

# MINNESOTA DEPARTMENT OF HUMAN SERVICES AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY PLAN

## 2012-2014

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This information is available in accessible formats for individuals with disabilities by calling 651-431-3040 or by using your preferred relay service. For other information on disability rights and protections contact the agency's ADA coordinator.

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**EXECUTIVE SUMMARY**

**MN Department of Human Services  
Affirmative Action Plan 2012-2014**

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

GOAL UNITS	PROTECTED GROUPS		
	Women	Minorities Persons of Color	Persons With Disabilities
Officials/Administrators		X	X
Professionals		X	X
Technicians		X	X
Protected Services: sworn		X	X
Protected Serv: non-sworn		X	X
Paraprofessionals		X	X
Office/Clerical		X	X
Skilled Craft	X	X	X
Service Maintenance		X	X

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of the Department of Human Services' commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure.

This affirmative action plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

This affirmative action plan meets the statutes and rules governing affirmative action, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently assertive to deal with the identified disparities.

Constance Truck by Hairn (651) 431-3037 8/10/2012  
 Affirmative Action Officer (phone number) (date)

Jama Sengil 8/13/12  
 (Signature of Agency Head/Human Resources Director) (date)

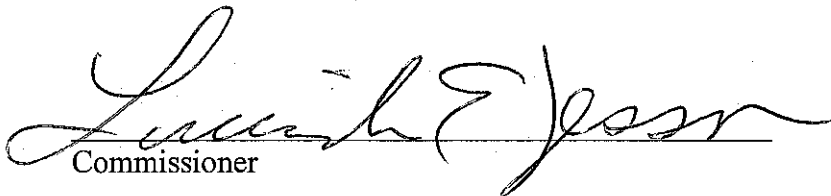
Lucy Johnson 8/9/2012  
 (Commissioner) (date)

## STATEMENT OF COMMITMENT

The Department of Human Services 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 applicants or employees 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.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce;
- This agency is committed to the retention of all qualified, talented employees, including protected group employees.

It is the agency's policy 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. We strive to provide equal employment opportunities and the best possible service to the citizens of Minnesota.

  
Commissioner

8/9/2012  
date

## ORGANIZATION

The Department of Human Services (DHS) helps provide essential services to Minnesota's most vulnerable residents. Working with many others, including counties, tribes and non-profits, DHS helps ensure that Minnesota seniors, people with disabilities, children and others meet their basic needs and have the opportunity to reach their full potential.

While the vast majority of human services in Minnesota are provided by its partners, DHS (at the direction of the Governor and Legislature) sets policies and directs the payments for many of the services delivered. As the largest state agency, DHS administers about one-third of the state budget.

As a steward of a significant amount of public dollars, DHS takes very seriously its responsibility to provide Minnesotans with high value in terms of both the quality and cost of services.

DHS' largest financial responsibility is to provide health care coverage for low-income Minnesotans. It is also responsible for securing economic assistance for struggling families, providing food support, overseeing child protection and child welfare services, enforcing child support, and providing services for people with mental illness, chemical dependency, or physical or neurocognitive disabilities.

Through its licensing services, DHS ensures that certain minimum standards of care are met in private and public settings for children and vulnerable adults. DHS also provides direct service through our regional offices for the deaf and hard of hearing; through State Operated Services (SOS), which provides direct care to people with disabilities; and through the Minnesota Sex Offender Program.

For many years, 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 individuals with mental illness and neurocognitive and behavioral disabilities, which were organized under the Chemical and Mental Health Administration. 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 has divided its mental health services, neurocognitive disabilities services, and chemical health services into three separate administrations: SOS, which provides inpatient and direct care to clients; Chemical and Mental Health Services (CMHS), which sets policies for persons with mental health, chemical health and neurocognitive disabilities; and the Minnesota Sex Offender Program (MSOP), which provides treatment to persons committed as a sexual psychopathic personality or sexually dangerous person. Lastly, DHS continues to provide the county human service agencies in the Minnesota Merit System with technical assistance and mentoring for the agencies' equal employment opportunity activities.<sup>1</sup>

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<sup>1</sup> See Minn. Stat. section 256.012

The SOS system is organized by the services provided:

- Adult Mental Health (including Community Behavioral Health Hospitals (CBHH))
- Special Populations, which include:
  - Community Addiction Recovery Enterprise (CARE)
  - Child & Adolescence Behavioral Health (CABHS)
  - Minnesota Specialty Health System  
(serves persons with neurocognitive disabilities and persons who have experienced a traumatic brain injury)
- Minnesota State Operated Community Support (MSOCS), which includes:
  - Group Homes
  - Foster Care
  - Day Programs
- Forensics, which includes:
  - Minnesota Security Hospital

CMHS is housed at DHS' Central Office location.

MSOP operates out of its larger Moose Lake facility, and shares some space with SOS Forensics facility in St. Peter.

The DHS affirmative action plan is the responsibility of the DHS Office for Equity and Agency Development (OEAD), which has as its major functions: affirmative action and equal opportunity and access in employment and service delivery; agency-wide learning and development; and agency-wide measurements and support for management. OEAD is headed by the Chief Equity and Development Officer ("the CEDO"), who serves as the DHS Affirmative Action Officer. The CEDO provides senior management level support and collaboration for the agency's affirmative action plan and equal opportunity responsibilities.

The CEDO is part of the agency's senior management team, and reports to the Deputy Commissioner, with direct access to the Commissioner on issues relating to affirmative action and equal opportunity. The CEDO –via membership in senior management –is responsible for providing an agency-wide perspective on issues relating to affirmative action and equal opportunity; spotting opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies and practices, including supporting the efforts of the DHS Director of Community Relations toward reducing disparities in outcomes for clients from non-majority communities; supporting learning and development and collaborative opportunities relating to affirmative action, equal opportunity, diversity and cultural responsiveness between OEAD and the various DHS administrations; identifying and supporting development of agency-wide measurements to evaluate DHS' programs and employees; collaborating with human resources and other administrations to set standards, identify, and provide learning and development opportunities in support of DHS' mission, vision and values, and its management and employees. Because of the size and complexity of the agency, the CEDO delegates the day-to-day responsibilities for affirmative action and equal opportunity compliance to the OEAD Director of Equal Opportunity and Access division, and three of his/her staff members.

The OEAD Director of Equal Opportunity and Access Division directs affirmative action and equal employment opportunity activities for all of DHS; and works with human resources staff housed in outstate locations to oversee DHS' compliance with its affirmative action plan.

The following persons are responsible for affirmative action implementation at DHS:

**OFFICE FOR EQUITY AND AGENCY DEVELOPMENT (OEAD):**

**Constance Tuck, Chief Equity and Development  
Officer/DHS Affirmative Action Officer: 651-431-3037**  
Elmer L. Andersen Human Services Building  
540 Cedar Street – P.O. Box 64997  
Saint Paul, MN 55164-0997

**OEAD, Equal Opportunity and Access Division  
Zecharias Hailu, OEAD Director of Equal Opportunity and  
Access Division, Affirmative Action Officer designee: 651-431-2134**  
540 Cedar Street  
P.O. Box 64997  
Saint Paul, MN 55164-0997

**OEAD Equal Opportunity and Access Consultants/Affirmative  
Action Officer designees: 651-431-3040**  
Elisabeth Brady  
Richard Nymoen  
Kha Yang  
Florence Canada, Merit County Equal Opportunity Consultant  
Elmer L. Andersen Human Services Building  
540 Cedar Street  
P.O. Box 64997  
Saint Paul, MN 55164-0997

**Human Resources and Management Services  
Connie Jones, Personnel Director: 651-431-2999**  
Elmer L. Andersen Human Services Building  
540 Cedar Street  
P.O. Box 64997  
Saint Paul, MN 55164-0997

**SOS ADULT MENTAL HEALTH (including Community Behavioral Health Hospitals)  
Patricia Carlson, CEO, 651-431-2369  
Dave Hartford, Site Administrator, 651-431-5004  
Brad Heckes, Human Resources Director, 651-431-5055**  
Anoka-Metro Regional Treatment Center  
3301 Seventh Avenue North  
Anoka, MN 55303-4516

**SOS SPECIAL POPULATIONS (including Chemical Health (CARE), Minnesota Specialty Health System, Child and Adolescent Behavioral Health Hospital, and Minnesota Security Hospital)**

**Douglas Seiler, Site Administrator, 218-736-1882**

**Brad Heckes, Human Resources Director, 651-431-5055**

1505 Pebble Lake Road

Fergus Falls, MN 56537-3800

3200 Labore Road

Vadnais Heights, MN 55110-5186

**SOS MINNESOTA STATE OPERATED COMMUNITY SERVICES (MSOCS)  
(Foster Care/Group Homes and Day Programs)**

**Roger Deneen, Site Administrator, 218-736-1882**

**Suzie Brusoe, Human Resources Director, 651-766-4115**

444 Lafayette Road

Saint Paul, MN 55155-3818

**SOS FORENSICS (including Minnesota Security Hospital)**

**Carol Olson, Chief Executive Officer, 507-985-3128**

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

Minnesota Security Hospital

100 Freeman Drive

Saint Peter, MN 56082-3504

**MSOP**

**Nancy Johnston, Interim Executive Director, 651-431-4390**

**Dan Storkamp, Administrative Services Director, 651-431-2148**

**Cindy Junger, Human Resources, 218-565-6156**

1111 Highway 73

Moose Lake, MN 55767-9452



## **RESPONSIBILITIES, DUTIES, AND ACCOUNTABILITIES**

### **I. Commissioner/DHS Deputy Commissioner**

#### **A. Responsibilities:**

Support and ensure implementation of the Department's Affirmative Action and Equal Opportunity Plan in compliance with existing federal and state laws and regulations.

#### **B. Duties:**

1. appoint the Agency's Chief Equity and Development/Affirmative Action Officer (Commissioner/Deputy Commissioner);
2. include accountability for the administration of the agency's Affirmative Action and Equal Opportunity Plan in his or her position description;
3. require all Department managers and supervisors to include responsibility for supporting affirmative action, diversity and/or cultural responsiveness in their position descriptions and annual objectives;
4. ensure that OEAD takes action on complaints of discrimination as outlined in the Plan's complaint procedure (through the OEAD Director of Equal Opportunity and Access Division);
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; and
6. make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity.

#### **C. Accountability: the Governor**

### **II. Assistant Commissioners/SOS CEO/MSOP Executive Director**

#### **A. Responsibilities:**

support affirmative action and equal opportunity policies and procedures within their respective administrations

#### **B. Duties:**

1. ensure that division directors, managers and supervisors include responsibility for supporting affirmative action, diversity and/or cultural responsiveness in their position descriptions and annual objectives;
2. model appropriate attitudes and behaviors that support affirmative hiring and equal employment opportunity.

### **III. Chief Equity and Development Officer/Affirmative Action Officer**

#### **A. Responsibilities:**

provide senior level oversight for agency-wide affirmative action, equal opportunity, and civil rights compliance

#### **B. Duties:**

1. Responsible for oversight and approval of agency affirmative action/equal opportunity plan, including development and setting of agency-wide goals, and compliance with statutory requirements;
2. review the Department's Affirmative Action and Equal Opportunity Plan annually, and provide updates as appropriate;
3. provide an agency-wide perspective on issues relating to affirmative action, equal opportunity, and civil rights;
4. identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies and practices;
5. support efforts of the DHS Director of Community Relations in his/her responsibilities toward reducing disparities in outcomes for clients from non-majority communities;
6. appoint and supervise OEAD Equal Opportunity and Access director; and
7. delegate day-to-day compliance functions for affirmative action, equal opportunity and civil rights to OEAD Equal Opportunity and Access director and his/her staff

#### **C. Accountability: the Deputy Commissioner**

### **IV. OEAD Equal Opportunity and Access Director**

- #### **A. Responsibilities: administer the day-to-day functions in support of the Department's affirmative action, equal opportunity, and civil rights programs.**

**B. Duties:**

1. monitor day-to-day 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. ensure that all civil rights and affirmative action reports are completed in a timely manner;
4. monitor and provide direction and consultation on affirmative action and equal employment opportunity matters to Affirmative Action Officer 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 individuals with disabilities, and recommend changes to the CEOD;
10. ensure compliance with state and federal human and civil rights laws.

**C. Accountability: Chief Equity and Development Officer/Affirmative Action officer**

**IV. Human Resources Director**

**A. Responsibilities:**

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

**B. Duties:**

1. make available to the OEAD Director of Equal Opportunity and Access Division all records, information, and data necessary to perform affirmative action duties and responsibilities;
2. provide the OEAD Director of Equal Opportunity and Access Division 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; and
5. inform the OEAD Director of Equal Opportunity and Access division of discrimination charges brought through a union grievance process and consult with the OEAD Director of Equal Opportunity and Access Division regarding resolution of the grievance.

**C. Accountability: Commissioner/DHS Deputy Commissioner**

**V. Human Resources Manager of Recruitment**

**A. Responsibilities:**

administer the day-to-day functions in support of the Department's personnel, recruitment, and hiring programs.

**B. Duties:**

1. appoint and supervise DHS Diversity Recruiter;
2. develop an agency-wide plan for recruitment, which includes specific plans for recruitment of persons from protected groups;
3. participate in community events designed to recruit protected group applicants for Department job openings;
4. maintain contacts with protected group recruitment sources, hold membership in professional and community organizations as funding permits; and
5. collaborate with OEAD Equal Opportunity and Access staff in recruitment activities related to the Executive Pathways program and development of bi-annual affirmative action plan.

**C. Accountability: HR Director**

**VI. Human Resources Diversity Recruiter**

**A. Responsibilities: Develop agency-wide plan for recruiting from non-majority communities in support of DHS affirmative action plan**

**B. Duties: Collaborate with OEAD Equal Opportunity and Access division director and designees to develop recruitment and retention strategies designed to attract and retain protected disparate group members**

**C. Accountability: HR Marketing Manager**

**VII. Executive Pathways Coordinator**

**A. Responsibilities: Develop and administer recruitment, affirmative action and equal opportunity implementation plans for the Merit County Civil Service System and the Minnesota Department of Human Services**

**B. Duties:**

1. develop and administer recruitment, affirmative action and equal opportunity implementation plans for the Merit County Civil Service System for the state of Minnesota.
2. manage and administer the Executive Pathways Internship, Public Policy Fellowship and Unpaid Internship Programs to attract, recruit, and retain a new generation of future managers for DHS.
3. collaborate with DHS Equal Opportunity Consultant/Chief Investigator in developing and monitoring the DHS affirmative action plan, providing training and other proactive measures to ensure compliance with affirmative action goals.

**C. Accountability: OEAD Director of the DHS Equal Opportunity and Access Division**

**VIII. Civil Rights Coordinator**

**A. Responsibilities: develop and implement the Department's Civil Rights Plan in the area of service delivery to ensure ongoing 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).**

**B. Duties:**

1. maintain a structure for the Department's Civil Rights Plan;
2. serve as liaison between the Department and OCR;
3. serve as liaison between DHS and USDA;
4. conduct prompt and thorough complaint investigations to resolve allegations of discrimination in the provision of human services; and
5. provide technical assistance, training, and education to DHS county service providers, other providers, and those with a need to know and who have an interest in the public's right to equitable access to human services.

**C. Accountability: OEAD Director of DHS Equal Opportunity and Access Division**

**IX. ADA Coordinator**

**A. Responsibilities: provide strategic direction, technical expertise, and project management to the development and implementation of Agency policy and projects for the Americans with Disabilities Act Title I (employment) and Title II (government services).**

**B. Duties:**

1. Provide leadership, guidance, coordination, and direction to the research and evaluation of federal and state legislation, Department policy, procedures, practices, and programs related to the Americans with disabilities Act (ADA), employer obligation to ensure Department programs and employment practices are accessible and non –discriminatory.
2. Provide leadership and expertise within the Department, through development and delivery of training, for management and non-management staff.
3. Serve as the Department’s resource concerning reasonable accommodation processes and complaints or concerns from employees, clients or applicants for human services.

**C. Accountability: OEAD Director of DHS Equal Opportunity and Access Division**

**X. SOS Site Administrators**

**A. Responsibilities: to oversee and ensure compliance with the DHS Affirmative Action and Equal Opportunity Plan in compliance with existing federal and state laws and regulations.**

**B. Duties:**

1. ensure that internal discrimination complaints to the OEAD Equal Opportunity and Access Division at [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us);
2. ensure that DHS affirmative action policies are carried out and approve all actions necessary to facilitate this;
3. appoint a person responsible for collaborating with OEAD Equal Opportunity and Access division staff in gathering data to respond to equal opportunity complaints filed against DHS with outside agencies, such as the Equal Employment Opportunity Commission and Minnesota Department of Human Rights; and
4. communicate at least annually in writing to staff their responsibilities to follow DHS affirmative action and equal opportunity policies.

**C. Accountability: CEO of State Operated Services**

**XI. Minnesota Sex Offender Program (MSOP) Site Administrator(s)**

**A. Responsibilities: to oversee ensure compliance with the DHS Equal Opportunity Policy and Affirmative Action Plan in compliance with existing federal and state laws and regulations.**

**B. Duties:**

1. report internal discrimination complaints to the OEAD Equal Opportunity and Access Division at [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us);
2. ensure that DHS affirmative action policies are carried out and approve all actions necessary to facilitate this;
3. appoint a person responsible for collaborating with OEAD Equal Opportunity and Access division staff in gathering data to respond to equal opportunity complaints filed against DHS with outside agencies, such as the Equal Employment Opportunity Commission and Minnesota Department of Human Rights; and
4. communicate at least annually in writing to staff their responsibilities to follow DHS affirmative action and equal employment opportunity policies.

