabilitation Services Office to promote the Department as a viable employer.
- b. Develop relationships with community organizations that serve people with disabilities. We will partner with these organizations to develop a plan to assist the Department in the recruitment of persons with disabilities.
- c. Continue to look for more publications we can use as advertising sources to strengthen our applicant pools with individuals with disabilities.
- d. Actively promote the supported work programs. We plan to partner with organizations such as Independent Living and the State Council on Disabilities to recruit and place individuals with disabilities.

### **2. Internships**

The Department currently has an internship program, Executive Pathways, with the objective of attracting potential employees to permanent DHS positions. It targets protected group recruitment areas where affirmative action disparities exist. In addition, the Department will explore the use of unpaid internships.

### **3. Advertising**

As our budget allows, we will continue to use Insight News, Access Press, Native American Press, MN Women's Press, The Mpls Spokesman/Recorder, Asian Pages, La Prensa, Affirmative Action Register, the Internet, professional associations and publications, and colleges and universities nationwide, because we have found that these are the publications and resources from which we received the greatest response. Advertising will be conducted in a targeted fashion, toward sources that are judged to generate the most effective response to meet affirmative action hiring goals.

**4. Job Fairs**

Within budget constraints, DHS will participate as our budget and time allows and as we judge it to be the most effective use of Department resources.

**5. Projected Hiring Opportunities and Strategies:**

Opportunities to reduce employment disparities will be taken, including development of a recruitment and retention plan that will assist the Department in future hiring, and as part of the Department's Reduce Disparities and Improve Client Outcomes Initiative.

EO staff will run and analyze workforce reports on SEM4 to help track hiring goals for women, persons of color, and persons with disabilities.

**RETENTION PLAN**

**PURPOSE:**

To establish a coordinated plan of activities for retaining protected group employees to be executed jointly by MMB and the DHS Retention Team. These activities will improve productivity, make the work culture more conducive to diverse employees, and guide employees toward promotional opportunities.

**AUTHORITY:**

MS 43A.191, Subd. 3(c), ADA, Title VII of the Civil Rights Act, and M.S. 363

**POLICY:**

The DHS Office for Equal Opportunity (OEO) will identify separation patterns that may have disparate impact on protected group members. OEO will insure that reporting of retention rates will coincide with Affirmative Action reporting requirements and auditing.

## RESPONSIBILITIES:

- A. Commissioner:
  - 1. State the agency's commitment to affirmatively retain protected group employees in the affirmative action statement of commitment.
  - 2. Designate person(s), (including name, division and position), who are responsible for the agency's retention activities.
  - 3. Inform the Equal Opportunity Director of any pending reductions in workforce.
  
- B. Division Directors:
  - 1. Demonstrate a good faith effort to retain protected group member/employees.
  
- C. Equal Opportunity Office Director or designees:
  - 1. Analyze separation and layoff patterns of all employees to determine the impact on protected group members.
  - 2. Identify specific methods to retain protected group employees (e.g., mentorship, training, individual development plans and employee network groups, etc.).
  
- D. Workforce Development Team, and Recruitment and Retention Team:
  - 1. Where possible, identify and advise current employees of mobility and career advancement opportunities.
  - 2. Develop programs and implement activities that will promote awareness, acceptance, and appreciation for diversity and affirmative action.
  - 3. As necessary, recommend to ODEO, DHS employees to work as designated agency liaisons to assist ODEO with implementation of the statewide mentorship program.
  - 4. As necessary, work to re-deploy laid off employees to other areas within state government.
  - 5. Create reports from data provided by MMB/ODEO for separation analyses, exit surveys, and internship experiences.
  
- E. In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the Director of the Office for Equal Opportunity, or designee. Together they will analyze the situation to determine if there will be a negative impact on protected group members. They will determine if there is an alternative course of action that would accomplish the supervisor's goals without the negative impact.



**DATE:** July 30, 2008

**TO:** All DHS Employees

**FROM:** Commissioner Cal Ludeman

**SUBJECT:** Equal Opportunity

I'm pleased to inform you that the department has updated its equal opportunity and affirmative action plan for FY2008 – FY2010. I personally reaffirm our commitment to equal access in the human services we provide and to equal opportunity in our workplace. The plan has special significance as we work toward achieving the goals of improved access to services and equity in outcomes for the people we serve.

The plan can be found at:

[http://dhsinfo.dhsintra.net/Infolink/Employment\\_Resources/EqualOpportunity/Affirmativeactionplan/index.htm](http://dhsinfo.dhsintra.net/Infolink/Employment_Resources/EqualOpportunity/Affirmativeactionplan/index.htm) . It includes policies on non-discrimination in a wide range of areas, including recruitment, hiring, retention, and reasonable accommodation. It contains program objectives and affirmative action goals for central office and the department's state operated services and sex offender program. It also provides an overview of the department's civil rights policies and practices, intended to afford members of the public equal access to our services.

State and federal laws prohibit discrimination on the basis of race, color, disability, sexual orientation, creed, religion, sex, age, national origin, marital status, membership in a local human rights commission, political affiliation or reliance on public assistance. At the heart of these laws and what gives them meaning is the will and the understanding of our employees. We will continue to provide development opportunities to expand cross-cultural knowledge and proficiency for each of you.

As employees, you have opportunities each day to demonstrate your commitment to equal access to services and to fairness in the workplace. Thank you for your ongoing support for making our programs accessible to all people who need them and for a workplace that is respectful and productive.

## Two Factor Availability Analysis

Worksheet for calculating job group availability percentages, considering internal and external availability.

Agency MN Department of Human Services

Job Group: Professional (State Program Administrator Intermediate-MN Care)

<b>A</b>	
	Assigned Weight (%)
Internal Availability	100
External Availability	0

Total Assigned Weight (must equal 100%)	100
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<b>B</b>	
Women	
Initial Statistics (%)	Weighted Statistics
80.00	80.00
0.00	0.00

<b>D</b>	
Minorities	
Initial Statistics (%)	Weighted Statistics
20.00	20.00
0.00	0.00

<b>Job Group Availability %</b>		
Women		Minorities
72.70		29.40

<b>F</b>	
	Source of Initial Statistics
Internal Availability	Members in MN Care enrollment rep positions
External Availability	not considered

Use the percentages above to complete the Job Group Availability/Utilization/Underutilization and Goals Analysis. Include this worksheet with your AAP.

TWO FACTOR ANALYSIS FOR MN CARE SPECIALIST

Job Group	Total Employees in Job Group	Women						Minorities						Disability					
		Utilization		Availability		Number Under-utilized	Annual % Goal	Utilization		Availability		Number Under-utilized	Annual % Goal	Utilization		Availability		Number Under-utilized	Annual % Goal
		Number	%	%	Number			Number	%	%	Number			Number	%	%			
Professionals	10	8	80.0	72.70	7	0		2	20.0	20.00	2	0		0	0.0	5.97%	0		
Totals	10	8			7	0		2			2	0		0			0	0	

Minnesota Care Specialists are hired exclusively from MN Care Enrollment Representatives.