
State of Minnesota

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

AFFIRMATIVE ACTION PLAN

August 1, 2012 - July 31, 2014

*Suite 190, Centennial Building
658 Cedar Street
St. Paul, MN 55155-1603
(651) 539-1180 or 800/657-3889*

For TTY/TTD communication contact us through the Minnesota Relay Service at 800/627-3529

**CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
AFFIRMATIVE ACTION PLAN**

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STATEMENT OF COMMITMENT

The Campaign Finance and Public Disclosure Board (Board) is committed to Minnesota's statewide affirmative action efforts and equal employment opportunity policies. I affirm my personal and official support of these policies, which provide that:

- Discrimination against employees, applicants, or persons eligible to apply for a position on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated;
- The Board is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- The Board will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce;
- The Board is committed to the retention of all qualified, talented employees, including protected group employees.

The Management Analyst will act as the Board's Affirmative Action Officer designee and ADA Coordinator designee and be responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the Board's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues may request a copy of the plan from the Management Analyst.

It is the policy of the Board to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve the employment environment of the Campaign Finance and Public Disclosure Board. We strive to provide equal employment opportunities and the best possible service to the citizens of Minnesota.



August 7, 2012

Executive Director

Date

HARASSMENT/DISCRIMINATION POLICY

Statement of Policy

It is the policy of the Board to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment should file a complaint internally with the Board's Affirmative Action Officer designee. If the employee chooses, she/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the Office of Diversity and Equal Opportunity at the Minnesota Department of Employee Relations for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer designee will be expected to keep the Board and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer designee is also responsible for:

1. Notifying all employees and orienting each new employee who is hired of this policy;
2. Informing all employees in the division of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully; and
3. Making certain that each individual in the manager's division who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act which states in regard to employment that:

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
2. submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment; or
3. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur: 1) among peers or co-workers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Board’s Affirmative Action Officer designee. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant, or eligible of the Board who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the Complaint of Harassment/Discrimination form on page 13 in this plan.

INTERNAL HARASSMENT/ DISCRIMINATION COMPLAINT PROCEDURE

The Board has established the following discrimination complaint procedure to be used by all employees, applicants or persons eligible to apply for a position with the Board. This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. The Board urges employees to use this internal procedure before filing a charge with the Department of Human Rights or other agencies. If the employee chooses, she/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

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

Who May File

Any employee, applicant, or person eligible to apply for a position with the Board who believes that she/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

Complaint Procedure

The internal complaint procedure provides a method for resolving complaints involving violations of the Board's nondiscrimination policy within the agency. Employees, applicants, and persons eligible to apply for a position with the Board are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The Affirmative Action Officer designee may contact the Office of Diversity and Equal Opportunity if she/he wants information about filing a complaint.

Filing Procedures

1. The employee, applicant, or eligible completes a Complaint of Discrimination form, provided by the Affirmative Action Officer designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a

situation(s) may involve discriminatory harassment. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.

2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging a discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
 - a. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee, will inform the complainant, in writing within five (5) working days and refer the complainant to the Executive Director or the Assistant Executive Director to handle the complaint.
 - b. If the complaint is related to discrimination, the Affirmative Action Officer designee will, within five (5) working days or reasonable extension thereof, not to exceed 30 days of the receipt of the complaint, send a copy of the complaint to contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The respondent(s) shall report to the Affirmative Action Officer designee in writing, within the time period specified by the letter, setting forth their understanding of the situation or causes giving rise to the complaint. If the respondent(s) fail to provide the answer within the specified time period, the allegations contained in the complaint are considered to be denied by the respondent(s), and the Affirmative Action Officer designee shall proceed to investigate the case.
4. At the conclusion of the investigation, the Affirmative Action Officer shall review the findings and, if there is sufficient evidence supporting the complaint, may hold a meeting between the complainant and the respondent(s) in an attempt to settle the complaint through mediation if both parties agree.
 - a. If the mediation is successful, a statement shall be prepared and signed by the complainant, the respondent(s), and the Affirmative Action Officer. The Executive Director and each signatory shall receive a copy of the agreement. If the complaining employee has not waived the Association's involvement, a written summary of the finding and resolution shall be provided to the Association.
 - b. If the mediation attempt is unsuccessful, the Affirmative Action Officer shall notify the Executive Director in writing. The notification shall include a summary of the complaint, the status of the mediation attempt, and the Affirmative Action Officer's determination and recommendation(s) for corrective action. The Executive Director shall accept, modify or reject the Affirmative Action Officer's recommendation(s) and

shall take appropriate actions. The Executive Director will contact all parties as to the final determination of the complaint and any corrective action to be taken.