**C. Accountability: CEO of Minnesota Sex Offender Program**

**XII. SOS and MSOP HR Directors**

**A. Responsibilities: implement and maintain the DHS Affirmative Action and Equal Opportunity Plan.**

**B. Duties:**

1. complete internal complaint reports and other required reports;
2. act as liaison with the DHS OEAD Equal Opportunity and Access Division director and affirmative action designees;
3. ensure that equal employment opportunity and affirmative action policies and procedures are disseminated to employees, including developing and implementing training activities as needed;

4. report all internal and external complaints of discrimination to the Equal Opportunity and Access Division at [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us); and
5. investigate, mediate, and recommend resolution of discrimination complaints as requested or approved by the DHS OEAD Director of Equal Opportunity and Access Division.

**C. Accountability: HR Director/DHS OEAD Director of Equal Opportunity and Access**

**XIII. All Managers and Supervisors**

**A. Responsibilities:**

1. to ensure compliance with statewide and Department affirmative action requirements; and
2. to ensure equal treatment of all employees and applicants.

**B. Duties:**

1. assist The OEAD Director of Equal Opportunity and Access Division and/or Affirmative Action Officer(s) in identifying and resolving problems and eliminating barriers that inhibit equal employment opportunity;
2. recruit and interview qualified disparate group members in job categories where a disparity exists;
3. give strong consideration to qualified disparate candidates when hiring and promoting disparities exist;
4. communicate and demonstrate a personal commitment to the Department's equal employment opportunity and affirmative action policy;
5. include responsibility statements for equal employment opportunity and affirmative action policies in position descriptions and annual performance objectives;
6. assist and make recommendations to the OEAD Director of Equal Opportunity and Access Division or designated Affirmative Action Officer regarding special recruitment projects;
7. discuss and document training needs and career planning goals with each employee during scheduled performance evaluations; and
8. ensure that all employees under supervision receive an annual affirmative action orientation.



- C. Accountability: directly accountable to the Assistant Commissioner, Department of Human Services Deputy Commissioner, SOS Chief Executive Officer, and MSOP Chief Executive Officer; indirectly accountable to Commissioner**

**X. All Employees**

- A. Responsibilities: all employees shall be responsible for conducting themselves in accordance with the state of Minnesota's Equal Employment Opportunity Policy by refraining from any actions that would interfere with any employee's work performance with respect to that individual'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.**
  
- B. Accountability: Manager or Supervisor and the OEAD Director of Equal Opportunity and Access Division**

## **INTERNAL AND EXTERNAL DISSEMINATION**

### **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 and Equal Opportunity Plan and their responsibilities under it.**
- C. On each official bulletin board the following will be posted:**
  - 1. the Statement of Commitment; and
  - 2. information where a complete copy of the Affirmative Action and Equal Opportunity Plan is located.
- D. Employee orientation programs will have an equal opportunity and affirmative action component.**
- E. The Affirmative Action and Equal Opportunity Plan will be summarized in appropriate Departmental publications.**
- F. An electronic or hard copy of the Affirmative Action and Equal Opportunity Plan will be included in the agency's official policies and procedures.**
- 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 OEAD Equal Opportunity and Access Division 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 disparate group publications or electronic job postings.**
- 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 C.F.R., 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 OEAD Equal Opportunity and Access Division and will be made available upon request to anyone who seeks to view it.**

## REPORT, AUDIT, AND EVALUATION

### I. **On a quarterly basis**

the DHS Equal Opportunity and Access Division will:

- A. **review goal achievement, separation, and missed opportunity reports to identify trends/problems and develop action steps to correct; and**
- B. **inform the Commissioner, State Operated Services CEO, Minnesota Sex Offender Program CEO, and managers and supervisors of progress or changes in goal achievement status.**

### II. **Annually**

the OEAD Director of Equal Opportunity and Access/designee will forward an Internal Complaint Report to MMB. The report will summarize the numbers and category of complaints alleged and closed during that year.

### III. **Biennially**

the DHS SOS CEO and MSOP CEO designee(s) will meet with The OEAD Director of Equal Opportunity and Access Division to provide input on the new affirmative action plan that contains:

- A. **recommendations for improvement in DHS' equal employment opportunity and affirmative action policies and recommendations for necessary department-wide action steps;**
- B. **hiring goals for the next two years, based on current disparities;**
- C. **recruitment and retention plans; and**
- D. **other items as required by Administrative Procedures.**

### IV. **Biennially**

the CEDO will submit for approval to the Office for Diversity and Equal Opportunity of Minnesota Management and Budget Department:

- A. **all transmittal forms;**
- B. **policy revisions or additions that have occurred during the previous two fiscal years;**
- C. **all DHS hiring goals for the period;**
- D. **Commissioner's statement of commitment;**
- E. **all DHS action steps;**
- F. **recruitment and retention plans; and**
- G. **other items required by Administrative Procedures.**

## CIVIL RIGHTS PLAN SUMMARY

### 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 basis of race, color, national origin, sex, religion, disability, or 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 basis of creed or 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, Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, Age Discrimination Act, Community Service Assurance Provisions of the Hill-Burton Act, Multiethnic Placement Act as amended by Interethnic Adoption Provisions of the Small Business Act, Family Violence Prevention and Services Act, Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act, and Food Stamp Act.

Finally, under the Department of Human Services policy on equal opportunity in service delivery, discrimination is also prohibited on the basis of sexual orientation or public assistance status in compliance with the Minnesota Human Rights Act.

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;**
- 6. continuing compliance with Section 504 and Americans with Disabilities Act physical and**
- 7. program accessibility requirements;**
- 8. information privacy protection;**
- 9. dissemination of information to beneficiaries and general public; and compliance records.**

## **MINNESOTA MERIT SYSTEM AFFIRMATIVE ACTION GUIDELINES SUMMARY**

### **PURPOSE:**

The Minnesota Merit System's (MMS) Affirmative Action and Equal Employment Opportunity Policies are administered by the Minnesota Department of Human Services' (DHS) Equal Opportunity and Access Division. Current affirmative action and equal employment opportunity guidelines for the Minnesota Merit System are promulgated in DHS bulletin number 11-89-01, published on March 10, 2011. The purpose of these 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 affirmative action and equal employment opportunity 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, national origin, disability, age, sex, marital status, status with regard to public assistance, membership or activity in a local commission, or sexual orientation. Equal employment opportunity under this policy includes, but is not limited to the following: recruitment, examination, appointment, tenure, compensation, classification, 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 individuals when these groups are underrepresented in a county human service agency's workforce in any job category. Although hiring goals are not set for individuals with disabilities, agencies are required to provide equal employment opportunities to, and encouraged to actively recruit individuals with disabilities.

### **RESPONSIBILITIES:**

A county human services agency's director has overall responsibility for implementing the MMS affirmative action and equal employment 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 OEAD Equal Opportunity and Access Division 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 and equal opportunity guidelines apply specifically to all employees in the MMS county human services agencies. All MMS county human services agencies must comply with affirmative action and equal employment opportunity guidelines. A county may choose to adopt the MMS affirmative action and equal employment opportunity guidelines provided by the Minnesota Department of Human Services, published in bulletin number 11-89-09 on March 10, 2011 for that

county's human services agency. Alternatively, 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.

Title I of the Americans with Disabilities Act (ADA) and the Minnesota Merit System rules found in Minnesota Administrative Rules, part 9575.0090, subpart 2a require the following in an affirmative action plan:

- 1. a policy defining and prohibiting discriminatory harassment, including sexual harassment;**
- 2. an internal discrimination complaint policy and procedure that includes notification of the Department of Human Services' Equal Opportunity and Access Division of complaints that are brought and their resolution;**
- 3. provision for appointment of an individual to provide liaison between the county agency and the Department of Human Services' Equal Opportunity and Access Division and have responsibility for implementation of the local agency's plan;**
- 4. provision for notification of the Department of Human Services' Equal Opportunity and Access Division of periodic hiring goals established by the county agency for expanded certification purposes; and**
- 5. provision for compliance with Title I of the Americans with Disabilities Act of 1990, which prohibits discrimination against disabled employees<sup>2</sup> or job applicants.**

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<sup>2</sup> DHS notes that the term "disabled employees" is cited from legislation, which was passed over 20 years ago, and is not representative of current nomenclature for individual employees who may have a disability.

## DHS AFFIRMATIVE ACTION HIRING PROCESS POLICY

### 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 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 unless:

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; or
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 the OEAD Director of Equal Opportunity and Access Division and receive approval from the OEAD Director of Equal Opportunity and Access Division or his or her designee.

### AUTHORITY:

Minnesota Statutes 43A.191 and Minnesota Management and Budget Rules Governing the Statewide Affirmative Action Program and Administrative Procedure

### DEFINITIONS:

**APPLICANT POOL:** all candidates who are eligible for an interview for the vacancy in question.

**DISPARATE GOAL UNIT:** goal units are set by EEO4 categories in which the full-time equivalent (FTE) representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.

**DISPARATE PROTECTED GROUP CANDIDATE:** person who is a member of a protected group that has applied for a vacancy within a goal unit that has a disparity.

**DISPARITY:** an unmet Affirmative Action Goal.



**MISSED OPPORTUNITY:** failure to hire an available, qualified disparate protected group candidate into a disparate goal unit. Under Minnesota statute, sanctions and penalties may be imposed on Departments whose missed opportunities exceed 25 percent of all hiring opportunities.

**PROTECTED GROUPS:** persons who are African-American, Hispanic, Asian, or Pacific Islander, American Indian or Alaskan native, persons with a disability, and women.

**QUALIFIED PERSON:** candidate capable of performing the essential job functions of the position in question.

**TARGETED RECRUITMENT:** affirmative outreach and applicant identification efforts to attract applications from qualified disparate protected group members. Includes a specific plan of action, responsible parties, and time frame.

**VACANCY:** an approved, unclassified, or classified position that is open and will be filled.

**WRITTEN JUSTIFICATION:** correspondence by memo or e-mail specifying the reasons why none of the disparate protected group candidates 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.

## **I. RESPONSIBILITIES:**

### **A. Assistant Commissioners/SOS CEO/MSOP Executive Director:**

1. review and make final determinations on hiring selection decisions that the OEAD Equal Opportunity and Access Division affirmative action designees have not approved.

### **B. OEAD Equal Opportunity and Access Division affirmative action 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; and
4. develop and provide training activities for hiring supervisors about Affirmative Action requirements, policies, and procedures.

**C. Human Resources Division/SOS HR Directors/MSOP HR Director:**

1. notify the OEAD Equal Opportunity and Access Division /affirmative action designees of all vacancy postings by transmitting an electronic copy of those postings to the Division's Director or his or her designee;
2. if there are no internal bidders, the HR Specialist sends the hiring supervisor a Vacancy Checklist that identifies the disparity for the vacancy; for a classified position, the information identifying the disparate group candidates is collected electronically; for unclassified positions, the Equal Opportunity and Access Division provides a cover letter explaining the affirmative hiring process and a self-declaration form to the hiring supervisor to send to qualified applicants; (qualified disparate group candidates are then identified for the hiring supervisor at this time);
3. provide consultation and assistance to hiring supervisors in developing job-related interviews and other assessment processes; and
4. HR Specialist sends completed "Monitoring the Hiring Process Form" to the OEAD Equal Opportunity and Access Division for review and approval.

**D. Hiring Supervisor:**

1. contact and consult with the HR Diversity Recruiter 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, the supervisor includes a Self-Declaration Form with any information sent to potential applicants about the vacancy if the applicants have not applied through Resumix or a state job application;
3. develop an interview and selection process that complies with applicable state and federal laws and that is in compliance with DHS's Affirmative Action plate, state civil service requirements and applicable civil rights laws<sup>3</sup>;
4. when a disparity exists, make a good faith effort to contact and offer an interview to all available and qualified disparate protected group candidates of whom the hiring supervisor has been made aware;

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<sup>3</sup> See, e.g., the Uniform Guidelines on Employee Selection Procedures (UGESP), 29 C.F.R., part 1607

5. provide the OEAD Equal Opportunity and Access Division/affirmative action designee with written justification for non-selection of an available disparate protected group candidate whenever a vacancy is filled in a disparate goal unit;
6. delay making an offer of employment until either an approval is received from the OEAD Equal Opportunity and Access Division Dire/affirmative action designee or a final determination is made by Assistant Commissioner/SOS CEO/MSOP Executive Director when a disparity exists and the hiring supervisor does not wish to hire a qualified disparate protected group candidate;
7. document the interview process for all candidates interviewed and all reasons for non-selection of an available disparate group candidate; and
8. provide documentation of the interview and selection process as requested for compliance and other evaluation audits.

**E. OEAD Equal Opportunity and Access affirmative action designees**

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 disparate 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, 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; and
8. consult with hiring supervisors regarding how to achieve affirmative action goals and reduce missed opportunities.

## **POLICY PROHIBITING UNLAWFUL DISCRIMINATION**

### **PURPOSE:**

To provide a work environment free of unlawful discrimination.

### **AUTHORITY:**

Minnesota Statutes, section 43A.01, subdivision 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 lead to 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 –on the basis 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 which results in intimidation, ridicule, entrapment, degradation, coercion, or harm when such conduct has 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, an employee is 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; or
3. 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:** an unlawful employment action taken on the basis of age (under Minnesota law, there is no requirement that the individual be a particular age).

**INDIVIDUAL WITH A DISABILITY:** an individual 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.<sup>4</sup>

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

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

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

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

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<sup>4</sup> The term "individual with a disability" is synonymous with "person with a disability" as that term is referenced and used in the Minnesota Human Rights Act, Minnesota Statutes, chapter 363A (2009).

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.

**I. RESPONSIBILITIES:**

**A. OEAD Equal Opportunity and Access Director:**

1. implement and promote the provisions of this policy in the department;
2. ensure that employees are fully aware of this policy;
3. hold managers and supervisors accountable for the enforcement of this policy;  
and
4. make final determinations to resolve complaints of discrimination.

**B. Managers and Supervisors:**

1. model appropriate behavior in the workplace;
2. take necessary steps to protect employees from unlawful discrimination in the workplace;
3. receive reports of alleged unlawful discrimination;
4. consult with the OEAD Equal Opportunity and Access Division Director or the EOA Director's affirmative action designee to determine if the complaint is related to equal employment opportunity and is properly one of harassment or discrimination based on protected characteristics and jointly determine a plan of action;
5. hold employees who violate this discrimination policy accountable and take appropriate action when complaints are substantiated;
6. participate in internal investigation by providing truthful, accurate, and complete information; and
7. testify truthfully in administrative and legal proceedings.

**C. Employees:**

1. model appropriate behavior in the workplace;
2. inform manager/supervisor or the OEAD Equal Opportunity and Access Division/designee promptly of any concerns regarding unlawful discrimination;
3. participate in internal investigations by providing truthful, accurate, and complete information; and
4. testify truthfully in administrative and legal proceedings.

**D. OEAD Equal Opportunity and Access Division/affirmative action designees:**

1. counsel manager/supervisor and employees regarding discrimination issues and complaints;
2. receive and evaluate complaints of unlawful discrimination and refer complaints to alternate resources for resolution of concerns as appropriate;
3. thoroughly and impartially investigate complaints when investigation is appropriate; and
4. make recommendations to management regarding appropriate actions to be taken in response to a complaint of discrimination.

**II. COMPLAINT RESOLUTION PROCESS:**

**A. Resolution of concern:**

While employees may make the initial complaint directly to the OEAD Equal Opportunity and Access Division Director or the EOA Director's affirmative action designee, employees are encouraged to attempt resolution of the situation first by any of the following:

1. 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 or her behavior is objectionable and ask that it cease;
2. if the employee is not comfortable confronting the person directly, the employee may make a complaint of discrimination to his or her direct supervisor or the other person;

3. if the employee's supervisor is the person perceived to be engaging in unlawful discrimination, the employee may go to his or her next higher supervisor or manager, or to the EOA/affirmative action designee; or
4. request mediation services through the EOA/affirmative action designee.

**B. Formal complaint handling:**

1. If a concern is not satisfactorily resolved, OR if the employee is not comfortable attempting resolution, an employee should contact the OEAD Equal Opportunity and Access Division.
2. A complainant may be interviewed and may be requested to submit a complaint in writing or sign a completed Discrimination/Harassment Complaint Form. In some situations, when it has notice of a potential problem of discrimination, the OEAD Equal Opportunity and Access Division may conduct an investigation even if a specific person has not filed a complaint.
3. The OEAD Equal Opportunity and Access Division will determine if a complaint is related to discrimination based on protected group classification and if it is appropriate for OEAD Equal Opportunity and Access Division to conduct an investigation. The OEAD Equal Opportunity and Access Division 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 OEAD Equal Opportunity and Access Division may bring in an outside investigator or refer a complaint to another office or state agency as appropriate.
4. The investigation may include interviews with the complainant(s), subject(s) of the investigation, and witnesses. The OEAD Equal Opportunity and Access Division may review pertinent documents including but not limited to personnel, computer, and e-mail files.
5. Upon completion of the investigation, the OEAD Equal Opportunity and Access Division will submit its findings to the responsible party who is authorized to resolve the situation.
6. If the investigation results in a finding that discrimination occurred, appropriate action will be taken in a timely manner. Appropriate action 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 plans, and/or Commissioner's plans.



7. The complainant, the respondent, and others who need to know will be notified of the conclusion 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.
8. The OEAD Equal Opportunity and Access Division may only exceed the time limits stated in this complaint procedure when the OEAD Equal Opportunity and Access Division director determines it is necessary to do so. Factors may include and are not limited to the scope and complexity of the investigation, number of witnesses, and the availability of investigation resources.

**C. Formal external complaints/charges handling in SOS and MSOP:**

1. Upon receipt of a charge of alleged discrimination, the Commissioner's Office, SOS Site Managers, MSOP Directors, or other applicable management personnel will notify the OEAD Equal Opportunity and Access Division Director/affirmative action designee of the charges by telephone at 651-431-3040 or by e-mail confirmation at [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us). The e-mail confirmation must include a copy of the charge and the name, e-mail, and phone number of a contact person who will be responsible for coordinating information gathering or arranging interviews.
2. The OEAD Equal Opportunity and Access Division will review the charge and work with Human Resources, appropriate management personnel, and appropriate attorney general staff to prepare a response to the charges. The OEAD Equal Opportunity and Access Division will forward all documents to the Attorney General's Office.
3. The OEAD Equal Opportunity and Access Division 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 along with the name of complainant, name of respondent, and decisions made concerning those charges.

**D. External options:**

Any employee or applicant also has the right to file a discrimination complaint with the Minnesota Department of Human Rights, 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. Below is the contact information for the agencies referenced above:

Minnesota Department of Human Rights  
190 East 5th Street, Suite 700  
Saint Paul, MN 55101  
Main office telephone: 651-296-5663  
TTY: 651-296-1283  
Fax: 651-296-9042  
E-mail: [Info.MDHR@state.mn.us](mailto:Info.MDHR@state.mn.us)  
Website: <http://www.humanrights.state.mn.us/>

U.S. Equal Employment Opportunity Commission  
Chicago District Office  
500 West Madison Street, Suite 2000  
Chicago, IL 60661  
Main office telephone: 1-800-669-4000  
TTY: 1-800-669-6820  
Fax: 312-886-1168  
E-mail: [info@eeoc.gov](mailto:info@eeoc.gov)  
Website: <http://www.eeoc.gov/>

## **PROHIBITION OF SEXUAL HARASSMENT POLICY**

### **Overview**

#### **Description:**

This policy is designed to provide notice about the prohibition of sexual harassment in the workplace, to explain the responsibilities for reporting and investigating complaints of sexual harassment, and to give notice of the consequences of violation of this policy.

#### **Reason for Policy:**

This policy is designed to provide notice about the prohibition of sexual harassment in the workplace, to explain the responsibilities for reporting and investigating complaints of sexual harassment, and to give notice of the consequences of violation of this policy.

#### **Applicability:**

This policy applies to employees, supervisors, and non-employees who conduct business in the DHS workplace.

#### **Failure to comply:**

Employees who engage in sexually harassing behavior may face disciplinary action up to and including termination. Non-employees who engage in sexually harassing behavior may be denied access to the workplace, and/or face other appropriate sanctions.

#### **Policy:**

**DHS prohibits sexual harassment by employees and non-employees in the workplace.**

#### **I. Employees are responsible for:**

- A. complying with DHS sexual harassment policy and refraining from engaging in sexually harassing conduct in the workplace.**

#### **II. Supervisors are responsible for:**

- A. modeling appropriate workplace conduct regarding this policy;**
- B. ensuring that all employees and non-employees with whom they have a direct reporting relationship are aware of the DHS sexual harassment procedures;**
- C. ensuring that complaints of sexual harassment are handled with confidentiality;**
- D. ensuring that appropriate steps are taken to protect from retaliation employees who make sexual harassment complaints;**

- E. taking immediate and appropriate corrective action if it is determined that sexual harassment has occurred; and**
- F. receiving sexual harassment complaints from employees and reviewing those complaints with the DHS Equal Opportunity and Access Division.**

**III. The Equal Opportunity and Access Division is responsible for:**

- A. responding to complaints of sexual harassment in a timely manner;**
- B. consulting with supervisors, human resources, and other appropriate parties about sexual harassment complaints;**
- C. ensuring a prompt, though, and impartial investigation of sexual harassment complaints;**
- D. making recommendations to management regarding appropriate actions to be taken in response to a complaint of sexual harassment; and**
- E. notifying all parties upon final resolution of the complaint.**

**IV. Non-employees:**

- A. each nonemployee is expected to conduct him/herself in a manner that does not violate DHS' policy prohibiting sexual harassment.**

**V. Procedure(s) that apply: Employees**

- A. Employees may make complaints of sexual harassment in any of the following manners:**
  - 1. employees who believe themselves to be the victims of sexual harassment are encouraged to attempt resolution of the situation first by informing the person who is perceived to have behaved in a sexually harassing manner that his or her behavior is objectionable and ask that it cease;
  - 2. if the employee is not comfortable confronting the perceived harasser directly, the employee should make a complaint of discrimination to his or her direct supervisor or the Equal Opportunity and Access Division;
  - 3. if the complaint is related to behavior of an immediate supervisor, the employee should report the perceived harassment to the next higher level supervisor or the Equal Opportunity and Access Division;
  - 4. employees who observe sexually harassing behavior should report the behavior to their immediate supervisor or the Equal Opportunity and Access Division; and

5. any complaint of sexual harassment may also be filed with the Minnesota Department of Human Rights at, 190 East Fifth St., Suite 700, St. Paul, MN 55101, telephone: (651) 296-5663, (651) 296-1283, TTY; or the Equal Employment Opportunity Commission at Towle Building, 330 South Second Ave., Suite 720, Minneapolis, MN 55401-2224, telephone: (800) 669-4000 (800) 669-6820, TTY.

**VI. Supervisor/Equal Opportunity and Access Division:**

- A. **The supervisor and/or Equal Opportunity and Access Division will conduct a preliminary investigation within two (2) working days in order to determine whether temporary reassignment of either party is necessary until the complaint process has been completed.**
- B. **If it is determined that an investigation will proceed, the Equal Opportunity and Access Division will notify the Complainant, the Respondent, the Supervisor, Human Resources, and the Union/Association as referenced in the appropriate labor agreement.**

**VII. Equal Opportunity and Access Division:**

- A. **If warranted, the Equal Opportunity and Access Division will conduct a full investigation and prepare a written summary of findings.**
- B. **The results of the investigative findings will be shared with the respondent(s) and his or her supervisor, and, as appropriate, with other parties for appropriate action.**
- C. **The complainant will be notified of the conclusion of the investigation. The Minnesota Government Data Practices Act prohibits releasing to the complainant or other persons who are not the subject of the investigation the specific findings of the investigation or discussing what, if any, other action may be taken as a result. See Minn. Stat. §13.43, subdivisions 1 and 2.**

**VIII. Non-employees:**

- A. **Non-employees who observe or believe themselves to be the victims of sexual harassment in the workplace should report the harassment to the Equal Opportunity and Access Division or Human Resources.**

**Form(s) that apply:**

A form for reporting sexual harassment is available on InfoLink: <http://dhsinfo.dhsintra.net/Infolink/Forms/Equalopportunity/index.htm>

**Related policies and reference(s):**

DHS Prohibition on Discrimination Policy available at [http://dhsinfo.dhsintra.net/InfoLink/Employment\\_Resources/EqualOpportunity/Discrimination/index.htm](http://dhsinfo.dhsintra.net/InfoLink/Employment_Resources/EqualOpportunity/Discrimination/index.htm)

DHS Policy on General Harassment available at [http://dhsinfo.dhsintra.net/InfoLink/Employment\\_Resources/EqualOpportunity/Generalharassmentpolicy/index.htm](http://dhsinfo.dhsintra.net/InfoLink/Employment_Resources/EqualOpportunity/Generalharassmentpolicy/index.htm)

State of Minnesota Zero Tolerance for Sexual Harassment Policy, PERSL #1329 (updated June 17, 1996), available at <http://www.mmb.state.mn.us/doc/persl/1329.pdf>

Minnesota Management and Budget (“MMB”) Administrative Procedure 1.2 (revised April 7, 1988), available at <http://www.mmb.state.mn.us/doc/proc/01-2.pdf>

Equal Employment Opportunity Commission (“EEOC”) Guidelines on Discrimination Because of Sex (revised July 1, 2007), 29 [http://edocket.access.gpo.gov/cfr\\_2007/julqtr/29cfr1604.11.htm](http://edocket.access.gpo.gov/cfr_2007/julqtr/29cfr1604.11.htm)

EEOC Policy Guidance on Current Issues of Sexual Harassment, N-915-050 (dated March 19, 1990), available at <http://www.eeoc.gov/policy/docs/currentissues.html>

**Legal authority:**

Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972, 42 U.S.C. 2000e, et seq. Minnesota Human Rights Act, Minn. Stat. § 363A

**Standards:**

N/A

**Definition(s):**

**Employees:** all persons appointed pursuant to Minnesota Statutes, chapter 43A whose work assignment is with the Minnesota Department of Human Services.

**Supervisor(s):** a subset of employees who have supervisory and management responsibilities.

**Sexual harassment:** unwelcome conduct such as sexual advances, requests for sexual favors, and other written, verbal, or physical conduct of a sexual nature that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment can occur between supervisors and subordinates, co-workers and co-workers, or employees and non-employees. Sexual harassment can take many different forms including:

1. verbal: unwelcome sexual innuendos, suggestive comments, jokes of a sexual nature, sexual advances or propositions, offensive questions or comments about physical appearance or sex life, lewd comments, sexual jokes and sexual insults;
2. non-verbal: unwelcome sexually suggestive objects or pictures, suggestive or insulting sounds, leering, whistling, obscene gestures; and
3. physical: unwelcome physical contact including touching, pinching, brushing by the body, sexual assault, or rape.

**Non-employees:** individuals other than DHS employees who conduct business with DHS in the workplace.

**Workplace:** the physical and electronic environs in which DHS staff regularly perform their duties, as well as meetings and other activities, events, or gatherings organized or sponsored by DHS.

**Contact(s):**

Name: Rich Nymoen; telephone: (651) 431-2901; e-mail [richard.nymoen@state.mn.us](mailto:richard.nymoen@state.mn.us)

**Policy history:**

Version 1.0:

06/09/2010 (initial release)

Formerly part of DHS Prohibition of Discrimination Policy, last updated 09/13/2006

## **PROHIBITION OF GENERAL HARASSMENT AND COMPLAINT PROCEDURES**

### **PURPOSE:**

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

### **AUTHORITY:**

Minnesota Management & Budget (MMB) Administrative Procedure 1.2 (harassment prohibited)

### **POLICY:**

DHS shall provide an environment free of verbal, psychological, social 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 CLASS:** 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.

## **I. POLICY VIOLATIONS:**

### **A. The Commissioner shall:**

1. implement the provisions of this policy; and
2. ensure that employees are fully aware of this policy.

### **B. Each employee shall:**

1. report allegations of harassment to his or her immediate supervisor, the Equal Opportunity and Access Division Director, or Human Resources Director by completing the Central Office Discrimination/Harassment Complaint Form (available in the Equal Opportunity and Access Division, the Human Resources Division, or on the DHS intranet site InfoLink), or submitting a written statement detailing the specific action involved, type of harassment (general or protected characteristic), individuals responsible, and requested remedy; and



2. not intentionally use this complaint procedure for reasons of personal malice or abuse toward another employee.

**C. Supervisors shall:**

1. review complaints with staff of the Equal Opportunity and Access Division 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;
2. investigate and resolve complaints of general harassment; and
3. coach and counsel employees or take disciplinary action, up to and including discharge, when warranted.

**D. The DHS Equal Opportunity and Access Division Director or designee shall:**

1. review all complaints to determine whether the complaint is general harassment or based on protected characteristics;
2. handle the complaint to its conclusion if the determination is made that the alleged harassment is related to protected characteristics; and
3. refer the complaint to the Human Resources Director if the determination is that the alleged harassment is not related to protected characteristics.

**E. The Human Resources Director or designee shall:**

1. 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:
  - a. interview the complainant;
  - b. interview other appropriate individuals;
  - c. gather relevant information;
  - d. write a summary;

- e. discuss the situation with appropriate supervisory and managerial personnel; or
  - f. provide a written statement to the complainant and/or to the individual(s) charged with general harassment outlining the status of the review and whether action is to be taken; and
2. ensure that appropriate levels of management implement any necessary actions.

**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 (Minn. Stat. § 13.01, et seq.). 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 who, 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 Minnesota Management and Budget (formerly 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 Unemployment Insurance Division of the Minnesota Department of Employment and Economic Development, 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"/> Age <input type="checkbox"/> Color <input type="checkbox"/> Creed <input type="checkbox"/> Disability <input type="checkbox"/> General Harassment <input type="checkbox"/> Marital Status	<input type="checkbox"/> Membership or activity in a local human rights commission <input type="checkbox"/> National Origin <input type="checkbox"/> Political Affiliation <input type="checkbox"/> Race <input type="checkbox"/> Reliance on Public Assistance	<input type="checkbox"/> Religion <input type="checkbox"/> Retaliation <input type="checkbox"/> Gender/Sexual Harassment <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Veterans Status

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); and 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

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 hand deliver, mail, email, or fax this completed form to the Minnesota Department of Human Services,

Equal Opportunity and Access, Mail Code 0997, P.O. Box 64997, St. Paul, MN, 55164-0997

Email: [dhs.equalopportunity@state.mn.us](mailto:dhs.equalopportunity@state.mn.us)

Fax: (651) 431-7444

This information is available in other forms to persons with disabilities by contacting Equal Opportunity and Access via: Voice (651) 431-3040, TTY (866) 786-3945, Fax (651) 431-7444, or Speech-to-Speech Relay (877) 627-3848.

## REASONABLE ACCOMMODATIONS

### POLICY:

The Minnesota Department of Human Services commits to the equal employment of qualified individuals with disabilities in compliance with the prohibitions against discrimination in the area of employment on the basis of disability in the Americans with Disabilities Act (ADA), the ADA Amendments Act, and the Minnesota Human Rights Act. Many individuals with disabilities encounter barriers to employment. Provision of reasonable accommodation is the key to this nondiscrimination. Reasonable accommodation applies to ensuring fair treatment to a qualified applicant with a disability in the hiring process for a job, to enabling a qualified employee with a disability to perform the essential functions of the job; and to empowering an employee with a disability to enjoy the same benefits and privileges from the job as other similarly situated employees without disabilities. The Department shall make reasonable accommodation in employment to the known bodily limitations of a qualified individual with a disability unless it would be a violation of a bona fide occupational qualification, an undue hardship on the operation of the Department's business, or a direct threat to the health or safety of the individual or other people.

### DEFINITIONS:

"Qualified individual with a disability" means an individual with a disability who satisfies the requisite skill, education, experience, and other qualifications of the job and who can perform the essential functions of it with or without reasonable accommodation.

"Disability" means a physical, sensory, or mental impairment that substantially limits a major life activity of the individual, a record of such an impairment, or being regarded as having such an impairment, regardless of the impairment being episodic or in remission if it would substantially limit a major life activity when active, and regardless of any ameliorative effect of mitigating measures, including learned behavioral modifications, adaptive neurological modifications, medication, medical supplies or equipment, low-vision devices, hearing aids or implantable hearing devices, prosthetics, alternate devices, adaptive equipment, assistive technology, other power-driven mobility devices, auxiliary aids or services, or reasonable accommodations, but excluding corrective lenses. Predictable physical disabilities include: Partially or wholly missing limbs or mobility impairments requiring the use of a wheelchair which substantially limit musculoskeletal function; Cancer which substantially limits normal cell growth; Diabetes which substantially limits endocrine function; and Human Immunodeficiency Virus infection which substantially limits immune function. Predictable sensory disabilities include: Deafness which substantially limits hearing; and Blindness which substantially limits seeing. Predictable mental disabilities include: Epilepsy, Multiple sclerosis, and Muscular dystrophy which substantially limit neurological function; and Intellectual delay, Autism, and Cerebral palsy in addition to Major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia which substantially limit brain function.

"Impairment" means a cosmetic disfigurement, anatomical loss, or physiological disorder affecting a body system; or a psychological, emotional, intellectual, or learning disorder.

"Substantially limits" means being restricted in the conditions, manner, or duration of performing a Major life activity in comparison to most people in the general population.

"A major life activity" means any basic action of daily living that most people in the general population can do with no or little difficulty, including breathing, sleeping, seeing, hearing, smelling, tasting, feeling, balancing, caring for oneself, eating, drinking, thinking, concentrating, learning, reading, communicating, speaking, writing, interacting with others, sitting, reaching, manipulating, standing, walking, bending, lifting, and working; and the operation of a major bodily function, including respiratory, cardiovascular, circulatory, neurological, brain, special sense organs, immune, lymphatic, endocrine, hemic, musculoskeletal, normal cell growth, skin, genitourinary, digestive, bowel, bladder, and reproductive.

"A record of such an impairment" means a history of that medical condition.

"Regarded as having such an impairment" means an actual or perceived physical, sensory, or mental impairment regardless of whether the impairment limits or is perceived to limit a major life activity, excluding impairments that are minor and transitory, having an actual or expected duration of six months or less.

"Essential functions" means the fundamental responsibilities of a job that are the reason for its existence, and excludes marginal tasks.

"Bona fide occupational qualification" means an employment requirement that, although discriminates against disability, is related to an essential function of the job, necessary to the operation of the business, and not replaceable by a reasonable accommodation.

"Undue hardship" means an action that is extensive, requiring significant expense, administrative difficulty, operational disruption, or fundamental alteration to the nature of the employer.

"Direct threat" means a significant risk of substantial harm to the individual with the disability or other people that reasonable accommodation cannot eliminate or reduce to acceptable tolerances.

"Reasonable accommodation" means a change: To a hiring process that enables a qualified applicant with a disability to apply for the job; To the employment environment; To the manner or circumstances in which the work is customarily done that enables a qualified employee with a disability to perform the essential functions of the job; or To the terms or conditions of the job that enables a qualified employee with a disability to enjoy the same benefits and privileges from the employment as other similarly situated employees without disabilities. Examples of reasonable accommodations include: Arranging alternate parking; Altering available facilities to be physically accessible and usable; Adjusting the job application process; Supplying an alternative format of work materials; Acquiring alternate devices, adaptive equipment, or assistive technology; Providing qualified readers, writers, sign language interpreters, or other assistants; Providing transportation between workplaces; Adjusting testing or training; Modifying policies, procedures, rules, or practices; Restructuring the job by reallocating marginal tasks; Permitting part-time or flexible work hours; Providing an alternative work area; Permitting the use of accrued paid leave or providing additional unpaid leave for necessary treatment; Permitting an extended medical leave; or Reassigning to a vacant job.