5. At the conclusion of the investigation, the Affirmative Action Officer designee shall notify the complainants and respondents that she/he has completed the investigation. The Affirmative Action Officer designee shall then review the findings of the investigation.
 - a. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - b. If insufficient evidence exists to support the complaint, a letter will be sent to the complainants and the respondents dismissing the complaint.
6. A written answer will be provided to the parties within sixty (60) days after the complaint is filed. The complainants will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
7. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.

All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

8. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
 - a. Interviews or written interrogatories with all parties involved in the complaint, i.e., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.
 - b. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
9. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

Addendum: Complaint of Harassment/Discrimination

REASONABLE ACCOMMODATION POLICY

Policy

The Board is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Board to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities, when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. Accommodations will not be provided for non-job related personal needs, such as transportation to and from work. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Definitions

Disability:

For purposes of determining eligibility for a reasonable accommodation a person with a disability is defined as someone who has a physical or mental impairment that substantially or materially limits one or more major life activities.

Reasonable Accommodation:

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

Examples of reasonable accommodation may include, but are not limited to:

1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as telephone, calculator, typewriter, computer, and/or specifically designed desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, re-location of job site to an accessible area, or other types of similar modifications.
3. Job restructuring. This may include flexible work hours and/or restructuring nonessential job duties while retaining the essential job duties.

4. Support services. Services such as interpreters for individuals with hearing impairments, readers for individuals who are blind or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

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; and
3. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure – Current Employees and Employees Seeking Promotion

1. The Board will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA Coordinator designee of the need for an accommodation by submitting a Request for Accommodation form and discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.
3. The ADA Coordinator designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Select and implement the reasonable accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Board is free to choose among equally effective reasonable accommodations and may choose the one that is less expensive or easier to provide.

5. The ADA Coordinator designee will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within five working days upon receiving the request, unless the ADA Coordinator notifies the employee that a reasonable additional period of time is required to provide the decision.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the ADA Coordinator designee will forward the request along with the recommendation, to the Executive Director within three working days and they shall work together to determine whether reassignment may be an appropriate accommodation.
8. The final decision shall be provided in writing to the supervisor within five working days after the Executive Director makes determination.

Procedure - Job Applicants

1. The job applicant shall inform the ADA Coordinator designee of the need for an accommodation. All initial communication between a job applicant, a supervisor, and the ADA Coordinator designee regarding a position with the Board shall indicate the willingness of the Board to make a reasonable accommodation upon request, prior to the job interview.
2. The ADA Coordinator designee shall contact the applicant to discuss the needed accommodation and discuss possible alternatives if necessary.
3. The ADA Coordinator designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided. Requests shall be handled in a timely manner to ensure that the accommodation is provided for at the interview.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the Board.

Policy for Funding Accommodations

Funding will be provided for reasonable accommodations that do not impose an undue hardship on the Board. The expenditure of funds for accommodations must be approved by the Executive Director. When determining whether the accommodation can be made without imposing undue hardship on the Board, the following factors must be considered:

- The size of the Board's budget;
- The nature and cost of the accommodation;
- The ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- Documented good faith effort to explore less restrictive or less expensive alternatives.

Definition

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 Board.

Procedure for Determining Undue Hardship

1. The employee will meet with the ADA Coordinator designee to discuss the requested accommodation.
2. The ADA Coordinator designee will review undue hardships by considering:
 - a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 - b. The impact of the accommodation on the nature or operation of the Board.
3. The ADA Coordinator designee will provide a decision to the employee subject to the Executive Director's review and approval of funds.