## PROCEDURE:

### Applicant's or employee's right

An applicant or employee with a disability may request a reasonable accommodation to the individual's supervisor, manager, or the Department's ADA Coordinator. The request may be verbal, however for clarity and recordation, the applicant or employee ought to complete the Request for Reasonable Accommodation form and the Authorization for Release of Medical Information form and submit them with the position description to the ADA Coordinator. Assistance with the forms is available from the Coordinator. Although they are not a requirement to process the request, their absence may result in a delay of a disposition of the request.

### Supervisor's or manager's responsibility

Upon becoming aware of a possible need for a reasonable accommodation, the supervisor or manager shall ask the applicant or employee to complete the Request for Reasonable Accommodation and the Authorization for Release of Medical Information forms and submit them to the ADA Coordinator. The supervisor or manager shall also provide the position description to the Coordinator. The supervisor or manager shall then consult with the Coordinator on the request in order to analyze the purpose and determine the essential functions of the job, conclude whether the applicant or employee is an otherwise qualified individual with a disability for the job, acknowledge the individual's job-related bodily limitations, propose potential reasonable accommodations that could overcome the job-related bodily limitations, evaluate the effectiveness that the potential reasonable accommodations would have in enabling the individual to perform the essential functions; consider the individual's preference, and assist in implementing the selected reasonable accommodation. The supervisor or manager shall additionally monitor the reasonable accommodation for its continuing medical necessity and effectiveness in order to maintain, modify, or recommend termination of it.

### ADA Coordinator's responsibility

The ADA Coordinator explains the reasonable accommodation policy to the applicant or employee and the supervisor or manager and engages in an interactive process with them to conduct an individualized assessment in order to dispose of the request. The Coordinator obtains a completed Medical Information Request form from the applicant or employee's physician of the individual's job-related bodily limitations, determines whether the individual is a qualified individual with a disability, decides whether any potential accommodation is reasonable, selects and implements the reasonable accommodation most appropriate for both the Department and the individual, and maintains separate records of each reasonable accommodation request disposition. If a reasonable accommodation is necessary, the Coordinator may consider the individual's preference, however the Coordinator may deliberate between equally effective accommodations and may select the one that is less extensive, expensive, difficult, disruptive, or mutative to the nature of the Department. The Coordinator shall notify the applicant or employee and supervisor or manager of the disposition and memorialize it in a Reasonable Accommodation Agreement. If a reasonable accommodation would fail to overcome the job-related bodily limitations to perform the essential functions of the job, cause an undue hardship on the Department's business, or result in a direct threat to the individual or other people, the Coordinator shall issue a Reasonable Accommodation Denial.



**FUNDS:**

The Department budgets funding for reasonable accommodation provisions. The Central Office Reasonable Accommodation Fund may be available to pay for accommodations with prior approval from the ADA Coordinator if the applicant or employee's division can show a undue financial hardship.

**CONFIDENTIALITY:**

Any documentation of medical information must be kept in separate 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.

**NOTIFICATION:**

The ADA Coordinator shall notify applicants and employees of the Department's Reasonable Accommodation Policy through employee orientation, training, disability awareness events, or upon a need or a request for a reasonable accommodation.

**APPEALS AND COMPLAINTS:**

The ADA Coordinator shall advise applicants and employees of their right to appeal Reasonable Accommodation Request Denials to the Equal Opportunity and Access Division Director or to complain through the Department's antidiscrimination policy and procedure or through outside enforcement agencies.

**SUPERSESION:**

This policy supersedes the Minnesota Department of Human Services' Policy 51.02 and all of its previous Reasonable Accommodation Policies.

**AUTHORITY:**

Americans with Disabilities Act, as amended, 42 U.S.C. §12101, et seq.

REGULATIONS TO IMPLEMENT THE EQUAL EMPLOYMENT PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, 29 C.F.R. 1630, et seq.

Section 504 of the Federal Rehabilitation Act, as amended

Minnesota Human Rights Act, Minnesota Statutes, chapter 363A

Minnesota Statutes, chapter 43A

Minnesota Management and Budget's rules governing the Statewide Affirmative Action Program

Minnesota Management and Budget's Administrative Procedures 13.1 and 19.2

All applicable Collective Bargaining Agreements

MINNESOTA DEPARTMENT OF HUMAN SERVICES  
Employee Request for Reasonable Accommodation

Please complete this form electronically; otherwise a delay in the reasonable accommodation process may result. Forward back your form as an attachment through electronic mail with attachments of your Position Description and your Authorization for Release of Medical Information with the signed and dated originals to follow through interoffice mail using the contact information at the end. If you have any questions about the process or need any assistance with the forms, contact the Minnesota Department of Human Services' Americans with Disabilities Act Coordinator.

You acknowledge that the Minnesota Department of Human Services Americans with Disabilities Act Coordinator or any other person who the department authorizes, including the department's legal counsel, may use this information, specifically your health condition, to determine under the Americans with Disabilities Act, Americans with Disabilities Act Amendments Act, and Minnesota Human Rights Act whether you have a disability and whether the department can provide any reasonable accommodation. Your provision of the information is voluntary, but if you refuse, the department may deny you a reasonable accommodation. Additionally, you acknowledge that any accommodation which the department procures for you shall be the property of the state of Minnesota.

Employee Name: \_\_\_\_\_ Identification Number: \_\_\_\_\_

Position: \_\_\_\_\_ Division: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Email: \_\_\_\_\_

Work Location: \_\_\_\_\_

Union: \_\_\_\_\_ Local Number: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

1. What is the nature of your condition?

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2. How does your condition impair you?

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3. How does your impairment limit you?

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4. How much does your impairment limit you?

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5. How does your impairment substantially limit you in one or more of your major life activities?

“Major life activities” include, but are not limited to, breathing, sleeping, eating, caring for oneself, seeing, hearing, learning, thinking, concentrating, reading, speaking, interacting with others, sitting, reaching, performing manual tasks, standing, walking, bending, and lifting.

“Substantially limit” means that you are materially restricted in the condition, manner, or duration of performing a major life activity as compared to most people in the general population.

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6. What are the essential functions of your job?

“Essential Functions” are the tasks necessary to perform the job and if removed, would defeat the purpose of the job.

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7. How do your limitations affect your ability to perform the essential functions of your job?

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8. Describe what reasonable accommodations would lessen those effects?

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9. How would the accommodations enable you to perform your essential job functions?

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10. What modifications have already occurred to aid you in performing your essential job functions?

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11. How effective are those modifications in aiding you to perform your essential job functions?

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

Contact Information:

Eric R. Falk  
Americans with Disabilities Act Coordinator  
Equal Opportunity and Access  
Minnesota Department of Human Services  
Post Office Box 64997  
St. Paul, Minnesota 55164-0997  
Voice: (651) 431-3039  
Facsimile: (651) 431-7444  
Teletype: (866) 786-3945  
Electronic Mail: [eric.falk@state.mn.us](mailto:eric.falk@state.mn.us)

## INDIVIDUALS WITH HIV/AIDS ARE PROTECTED UNDER ADA

### **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?<sup>5</sup>**

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. An individual 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 HIV/AIDS, and need reasonable accommodation, please contact your ADA Coordinator.

For more information about AIDS and state employment, call:

### **Minnesota Department of Management and Budget**

State Employee Assistance Program

651-259-3840

1-800-657-3719

For TTY communication, contact the Minnesota Relay Service (MRS) at 711

or call 1-800-627-3529

For more general AIDS information, call:

### **Minnesota Department of Health**

651-201-5414

1-877-676-5414

TTY: 651-201-5797

### **Minnesota AIDS Line**

612-373-2437

1-800-248-2437

TTY Twin Cities: 612-373-2465

TTY Statewide: 1-888-820-2437

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<sup>5</sup> Culled from Minnesota Department of Management and Budget policy on AIDS.

## **ALCOHOL AND OTHER DRUG USE POLICY**

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.

### **STATE OF MINNESOTA POLICY ON ALCOHOL AND OTHER DRUG USE BY STATE EMPLOYEES**

#### **I. Introduction**

The State of Minnesota recognizes that alcoholism and other drug dependencies are a significant social problem with a potential for causing severe effects to the state's workforce. The State of Minnesota recognizes that it has a responsibility to maintain a drug free workplace. The state also recognizes that drug dependency may be an illness. Consistent with this understanding, however, the state has an obligation to ensure that its employees perform their jobs efficiently, safely and in a professional business-like manner. The purpose of this document is to set forth the state's policy regarding alcohol and other drug use, including unlawful drug use or abuse, in the workplace.

#### **II. Scope of Coverage**

This policy is applicable to all employees of the Executive Branch and shall be enforced by each state agency. Questions regarding this policy should be addressed to agency Appointing Authorities or their Personnel Officers, or to Minnesota Management & Budget.

#### **III. Definitions**

- A. "Work-related Alcohol and Other Drug Abuse" is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.**
- B. "Adversely Affects Work Performance" and "Under the Influence" shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses or effort; if the employee's condition threatens the safety of him/herself or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the state as an employer as determined by the supervisor or manager or others observing the employee.**
- C. "Controlled Substances" means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens, and cannabis.**

- D. "Mood-altering" or "alter" means changed behavior which may limit an employee's ability to safely and efficiently perform his or her job duties, or poses a threat to the safety of the employee or others.**

#### **IV. State Employee Assistance Program**

The state has in place a formal Employee Assistance Program to assist employees in addressing problems such as alcohol or other drug abuse. Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment from the Employee Assistance Program before the problem affects their employment status. Participation in this program is voluntary and confidential, except as may be required pursuant to Public Law 100-690, Title V, Subtitle D.

#### **V. Non-Discrimination**

The state's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

#### **VI. Consequence of Violations**

Violations of this policy may constitute just cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

#### **VII. Prohibitions**

- A. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect his or her alertness, coordination, reaction, response, judgment, decision-making or safety.**
- B. No employee shall operate, use or drive any equipment, machinery or vehicle of the state while under the influence of alcohol, marijuana, controlled substances, or other mood altering drugs. Such employee is under an affirmative duty to immediately notify his or her supervisor that he or she is not in appropriate mental or physical condition to operate, use or drive state equipment.**
- C. No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever the state's work is being performed. During work hours or while on the state's premises, no employee shall use, sell, possess or transfer alcoholic beverages, with the following exceptions:**
- consumption, possession, sale or purchase of alcohol when authorized by a Commissioner under separate statutory or executive agency authority;
  - possession of alcohol while being transported in a state vehicle in compliance with applicable statutory requirements; and

- possession of alcohol while in an employee's personal vehicle on the state's premises in compliance with applicable statutory requirements.

Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

- D. Engaging in off-duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his or her work for the state. In such circumstances, the employee is subject to discipline.**
- E. When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in III(D) above, the employee is under an affirmative duty to notify the appropriate supervisor of his or her temporary inability to perform the job duties of his or her position.**
- F. Agencies shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession at work or on state premises. Where appropriate, agencies shall also notify licensing boards.**
- G. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the state. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the state's business, any employee whose condition or behavior adversely affects his or her work performance shall be subject to possible discipline, up to and including discharge.**

### **VIII. Supplemental Policies**

State agencies may promulgate supplemental policies, which are not in conflict with this policy, including prohibiting the use or consumption of alcohol and/or controlled substances within a specified time period before the commencement of work. Such pre-work abstinence must be restricted to employees involved in sensitive security, treatment, or equipment operation and written notice must be disseminated to affected employees. Further, policies may be adopted only after meet and confer sessions are held with exclusive representatives and approval of MMB.



## **IX. Data Disclosure**

Disclosure of information regarding employee alcohol and other drug use in the workplace must be consistent with applicable collective bargaining agreements and law. Questions in this area should be directed to the Employment and Labor Law Section of the Attorney General's Office or to Minnesota Management & Budget, Labor Relations Division.

## **X. Federal Grant Employees**

Each employee engaged in the performance of work on federal grants or contracts is required to notify their agency of any criminal drug statute conviction for a violation occurring in the workplace no later than (5) five days after such conviction.

## **XI. Drug/Alcohol Testing**

Other than the testing required by the Omnibus Transportation Employee Testing Act of 1991 and relevant U.S. Department of Transportation regulations, any alcohol and/or other drug testing undertaken by Appointing Authorities shall be in accordance with Minnesota Statutes 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act. Individual agency drug and alcohol testing policies must be in written form and must be reviewed by Minnesota Management & Budget prior to implementation.

All employees who are required to hold a Commercial Driver's License as a condition of employment are subject to drug and alcohol testing required by the OTETA of 1991 and relevant U.S. Department of Transportation regulations. These employees are subject to random, pre-employment, post-accident, reasonable suspicion, return-to-duty and follow-up testing. The specific requirements for testing are governed by regulations promulgated by the U.S. Department of Transportation. Information regarding the implementation of the testing is contained in the "State of Minnesota Drug and Alcohol Testing Plan". All employees subject to this testing shall be provided a copy of the "Plan" and information on the effects of alcohol and controlled substances.

## **XII. Effective Date**

This Policy on Alcohol and Other Drug Use in the Workplace shall be in full force and effect beginning March 18, 1989.

08/24/88 Sect. XI. Rev 4/1/95 Rev. 9/8/09  
Rev. 3/18/89 Sect. XI Rev 9/19/95

**Commonly asked questions and answers about the State of Minnesota's Alcohol and Other Drug Use in the Workplace Policy**

### **Why did the state create a statewide policy on alcohol and other drug use?**

There are at least three reasons why a statewide policy on alcohol and other drug use exists:

1. to ensure consistency in policies and rules, both written and oral, that exist across State agencies regarding enforcement of alcohol and other drug use in the workplace;
2. to place all affected parties on proper advance notice of the state's policy and work rules in this regard; and
3. to respond to the law and the citizens by adopting a formal statement promoting a workplace that discourages alcohol and other drug use.

### **How are unprofessional and irresponsible conduct defined?**

Such conduct, whether observed first-hand or reported, is defined on a case-by-case basis but would demonstrate behaviors offensive to the public or other employees, and/or indicate that the employee is not properly representing the state.

### **How is "under the influence" interpreted?**

It is interpreted through observable signs of impairment in speech, physical appearance, or behavior at work or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the state as an employer.

### **In regard to possession of illegal drugs at work, what is a "reasonable suspicion," and is it sufficient to require notification to law enforcement agencies and licensing boards?**

"Reasonable suspicion" is a belief based on objective facts and rational inferences drawn from those facts sufficient to lead a responsible and prudent supervisor to suspect possession. It is a commonly used standard in many areas, including law enforcement.

### **Why not just ban all drinking during the work day?**

There are some circumstances where drinking on duty may be appropriate (for example, troopers testing reactions to drinking; crime agents acting undercover; certain social functions; meetings for out-of-state business; conventions). It is impossible to anticipate every situation that may occur. Where drinking is an appropriate part of a work assignment, which should be very rare, it obviously is exempted from this policy.

The essential reason, beyond that noted above, is that we cannot regulate off duty activities of employees unless there is a connection between such conduct and his or her duties/responsibilities as a state employee.

### **Is the state trying to regulate off duty actions (for example, during meals or after work)?**

No. Employees are discouraged from consuming alcohol only when returning to perform work on behalf of the state and when the employee's condition adversely affects his or her work performance. This is merely a notice-type policy. Our concern is when the employee is performing state work. Individual agencies have supplements to this policy banning the consumption of alcohol during lunch for certain categories of employees.

**Does the policy require employees to relate personal information to their supervisor when taking prescription or non-prescription medication?**

No. However, if use of those medications should result in an inability to perform job duties on the part of the employee, then the employee must so inform the supervisor. If the employee requests sick leave, the supervisor may require verification or deny payment of the sick leave.

**Are some of the issues contained in the policy considered "terms and conditions of employment" that should be addressed in collective bargaining?**

The policy has been published as a work rule which has been thoroughly discussed with exclusive representatives.

**Is an adverse reaction to proper prescription drugs considered abuse under this policy?**

Section E establishes a requirement that an employee experiencing a reaction notify the supervisor. Notification before something negative occurs would not violate the policy, unless unusual circumstances exist. Each situation is to be reviewed on its own facts.

**Does the policy cover on-call, call-backs, call-ins, or winter maintenance status employees?**

The policy generally covers reporting to work. Sensitive security employees may be covered by supplemental policies adopted in accordance with the overall policy.

**Is poor work performance always related to alcohol or drug abuse?**

No. Poor performance may be indicative of a number of things. Be cautious in assuming poor work is automatically related to alcohol or drug abuse.

**Can employees really recognize if they are not in appropriate condition to operate, use or drive state equipment?**

Yes. Part of our job is to teach employees to let us know before things get out of hand.

**Is discipline warranted if an employee determines he or she is not in appropriate condition to operate, use, or drive?**

We want to encourage self-reporting where a problem exists. However, the individual situation may justify discipline. Supervisors must evaluate what happened.

**Can an employee be disciplined for off duty sale, purchase, transfer, or use of controlled substances?**

Discipline may be appropriate if the act has a negative effect on the employee's ability to perform the work. To support discipline, you need to show the harmful effect on the state's business or that the employee is unavailable for work.

**Must an employee divulge the name of the medically authorized drugs or other substances which may be altering job performance under the affirmative "duty to notify" language?**

No. The policy does not generally require it, but in individual cases supervisors may require the information to verify a claim if it appears unsupported.

**Is it a requirement to notify licensing boards before discipline is taken?**

No. Whether and when to notify such boards is a judgment call in the agency. Read the licensing board requirements as to when to report. Not all positions are covered by licensing boards. Caution should be used so that employees are not needlessly accused.

**Are employees allowed to drink off state premises on rest breaks or overtime?**

No. Employees on rest breaks or overtime, even off state premises, are still considered on duty.

**Does the policy create a double standard distinguishing between, for example, Highway Maintenance Workers and white collar employees?**

No. Just as coordination and reaction skills are critical for equipment operators, so are judgment and decision making skills critical for white collar employees. The policy clearly states that any employee whose condition or behavior adversely affects his or her work performance shall be subject to possible discipline.

**Does the policy prohibit illegal drug use at lunch or during dinner meals?**

Yes. This is covered under Section 7C prohibiting drug use during working hours.

**If an employee is sent home from work under Section 7E, must he or she receive paid leave?**

Yes. Under management's authority to maintain a safe workplace, you are permitted to relieve someone from work by sending him/her home, but pay is required in the form of sick leave or release time.

**Are any agencies doing drug testing?**

Corrections, Public Safety, and the Veterans Home Board conduct pre-employment testing as allowed under Minnesota statute. Transportation, Natural Resources and other agencies conduct testing under federal law covering employees required to have a Commercial Driver's License to perform the job. The MAPE, MLEA and MNA Labor Agreements contain provisions for reasonable suspicion drug and alcohol testing.

**Can employees use state funds to purchase alcoholic beverages?**

No. Employees are precluded from including the purchase of alcoholic beverages when applying for meal reimbursement. However, there is an exception noted in the policy regarding separate statutory or executive agency authority in section 7C.

**Can an employee be disciplined for private vehicle drunk driving off duty?**

Only if the connection with his or her work performance is established. The discipline cannot be based on the offense itself.

**Is an employee appropriately excused from work if he or she calls in and reports that he or she can't come in because of taking a prescription or non-prescription drug?**

This is not an automatic yes or no answer. The supervisor should quiz the employee and determine if the employee is able to report for direct observation before granting sick leave. Also, the supervisor should attempt to determine if there is other work the employee could do while taking the drug.

**What do you do if the employee has lost his or her driver's license as a result of alcohol or drug use in a vehicle?**

If the license is required for the job, it will affect the employee's ability to do the job. Long-term revocation may lead to reassignment, demotion, discharge or other actions.

**Can co-workers be disciplined for not reporting fellow co-workers who violate the policy?**

No. However, employees are encouraged, where dangerous situations exist, to bring them to the supervisor's attention.

**How should agencies communicate the Alcohol and Other Drug Use Policy to state employees?**

Agencies should use whatever means they feel are appropriate including, but not limited to, conducting training seminars, posting the policy or having the employees acknowledge receipt by means of signature. The Labor Relations Bureau will be available to answer questions and provide necessary materials.

Questions regarding this policy should be directed to:

Joe Piwoschuk, Safety and Health Manager, 651-431-2993

Kathy Linhoff, Workers' Compensation Coordinator, 651-431-3011

## **AROMA, FUMES, AND FRAGRANCE SENSITIVITY (SCENTS) POLICY**

### **Overview**

#### **Description:**

This policy is designed to give notice of the responsibility of employees and non-employees to comply with requests to refrain from creating certain scents in the workplace which cause their co-workers to experience adverse physical reactions.

#### **Reason for Policy:**

Some employees are sensitive to some scents that cause them adverse physical reactions. This policy promotes the health, safety, and productivity of Minnesota Department of Human Services (DHS) employees, and will ensure clear guidance and consistent treatment of scent sensitivities for all of the DHS workplace.

#### **Applicability:**

This policy applies to all employees and non-employees working in the DHS workplace.

#### **Failure to comply:**

Employees who fail to comply with this policy may face disciplinary action up to and including termination. Non-employees who fail to comply may be denied access to the workplace, and/or face other appropriate sanctions.

#### **Policy:**

- I. DHS expects its employees and non-employees to comply with requests to refrain from creating certain scents which cause co-workers adverse physical reactions;**
- II. nothing in this policy prevents management from taking appropriate action concerning scents which are merely offensive; and**
- III. this policy is to be used in good faith and not as a means to harass or retaliate against co-workers.**

#### **IV. Procedure(s) that apply: Employees**

- A. employees are expected to comply with requests of co-workers to refrain from creating certain scents which cause co-workers to suffer adverse physical reactions. This policy is to be used in good faith and not as a means to harass or retaliate; and**
- B. if an employee has an adverse physical reaction to a scent in the workplace he or she may take the following steps to resolve the situation:**
  - 1. the employee ought to try to resolve the situation by disclosing the adverse physical reaction to the responsible co-worker and by politely asking the co-worker to refrain from creating the scent;
  - 2. if the employee is not able to approach a co-worker or if the scent persists after the request, the employee may complain about it to the employee's supervisor; and
  - 3. the employee must describe the scent to the supervisor's satisfaction as being not merely offensive, but physically adverse.

#### **V. Supervisors:**

- A. Supervisors shall receive and respond to complaints about adverse physical reactions to scents in the workplace by taking the following steps to resolve the situation:**
  - 1. model appropriate behavior by complying with this policy if requested to do so;
  - 2. if the subject of the complaint works for a different supervisor, the complainant's supervisor shall inform the subject's supervisor of the complaint;
  - 3. the subject's supervisor shall attempt to verify the complaint by trying to detect the scent from a conversational distance;
  - 4. if the supervisor verifies the complaint, the supervisor shall inform the subject of the complaint in person and politely request the subject to refrain from creating the scent;
  - 5. if necessary, the supervisor(s) shall make a temporary job modification for the rest of the workday, such as using an air purifier or a fan, or moving either or both employees to separated workstations;
  - 6. upon the second request, or if the supervisor deems appropriate from the first incident, the supervisor shall give the subject a written directive to desist; and
  - 7. if the supervisor does not perceive the reaction as physically adverse or cannot verify the complaint, the supervisor may refer the complainant to DHS' Americans with Disabilities Act (ADA) Coordinator.

## **VI. Americans with Disabilities Act (ADA) Coordinator:**

The ADA Coordinator will serve as consultant to the supervisor(s) and will review all requests for reasonable accommodations under this policy and the ADA.

## **VII. Non-employees:**

Non-employees are expected to comply with requests to refrain from creating certain scents which cause co-workers adverse physical reactions in the workplace.

### **Form(s) that apply:**

A form for reporting general harassment is available on InfoLink:

<http://dhsinfo.dhsintra.net/Infolink/Forms/Equalopportunity/index.htm>

A form for requesting a reasonable accommodation is available on InfoLink:

[http://dhsinfo.dhsintra.net/InfoLink/Policies\\_Procedures/Equalopportunity/Reasonableaccommodation/index.htm](http://dhsinfo.dhsintra.net/InfoLink/Policies_Procedures/Equalopportunity/Reasonableaccommodation/index.htm)

### **Related policies and reference(s):**

Prohibition of General Harassment Policy

[http://dhsinfo.dhsintra.net/InfoLink/Policies\\_Procedures/Equalopportunity/Generalharassmentpolicy/index.htm](http://dhsinfo.dhsintra.net/InfoLink/Policies_Procedures/Equalopportunity/Generalharassmentpolicy/index.htm)

DHS Reasonable Accommodation Policy

[http://dhsinfo.dhsintra.net/InfoLink/Policies\\_Procedures/Equalopportunity/Reasonableaccommodation/index.htm](http://dhsinfo.dhsintra.net/InfoLink/Policies_Procedures/Equalopportunity/Reasonableaccommodation/index.htm)

EEOC Guidelines on ADA and Chemical Sensitivity

[http://www.eeoc.gov/eeoc/foia/letters/2007/ada\\_chemical\\_sensitivity\\_oct\\_1\\_2007.html](http://www.eeoc.gov/eeoc/foia/letters/2007/ada_chemical_sensitivity_oct_1_2007.html)

### **Legal authority:**

Section 703 of Title VII of the Civil Rights Act of 1964, as amended in 1972, 42 U.S.C. § 12101, et seq.;

Minnesota Human Rights Act, Minnesota Statutes § 363A; and  
Minnesota Statutes § 43A.

### **Standards:**

N/A



**Definition(s):**

**Scents include:** aromas from having any plant or eating any food at a workstation; fumes from using any cleaning or office supply in the workplace; or fragrances from wearing any personal product, regardless of being advertised as unscented, in the workplace that cause a co-worker an adverse physical reaction.

**Adverse physical reactions include:** eyes itching or watering; becoming pale, flushed, nauseous or faint; breaking out in a rash or hives; developing a severe or migraine headache; experiencing continuous sniffing, sneezing or wheezing; suffering an asthma attack; needing an inhaler; or requiring medical care.

**Employees:** all persons appointed pursuant to Minnesota Statutes § 43A whose work assignment is with the Minnesota Department of Human Services.

**Supervisor(s):** a subset of employees who have supervisory and managerial responsibilities.

**Non-employees:** individuals, other than DHS employees, who are stationed at DHS, routinely present, or assigned to conduct business with DHS in the workplace, e.g., persons assigned from other government agencies, contractors, unpaid interns, or volunteers.

**Workplace:** the physical environs in which DHS staff regularly perform their duties.

**Contact(s):**

Name: Eric Falk; telephone: (651) 431-3039; e-mail: [eric.falk@state.mn.us](mailto:eric.falk@state.mn.us)

**Policy history:**

Version 1.0:  
06/09/2010 (initial release)

## **WEATHER AND EMERGENCY EVACUATION PLANS**

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. Emergency plans for DHS Central Office locations are also available at [http://dhsinfo.dhsintra.net/InfoLink/Workplace\\_Info/Healthandsafety/index.htm](http://dhsinfo.dhsintra.net/InfoLink/Workplace_Info/Healthandsafety/index.htm).

Plans include alternative methods for individuals 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 individuals 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.

### **NOTIFICATIONS:**

Depending on the building, occupants are notified of the immediate threat to the building via the InformaCast System<sup>6</sup>, building PA system, National Weather Radio Service, or municipal defense sirens.

### **BUILDING SPECIFIC NOTIFICATIONS:**

InformaCast messages utilizing VoIP telephones can be generated to the Elmer L. Andersen Building, 444 Lafayette, DC1, and Golden Rule.

The InformaCast system is also available at Brainerd and SOS facilities, which have Central Office installed VoIP phones. Alerts, however, are not generated by MSD for those locations.

Building PA systems can also be utilized by DHS Management Services staff at Andersen, Lafayette, and DC1. At Golden Rule, the landlord operates the building wide PA system.

At 444 Pine Street, employees are notified of dangerous community situations by weather radios and by St. Paul siren activation.

### **FURTHER INFORMATION:**

Beginning April 2010, DHS instituted the Employee Preparedness Campaign, a series of training modules aimed at helping employees take steps to prepare for and respond to emergencies at home. Further information on the DHS Employee Preparedness Campaign can be found at

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<sup>6</sup> If installed, the VoIP InformaCast System will broadcast prerecorded or live emergency information through desktop telephone speakers in common areas. InformaCast will also provide a short text message on the VoIP telephone LCD display. InformaCast is used for life safety purposes such as fire, severe weather, or other incidents that affect the building or staff.

[http://dhsinfo.dhsintra.net/InfoLink/Agencywide\\_Activities/Allhazardsplanning/id\\_042372?ssSourceNodeId=159&ssSourceSiteId=InfoLink](http://dhsinfo.dhsintra.net/InfoLink/Agencywide_Activities/Allhazardsplanning/id_042372?ssSourceNodeId=159&ssSourceSiteId=InfoLink).

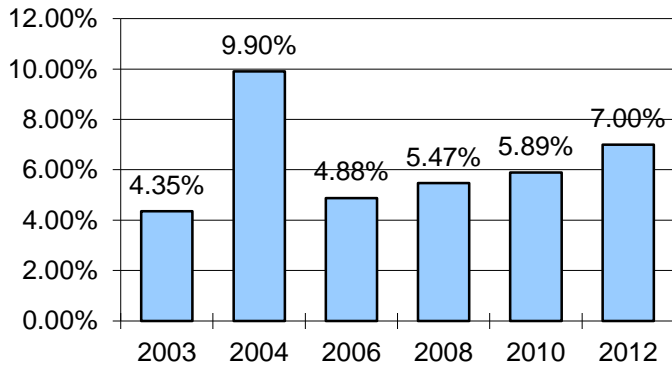
### **DHS Workforce Comparison – State Fiscal Years 2003 – 2012**

Overall, with the exception of one year, DHS' Workforce percentages of persons from protected groups have remained shown steady but small increases. The following charts indicate those percentages from the years 2003 through 2012.

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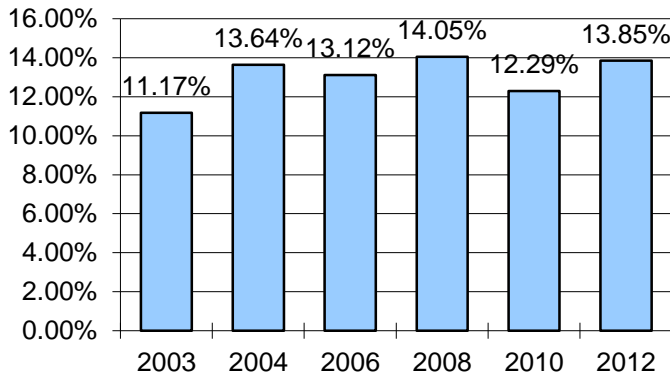
**DHS WORKFORCE COMPARISON  
MINORITY GROUP 2003 through 2012  
(EMPLOYEE DATA AS OF JULY 2012)**

**Minority Employees at SOS and MSOP**



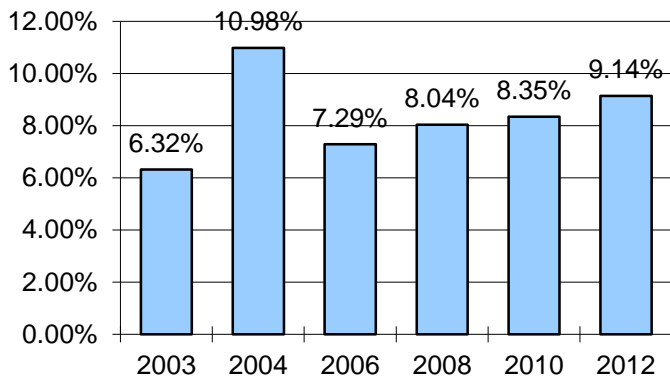
MINORITY EMPLOYEES AT SOS AND MSOP						
YEAR	2003	2004	2006	2008	2010	2012
PERCENT	4.35 %	9.90 %	4.88 %	5.47 %	5.89 %	7.00 %
MINORITY EMPLOYEES	204	481	251	289	262	309
TOTAL EMPLOYEES	4695	4857	5148	5285	4447	4414