Implementation of Request for Accommodation

The employer shall, in consultation with the individual, select and implement the accommodation that is the most appropriate for both the individual and the employer. While the individual's preference will be given consideration, the Board is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

Denial of Accommodations

All denials of requests for accommodation for employees/employees seeking promotion will be documented and kept on file by the ADA Coordinator designee. The ADA Coordinator designee shall notify the employee of the denial and inform the employee of the right to file a complaint of discrimination under the affirmative action plan complaint procedure and advise the employee of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission (EEOC).

Appeals

An employee or applicant who is dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision. If the individual believes the decision is based on discriminatory reasons, they may file a complaint internally through the agency's complaint procedure as outlined in this plan.

Supported Work

Based on the size of the Board staff, there is no opportunity at this time to participate in the Supported Worker Program. Staff will work with the Department of Employee Relations if an opportunity arises in the future to use this program.

Addendum

Employee Request for Reasonable Accommodation
Reasonable Accommodation Agreement

WEATHER EMERGENCIES

Notices of weather-related threats are initiated by the national Weather Service (NWS). NWS and local broadcasts are monitored by Capitol Complex Security who in the event of an emergency will inform employees and issue relocation orders. Relocation will take place according to the Emergency Evacuation Plan for the Centennial Office Building.

All present employees who are deaf/hard of hearing will receive notification, by the supervisor or designated backup staff in the case of an emergency.

In the case of winter storms, all employees are asked to monitor local radio and television stations for the closure of state offices.

All employees who are deaf/hard of hearing or speech impaired that use TTY's and are not at work when an emergency is called, will be informed of the emergency by their supervisor through the Minnesota Relay Service 800/627-3529.

BUILDING EVACUATION

Board staff follows the emergency evacuation plan for the Centennial Office Building created by the Department of Public Safety Capitol Security and Department of Employee Relations, revised February, 2001.

Each employee is provided with a copy of the emergency evacuation procedures upon employment. The emergency plan is reviewed with staff, annually, at a staff meeting.

Employees who are mobility or sensory impaired are assigned an assistant to assist them in the evacuation.

**Campaign Finance and Public Disclosure Board
 190 Centennial Building
 658 Cedar Street
 St. Paul, MN 55155
 651/539-1180**

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of Form

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

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

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

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

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

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

This complaint is being filed on my honest belief that the State of Minnesota has harassed/discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.	
Complainant Signature	Date
Affirmative Action Officer Signature	Date

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

Employee Name: _____

Date of Request: _____

Job title: _____

This information will be used by the Campaign Finance and Public Disclosure Board or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined in the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if you refuse to provide it, your employer may refuse to provide reasonable accommodation.

1. Please describe the nature of your limitations and what life activity is substantially limited.

2. How does it affect your ability to perform your job?

3. Type of accommodation you are requesting:

- | | |
|---|---|
| <input type="checkbox"/> Making facilities readily accessible | <input type="checkbox"/> Modification of equipment or devices |
| <input type="checkbox"/> Job restructuring | <input type="checkbox"/> Qualified reader or interpreter |
| <input type="checkbox"/> Part-time or modified work schedule | <input type="checkbox"/> Acquisition of equipment or devices |
| <input type="checkbox"/> Modification to a rule, policy or practice | <input type="checkbox"/> Other (specify): |

Please describe in detail the accommodation you are requesting:

4. How will the requested accommodation be effective in allowing you to perform the essential functions of your job?

5. Additional comments:

Signature of Employee: _____

Date: _____

REASONABLE ACCOMMODATION AGREEMENT

To be completed by the agency Affirmative Action Officer

Name of employee	Agency Campaign Finance & Public Disclosure Board
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The request for reasonable accommodation to the needs of the above employee was:

Accepted Denied

Justification for the decision (indicate specific factors considered)

Was employee's suggestion for the reasonable accommodation accepted?

Yes No Partially

If no or partially is checked, state reason:

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the department, will become the property of the State of Minnesota.

Employee's signature

Date

Executive Director's signature

Date

Affirmative Action Officer's signature

Date