**Minority Employees at Central Office**



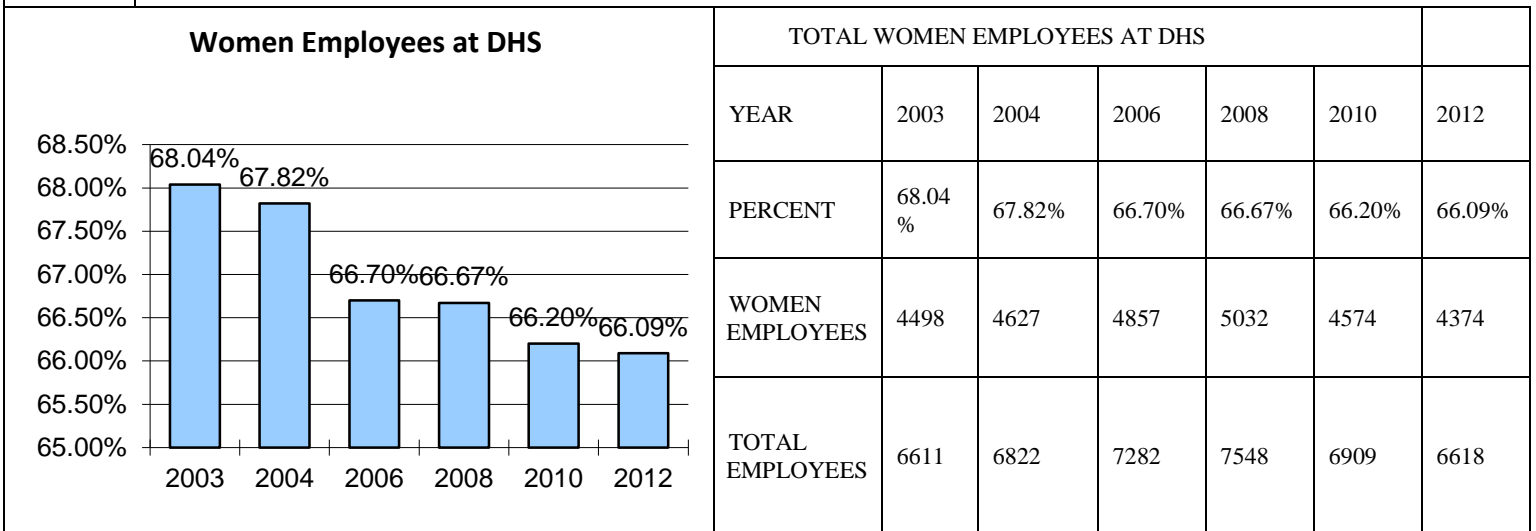
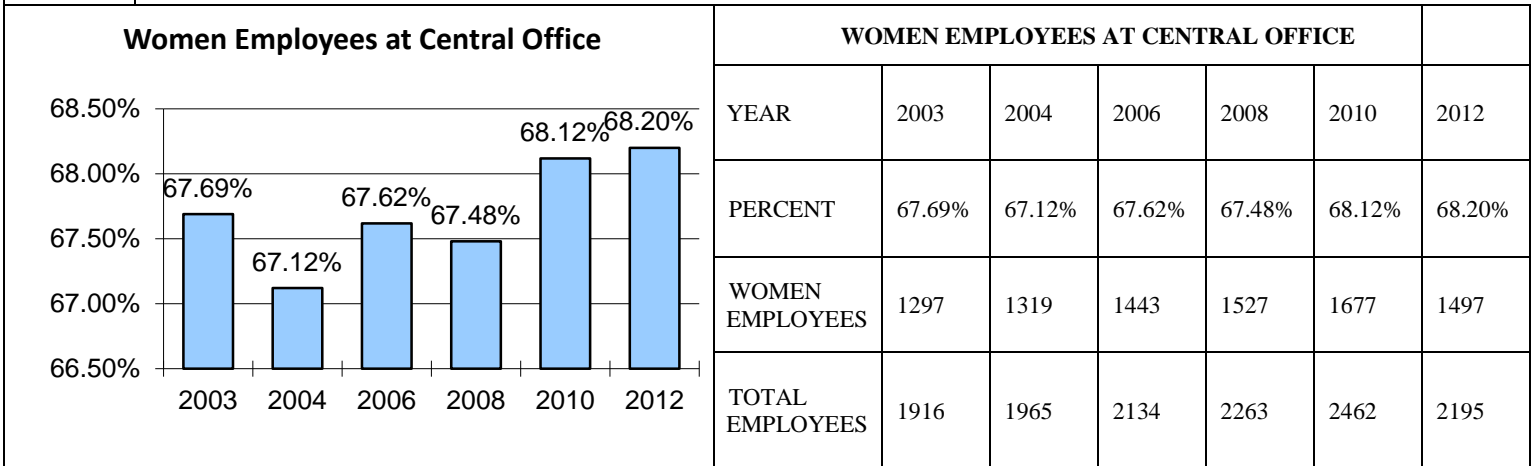
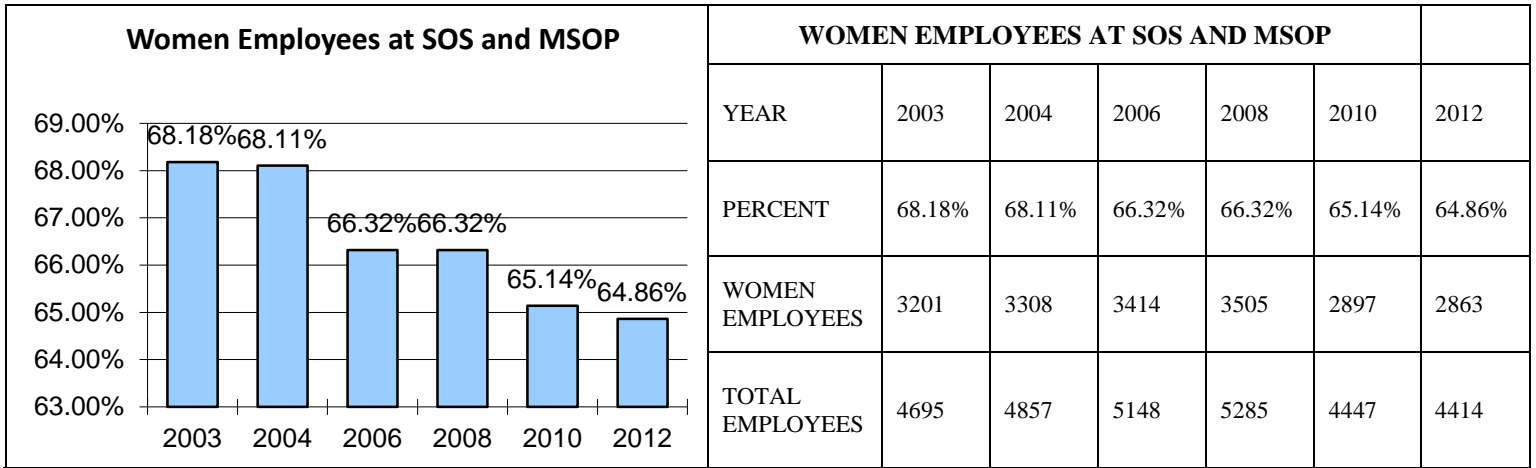
MINORITY EMPLOYEES AT CENTRAL OFFICE						
YEAR	2003	2004	2006	2008	2010	2012
PERCENT	11.17 %	13.64 %	13.12 %	14.05 %	12.29 %	13.85 %
MINORITY EMPLOYEES	214	268	280	318	315	304
TOTAL EMPLOYEES	1916	1965	2134	2263	2462	2195

**Minority Employees at DHS**



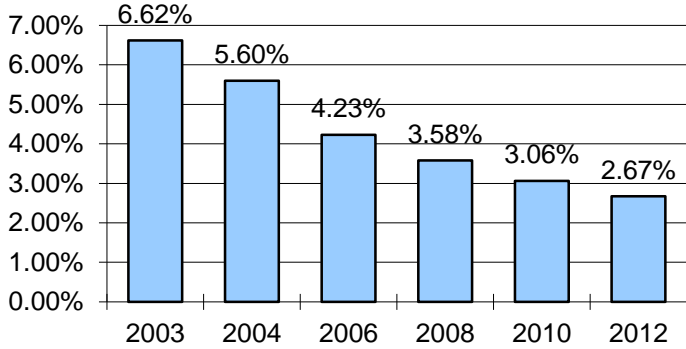
TOTAL MINORITY EMPLOYEES AT DHS						
YEAR	2003	2004	2006	2008	2010	2012
PERCENT	6.32 %	10.98 %	7.29 %	8.04 %	8.35 %	9.14 %
MINORITY EMPLOYEES	418	749	531	607	577	605
TOTAL EMPLOYEES	6611	6822	7282	7548	6909	6618

**DHS WORKFORCE COMPARISON  
WOMEN GROUP 2003 through 2012  
(EMPLOYEE DATA AS OF JULY 2012)**



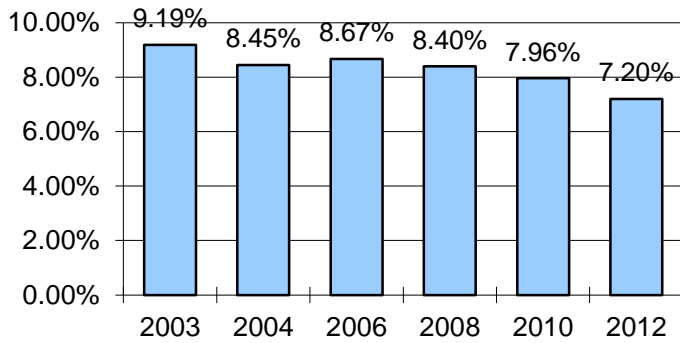
**DHS WORKFORCE COMPARISON  
INDIVIDUALS WITH DISABILITIES GROUP 2003 through 2012  
(EMPLOYEE DATA AS OF JULY 2012)**

**Employees with Disabilities at SOS and MSOP**



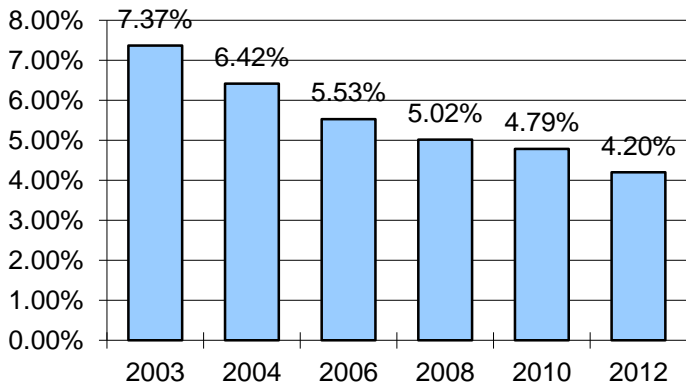
<b>EMPLOYEES WITH DISABILITIES AT SOS AND MSOP</b>						
YEAR	2003	2004	2006	2008	2010	2012
PERCENT	6.62%	5.60%	4.23%	3.58%	3.06%	2.67%
EMPLOYEES WITH DISABILITIES	311	272	218	189	135	118
TOTAL EMPLOYEES	4695	4857	5148	5285	4447	4414

**Employees with Disabilities at Central Office**



<b>EMPLOYEES WITH DISABILITIES AT CENTRAL OFFICE</b>						
YEAR	2003	2004	2006	2008	2010	2012
PERCENT	9.19%	8.45%	8.67%	8.40%	7.96%	7.20%
EMPLOYEES WITH DISABILITIES	176	166	185	190	196	158
TOTAL EMPLOYEES	1916	1965	2134	2263	2462	2195

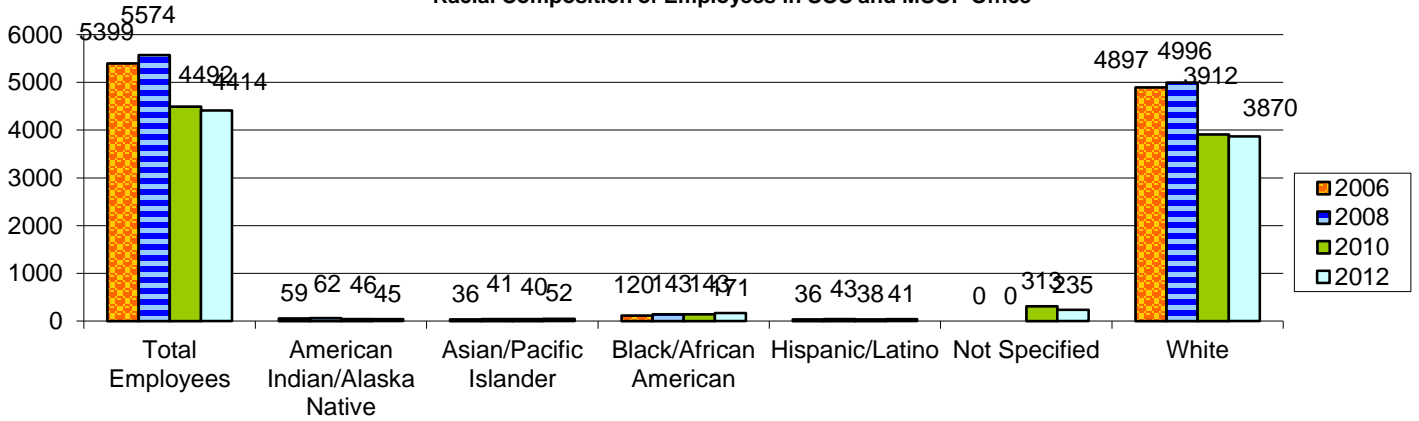
**Employees with Disabilities at DHS**



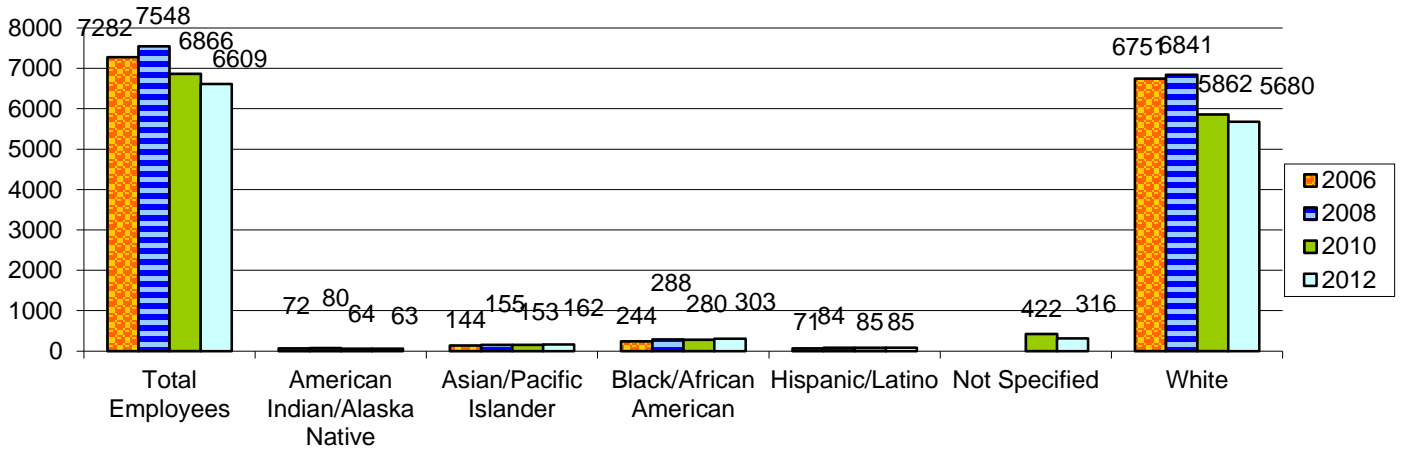
<b>TOTAL EMPLOYEES WITH DISABILITIES AT DHS</b>						
YEAR	2003	2004	2006	2008	2010	2012
PERCENT	7.37%	6.42%	5.53%	5.02%	4.79%	4.20%
EMPLOYEES WITH DISABILITIES	487	438	403	379	331	278
TOTAL EMPLOYEES	6611	6822	7282	7548	6909	6618

**DHS WORKFORCE REPRESENTATION BY RACIAL GROUP  
(EMPLOYEE DATA AS OF JULY 2012)**

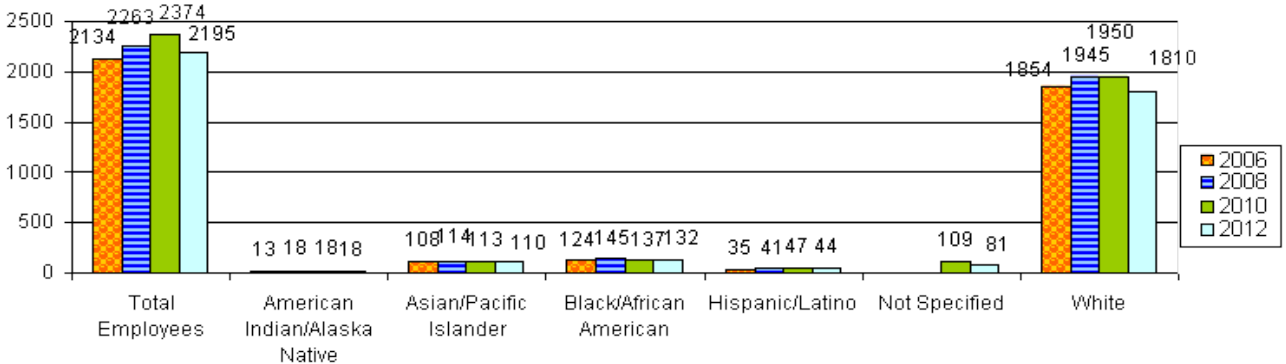
**Racial Composition of Employees in SOS and MSOP Office**



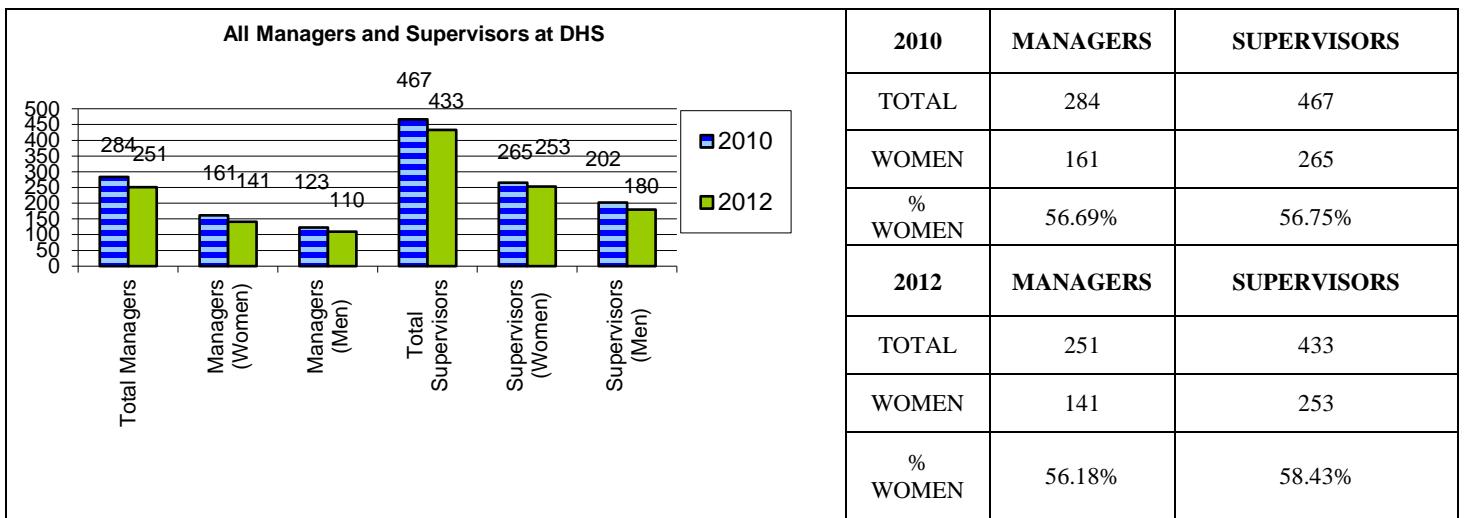
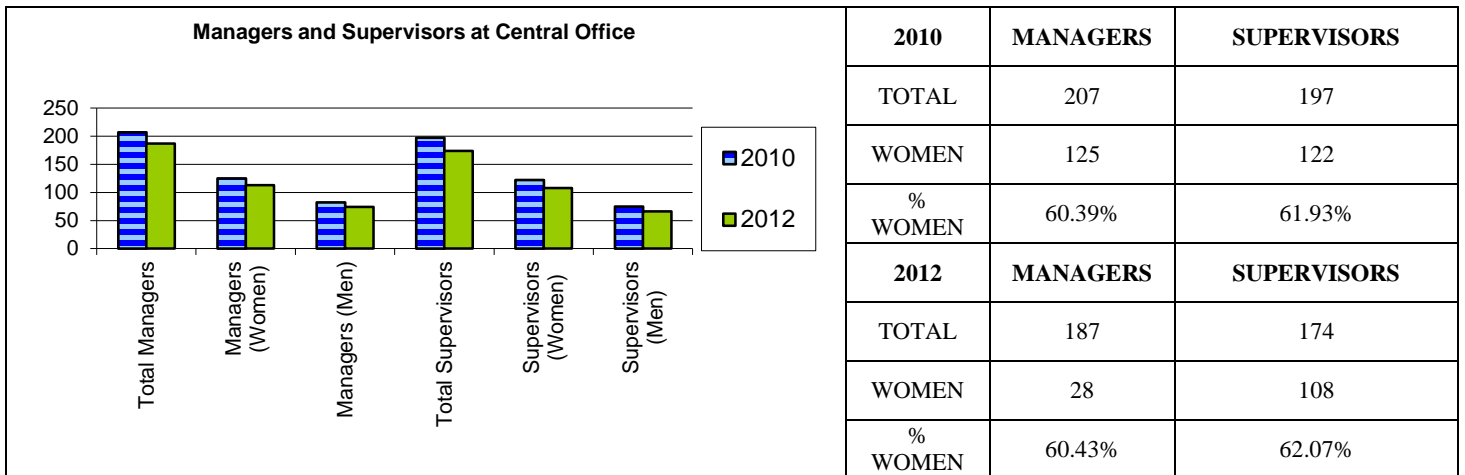
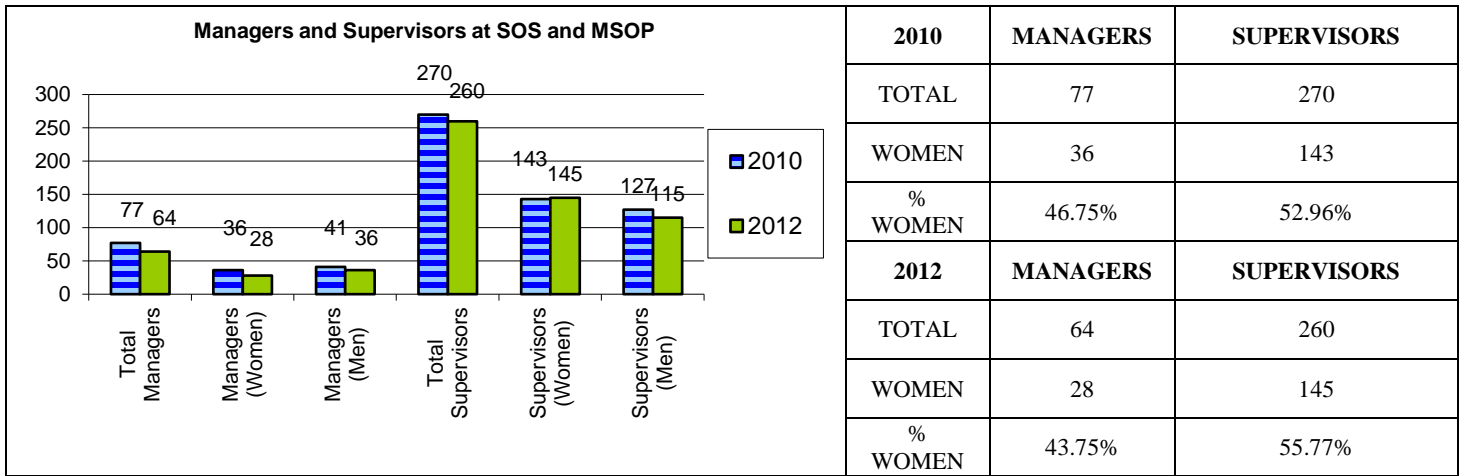
**Racial Composition of All Employees at DHS**



**Racial Composition of Employees at Central Office**

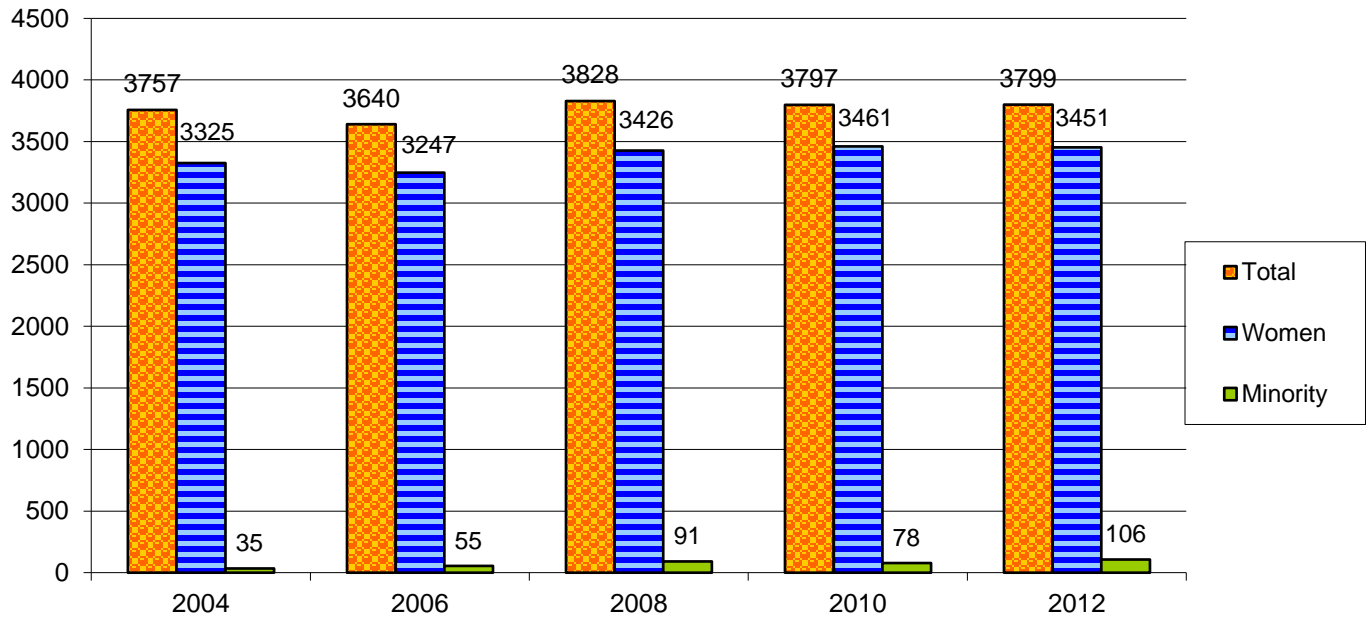


**DHS WORKFORCE COMPARISON FTE FEMALE MANAGERS AND SUPERVISORS  
(EMPLOYEE DATA AS OF JULY 2012)**





**MINNESOTA MERIT SYSTEM COMPARISON  
DISPARATE GROUP WORKFORCE REPRESENTATION 2011 – 2012  
(EMPLOYEE DATA AS OF JULY 2012)**



<b>EMPLOYEES IN MERIT SYSTEM HUMAN SERVICES AGENCIES</b>					
YEAR	2004	2006	2008	2010	2012
PERCENT WOMEN	88.50%	89.20%	89.50%	91.15%	90.84%
WOMEN EMPLOYEES	3325	3247	3426	3461	3451
PERCENT MINORITY	0.93%	1.51%	2.38%	2.05%	2.79%
MINORITY EMPLOYEES	35	55	91	78	106
TOTAL EMPLOYEES	3757	3640	3828	3797	3799

## DHS SEPARATION AND RETENTION ANALYSIS BY DISPARATE GROUP

JULY 2012

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

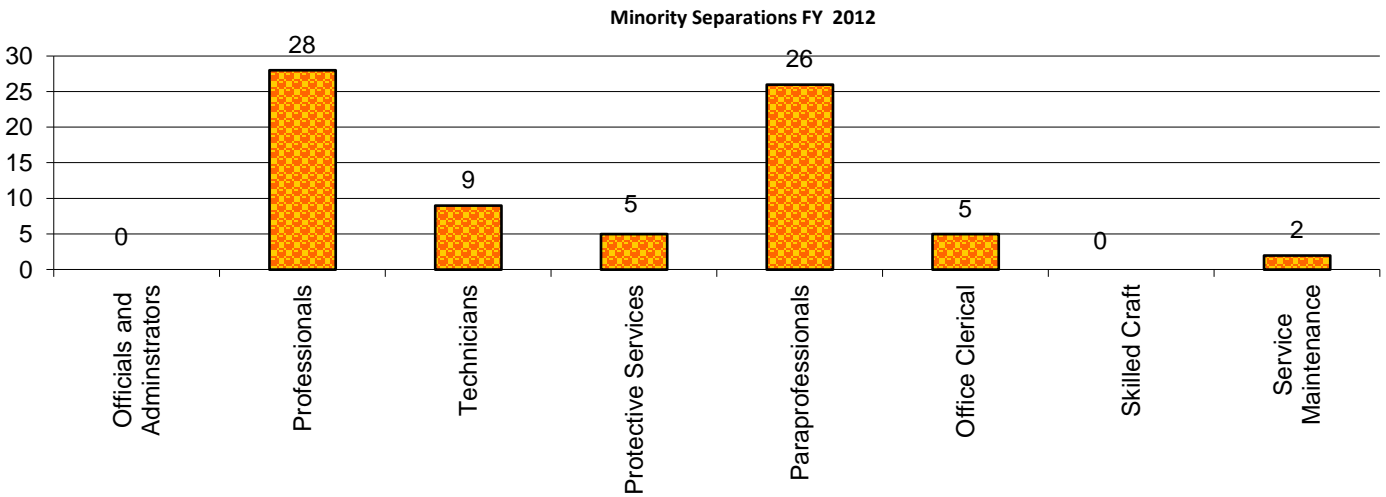
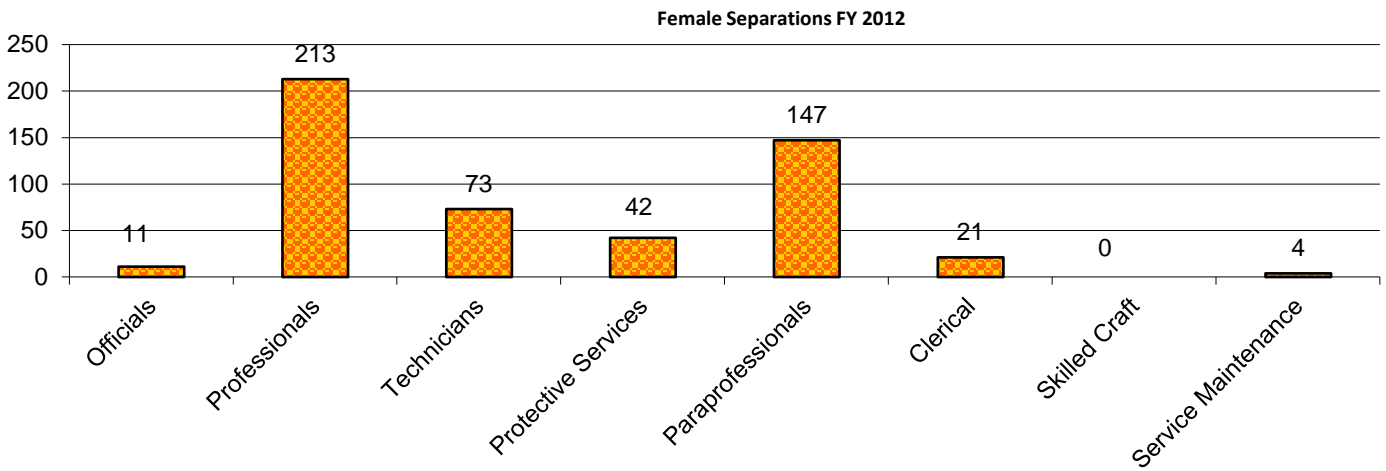
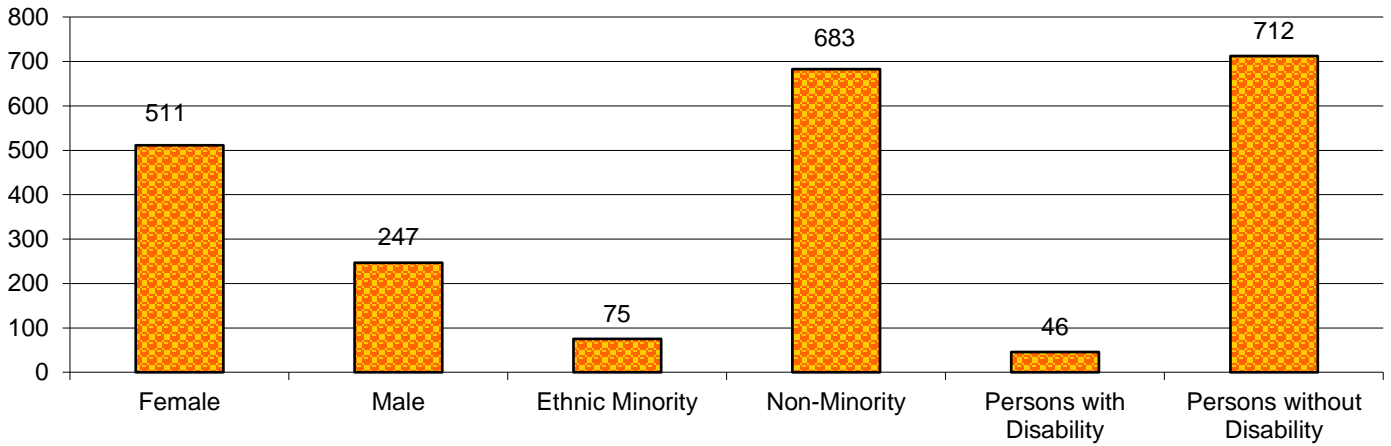
For each disparate group, the turnover data for FY 2012 was calculated by taking the number of disparate group employees that separated during the year (due to non-certification, resignation, dismissal, enhanced separation, retirement, death, or layoffs) and dividing that number by the total number of disparate group employees in that disparate group.

**Female** employees represent 65.97% of the DHS workforce. In FY 2012, 11.72% 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.

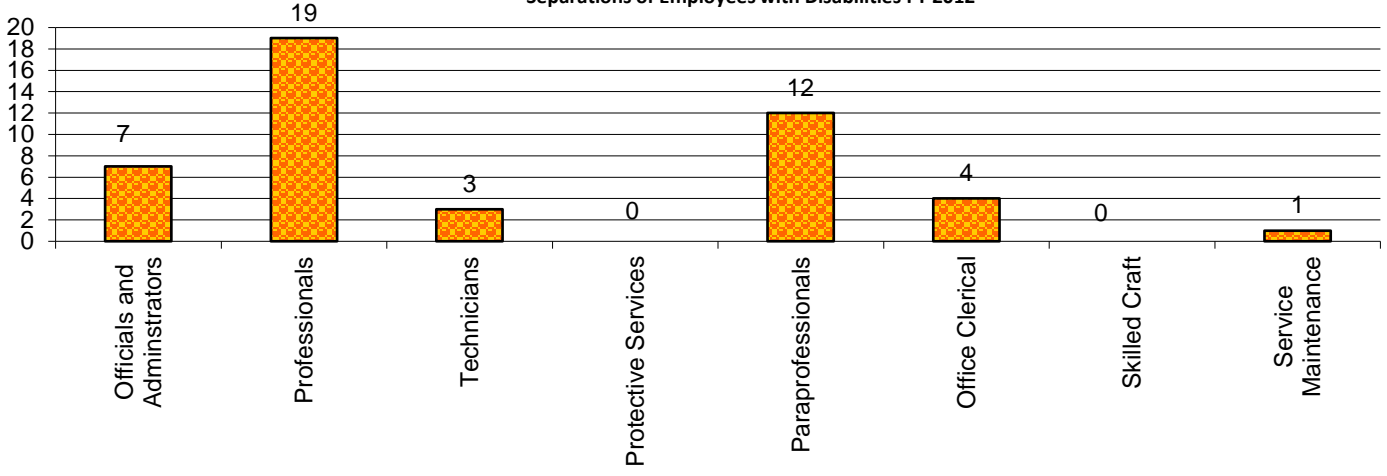
**Minority** employees represent 9.3% of the DHS workforce. In FY 2012, 12.73% of the total minority workforce separated from DHS by reason of dismissal or non-certification, resignation, retirement, death, or layoff. In FY 2012, DHS had a higher percentage of minority separation (12.73%) than the percentage of total minority employees in the workforce (9.3%). The EEO4 job categories affected by minority employee separation are Professionals, Technicians, Protective Services, Service Maintenance, Paraprofessional/Clerical, and Officials/Administrator job groups.

**Employees with Disabilities** represent 4.18% of the DHS workforce. In FY 2012, 16.67% of the total workforce with disabilities separated from DHS by reason of dismissal or non-certification, enhanced separation, resignation, or retirement. In FY 2012, DHS had a higher percentage of separation of employees with disabilities (16.67%) than the percentage of total employees with disabilities employees in the workforce (4.18%). The EEO4 job categories that had separations by employees with disabilities were Professionals, Technicians, Protective Services, Paraprofessionals, Office Clerical, and Skilled Craft. The greatest number of separations was in the Professionals job category and the largest percentage was in the same category.

**DHS SEPARATION SUMMARY BY DISPARATE GROUP**  
**In FY 2012, 758 employees separated from DHS**



Separations of Employees with Disabilities FY 2012



## **AFFIRMATIVE ACTION HIRING GOALS 2012 – 2014**

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 the agency.

### **2012-2014 HIRING GOALS FOR WOMEN**

66.09% 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 the Skilled Craft category. The goals set are optimistic considering that there will be additional workforce reductions to address the budget deficit. DHS will attempt to meet these goals depending on availability and opportunity to hire.

### **2012-2014 HIRING GOALS FOR ETHNIC MINORITIES**

9.14% of the current DHS workforce is composed of ethnic minorities. The utilization analysis was done based on state wide census data (adjusted to reflect the 45% increase in Minnesota's minority population, from 11.7% in 2000 to 17% in 2010) and the statewide minority unemployment rate of 12.8% . There are disparities in the Protective Services, Service Maintenance, and Skilled Craft categories. The lack of improvement from the 2010-12 AAP to the 2012-14 AAP is the result of the increased goals set for the 2012-14 AAP. DHS will attempt to meet these goals depending on availability and opportunity to hire.

### **2012-2014 HIRING GOALS FOR INDIVIDUALS WITH DISABILITIES**

4.2% of the current DHS workforce is composed of individuals with disabilities. The utilization analysis was done based on state wide census data and MSA data. There are disparities in all categories for individuals with disabilities. DHS is aggressively recruiting this disparate group to reduce disparities, including notifying the state disability recruiter of openings. DHS will attempt to meet these goals depending on availability and opportunity to hire.

## **ACTION STEPS AND RESPONSIBILITIES**

DHS has developed a number of collaborative action steps in order to implement its Affirmative Action Plan. They involve the OEAD Equal Opportunity and Access division, as well as other divisions of OEAD, partnering with the Human Resources division, the DHS Community Relations Director and others to meet DHS' goals of recruitment, hiring, and retention.

### **I. Recruitment Plan**

As noted earlier, the responsibility for agency-wide recruitment is housed in the Human Resources division; with the HR Manager of Recruitment and the Diversity Recruiter being responsible for ensuring a diverse group of qualified candidates from which hiring supervisors at DHS may select. The HR Manager of Recruitment and the Diversity Recruiter along with the OEAD Equal Opportunity and Access division have developed a recruitment plan to address the growing labor needs of DHS while diversifying and developing the workforce.

The DHS Recruitment plan includes specific provisions that focus on recruitment of a diverse applicant pool. It also provides DHS the opportunity to critically assess the effectiveness of its current recruitment process and practices.

#### **A. Community Outreach and Marketing to Minority Communities:**

DHS will provide specialized targeted recruitment to minority communities within Minnesota. DHS will market to minority communities and provide materials and ideas to increase public awareness of the work done by this agency. Advertising will target sources that are judged to generate the most effective response to meet affirmative action hiring goals. Additionally, DHS will continue to attend job fairs and other community events sponsored by minority communities. A listing of job fairs attended in 2012 follows this section.

#### **B. Recruitment of Individuals with Disabilities:**

DHS will continue to work with the Minnesota State Council on Disability (MSCOD) and other community organizations that serve individuals with disabilities to promote the Department as a viable employer for individuals with disabilities, and continue to look for marketing opportunities and other resources that will strengthen the number of individuals with disabilities in its applicant pool.

#### **C. Internships:**

DHS currently has one paid internship program, the Executive Pathways program, with the objective of attracting senior and graduate level college students from diverse backgrounds to work in the public sector. This program focuses on providing hands-on experience and to 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.

DHS anticipates developing additional paid internship opportunities targeted at increasing the labor pool of qualified applicants for its entry level positions.

In addition, the Department provides unpaid internships for student enrolled in a college or university in a degree seeking program.

**D. Data Collection and Analysis**

DHS will continue to provide quarterly updates regarding its affirmative action goals and hiring practices via the Goal Achievement Report – an internal document provided to the Commissioner and Deputy Commissioner, and the Monitoring of the Hiring Process Report – as required by Minnesota Management and Budget Office for Diversity and Equal Opportunity (hereinafter MMB). Additionally, DHS periodically reviews demographic information collected via MMB to spot hiring trends, separations, and workforce needs and availability.

DHS has set forth more specific actions in furtherance of meeting its affirmative action goals in **Section III, Action Steps: Recruitment, Hiring, Goal Setting and Retention.**

JOB FAIRS ATTENDED DURING FISCAL YEAR 2012

Date	Location	Sponsor/Event
Aug. 25	Rasmussen College - Mankato	Rasmussen College Mankato Career & Networking Fair
Sept. 9	U of M TC Campus	National Association of Clinical Nurse Specialist Annual Conference
Sept.13-14	St. Paul, River Center	MARRCH Annual Conference
Sept. 21-22	Duluth Convention Center	MN Association of Community Mental Health Prog's Annual Conference
Oct. 1	Aldrich Arena	Hmong Resource Fair
Oct. 4	UND Grand Forks, ND	University of North Dakota Career Fair
Oct. 10-11	Duluth Convention Center	St. Louis County Health & Human Services Annual Conference
Oct. 13	St. Kates St. Paul Campus	St. Kates Career Fair
Oct. 24-25	Brooklyn Park	MN Correctional Association's Annual Conference
Oct. 27-30	San Francisco, CA	American Psychiatric Association's Institute's Annual Conference
Nov. 3	Mankato	Mankato State University Career Fair
Nov. 10	Metro State, St. Paul	Metro State Diversity Networking & Job Fair
Nov. 12	Bloomington	MN Nurse Practitioner Fall Conference
Nov. 17	St. Thomas, St. Paul	St. Thomas Diversity Career Fair
Dec. 19	Burnsville WFC	Burnsville Workforce Center Healthcare Career Fair
Jan. 16	Mpls Convention Center	Martin Luther King Diversity Career Fair
Feb. 16	Mankato	Rasmussen Mankato Career Fair
Feb. 22	Fond du Lac	Fond du Lac Tribal and Community College Job Fair
Feb. 23	Hennepin Technical College	HIRED CNA Healthcare Reverse Career Fair
Feb. 24	Humphrey Center, Mpls	Public Affairs Student Association Career Engagement Fair
March 14-15	Hilton Mpls	MN Social Services Association Annual Conference
March. 29	U of M TC Campus	MnSCU Community College Career Fair
March 29-30	Northland Inn Brooklyn Park	MN Brain Injury Association's Annual Conference
April. 13	U of M TC Campus	U of M Career Networking Breakfast
April. 14	Northland Inn Brooklyn Park	APNA MN Chapter Spring Conference
April 18-20	Northland Inn Brooklyn Park	MN Association for the Treatment of Sexual Abuser's Annual Conference
April. 21	Mpls Marriott	MN Psychological Association's Annual Conference
April 23-24	Duluth Convention Center	MN Association of Children's Mental Health Annual Conference
May 5-8	Philadelphia, PA	American Psychiatric Association's Annual Conference
May. 23	Powderhorn Park, South Mpls	Keith Ellison South Mpls Job Fair
June. 7	Argosy - Eagan	Argosy University Psychologist Employer Panel
June. 9	North Minneapolis	Stop the Violence Bring the Unity
June. 14	HIRED St. Louis Park	HIRED CNA Career Fair
June. 30	Central Park Hopkins	Hopkins Multicultural Celebration



## **II. RETENTION PLAN**

In addition to recruitment and hiring, DHS recognizes that it must provide a means of retaining its employees; specifically as it relates to affirmative action, DHS must retain its employees from protected group communities.

HR Recruitment Manager and Diversity Recruiter will be responsible for collaborating with OEAD staff in Equal Opportunity and Access division, Agency-wide Learning and Development, and Agency-wide Measurements and Support to develop a retention plan that is designed to support DHS' affirmative action and equal opportunity goals. HR Recruitment Manager and Diversity Recruiter and OEAD Director of Equal Opportunity and Access Division or his designees will meet quarterly to determine if there are separation patterns that may have a disparate impact on protected group members.

### **A. Data Collection and Sharing:**

1. The HR Director will inform the OEAD Director of Equal Opportunity and Access division of any pending reductions in workforce;
2. HR Recruitment Manager will ensure that OEAD Director of Equal Opportunity and Access Division/designee receives quarterly demographic reports of hiring activity;
3. The HR Recruitment Manager and OEAD Director of Equal Opportunity and Access Division will insure that reporting of retention rates will coincide with Affirmative Action reporting requirements and auditing;
4. OEAD Director of Equal Opportunity and Access Division/designee will analyze separation and layoff patterns of all employees to determine the impact on disparate group members.

### **B. Collaboration in development of a retention plan that includes agency's commitment to affirmative action and equal opportunity**

1. The Commissioner will state the agency's commitment to affirmatively retain protected group employees in the affirmative action statement of commitment;
2. The HR Director/designee will:
  - a. designate individual(s) in his/her division who are responsible for retention activities and development of a retention plan and who will serve on the Employee Engagement and Retention Team. Those individuals designated will include the HR Recruitment Manager and/or Diversity Recruiter;
  - b. work to re-deploy laid-off employees to other areas within state government;

3. HR Recruitment Manager and/or designee will:
  - a. develop a retention plan that includes consideration of strategies designed to retain employees from protected groups.
  - b. consider and include input from OEAD Director of Agency-wide Learning and Development/designee(s), and OEAD Director of Equal Opportunity and Access division/designee(s) in the development of the retention plan;
  - c. create reports from data provided by MMB or other sources for separation analyses.
  
4. OEAD Chief Equity and Development Officer will designate individual(s) in his/her Office who are responsible for employee engagement and retention activities and will serve on the Employee Engagement and Retention Team. Those individuals designated will include OEAD Equal Opportunity and Access division management and/or staff and OEAD Agency-wide Learning and Development management and/or staff; and may include OEAD Agency-wide Measurement and Support management and/or staff;
  
5. Deputy Commissioner/Assistant Commissioners/CEO of SOS/Executive Director of MSOP will:
  - a. support agency-wide efforts to retain protected group members, including, but not limited to, critical review of all requests for 'Missed Opportunities' as outlined in the written justifications for non-affirmative hires; and
  - b. demonstrate and support a good faith effort to retain protected group member employees.
  
6. Division Directors/Site Managers/Managers/Supervisors will:
  - a. model appropriate attitudes and behaviors that support agency-wide retention of a diverse workforce;

- b. demonstrate and support a good faith effort to retain protected group member employees within their work unit.

**C. Responses to Reductions in Forces**

In the event that a reduction in the workforce is imminent, the Human Resources staff assigned to work with the layoffs will contact the OEAD Director of Equal Opportunity and Access Division/designees. The assigned Human Resources staff and Director of the Equal Opportunity and Access Division/designees will analyze the situation together to determine if there will be a negative impact on disparate group members. If it is determined that there will be a negative impact on disparate group members, the assigned Human Resources staff and Director of the Equal Opportunity and Access Division/ designees will determine if there is an alternative course of action that would accomplish the supervisor's goals without the negative impact.

**D. Employee Engagement and Retention Team:**

The Employee Engagement and Retention Team (EERT) will represent a retooling of the former DHS Employee Engagement Team. It will be an agency-wide collaboration focused on ensuring that DHS employees are connected to its mission, vision and values, and are supportive of continued employment at DHS. A component of the EERT will be development of programs, policies and opportunities that promote awareness, acceptance and appreciation of diversity, affirmative action and equal opportunity at DHS.

The OEAD Director of Agency-wide Learning and Development will be responsible for EERT's overall operation. The team will be comprised of at least one representative from each administration, as well as HR designees and OEAD designees (see Section B, above).

The EERT team will:

1. meet on a quarterly basis to develop plans and programs in accordance with the agency's Employee Engagement Plan and the Retention Plan.
2. develop innovative methods of career advancement opportunities;
3. develop programs and implement activities that will promote awareness, acceptance, and appreciation of diversity and affirmative action;
4. 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;

### III. ACTION STEPS: RECRUITMENT, HIRING, GOAL SETTING, AND RETENTION

OBJECTIVE	ACTION STEPS	RESPONSIBLE
Community Outreach and Marketing	<ol style="list-style-type: none"> <li>1. Attend community functions and job fairs sponsored by protected groups;</li> <li>2. Provide up to date vacancy notices when attending community events in conjunction with the Community Relations Director;</li> <li>3. Develop marketing materials aimed at protected group communities;</li> <li>4. Solicit DHS staff/mgrs from protected group communities to accompany recruitment staff;</li> <li>5. expand the use of websites directed at protected groups</li> </ol>	HR Recruitment Manager and Diversity Recruiter;
Recruitment of Individuals with Disabilities	<ol style="list-style-type: none"> <li>1. Continue partnership with Minnesota State Council on Disabilities and other community organizations that support individuals with disabilities;</li> <li>2. Offer learning opportunities for hiring supvrs to demonstrate simple, cost effective methods to accommodate employees with disabilities;</li> </ol>	HR Recruitment Manager/designee
Maintain protected group participation in Executive Pathways Internship Program	<ol style="list-style-type: none"> <li>1. Recruit students from diverse backgrounds by visiting colleges, universities, job and internship fairs;</li> <li>2. Work in conjunction with the agency Diversity Recruiter to inform students, faculty, and community members about the Executive Pathways Internship Program.</li> </ol>	OEAD Equal Opportunity and Access (EOA) division and HR Diversity Recruiter
Develop additional internship opportunities	<ol style="list-style-type: none"> <li>1. Build upon existing partnerships with educational institutions to grow future DHS employees from protected group communities.</li> </ol>	HR Diversity Recruiter and OEAD Equal Opportunity and Access

OBJECTIVE	ACTION STEPS	RESPONSIBLE
Retention	<ol style="list-style-type: none"> <li>1. Identify and analyze trends through on-going review of standard reports showing disparate groups, compensation, promotion, hires, etc.</li> <li>2. Review new employee orientation training to ensure that it reflects an emphasis on DHS's mission, vision, and values and how they relate to diversity.</li> <li>3. New Hire Check-ins – Partner with “Peer Pals” program to follow up with new employees at their 1 month, 3 month, and 6 month.</li> <li>4. Evaluate our New Employee on boarding</li> <li>5. Exit Interviews – Develop an exit interview process to provide data on why staff are leaving.</li> <li>6. Ensure diversity is one of the criteria in the leadership development selection process.</li> <li>7. Provide training on diversity and management of a diverse workforce to ensure that managers are competent to manage employees from a diversity of backgrounds and experiences, including race, ethnicity, geographic origin, gender, sexual orientation, ability and disability, religion, age, learning and work style.</li> <li>8. Continue employee engagement efforts so that DHS can be inclusive of a wide range of diverse characteristics and attributes so that all employees feel welcome at DHS.</li> <li>9. Continue mentorship program, pairing trained mentors with available mentees</li> <li>10. Foster the creation of communities of interest to encourage agency-wide information sharing and collaboration.</li> <li>11. Support the use of LEAN and other process improvement methods that empower staff</li> <li>12. Conduct periodic surveys of DHS employees.</li> </ol>	<p>HR Recruitment Manager, OEAD EOA, Learning &amp; Development and Agency Measurements &amp; Support divisions, EERT</p>

OBJECTIVE	ACTION STEPS	RESPONSIBLE
Retention  AAP Goal setting	<p>13. Develop learning opportunities that embrace appreciation of diversity and cultural responsiveness</p> <p>1. Factor minority unemployment rates into affirmative hiring goals for minority communities to reflect its emphasis on increasing the diversity within its workforce and management.</p> <p>2. Send periodic reminders to employees reminding them to update their ability/disability status so DHS can accurately determine if it is meeting its goal of employing individuals with disabilities.</p>	OEAD EOA division
AA Recruitment	<p>1. Facilitate supervisory training on affirmative recruitment and hiring policies.</p> <p>2. Inform hiring supervisors of the EOA process and policy.</p> <p>3. Develop marketing and educational material to inform job seekers how to find and apply for career opportunities.</p> <p>4. Increase community resources and presence in community.</p> <p>5. Provide training to supervisors as requested.</p> <p>6. Increase targeted recruitment among minority communities for all positions to ensure that it has a pool of qualified minority applicants.</p>	OEAD EOA division and HR

<b>OBJECTIVE</b>	<b>ACTION STEPS</b>	<b>RESPONSIBLE</b>
AA Hiring	<ol style="list-style-type: none"> <li>1. Review development of minimum qualifications to ensure that it is not being unduly prescriptive in its job requirements, and thereby eliminating capable and talented applicants who do not have the benefit of prior DHS work experience.</li> <li>2. Set more rigorous criteria for the establishment of or conversion of 'temporary' or 'unclassified' service to classified service, thus ensuring that there is more emphasis on competitive selection for these time-limited positions and therefore more opportunity for qualified applicants from minority communities to be considered and selected for employment</li> </ol>	OEAD EOA division and HR
ADA	<ol style="list-style-type: none"> <li>1. Provide technical support and advice to DHS management.</li> <li>2. Receive, evaluate &amp; resolve requests for reasonable accommodations.</li> <li>3. Provide training to managers and supervisors regarding Title I &amp; II.</li> <li>4. Promote disability awareness for all staff.</li> <li>5. Receive and process disability complaints under Title II.</li> <li>6. Investigate and respond to disability related charges/complaints from OCR/EEOC.</li> <li>7. Prepare annual ADA report (due annually in September).</li> </ol>	ADA Coordinator
Reducing Disparities in Service Outcomes	<ol style="list-style-type: none"> <li>1. Collaborate with DHS Director of Community Relations to engage community members in development of culturally responsive programs.</li> <li>2. Develop and deliver training for 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.</li> <li>3. Develop, coordinate, and oversee the ongoing delivery of training that will provide DHS 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.</li> </ol>	Director of Community Relations/OEAD, EOA division/OEAD, Learning and Development division

OBJECTIVE	ACTION STEPS	RESPONSIBLE
	<p>4. Assist SOS and MSOP in providing on-site training for management and staff.</p> <p>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 (e.g., speakers, panels, videotapes, bulletin board displays, the Did You Know? Web-based calendar) as well as through the dissemination of information about cultural and ethnic groups and about cultural learning opportunities, workshops, conferences, etc.</p>	
Revise Merit System County EO/AA Guidelines	Review and revise the AA guidelines published in DHS bulletin	Merit System Affirmative Action Officer
Provide Ongoing T/A to Merit Counties for Recruitment to Remedy Disparities	<p>1. Assist with utilization analysis and goal setting, as needed.</p> <p>2. Assist with recruitment support aimed at remedying identified disparities.</p>	Merits System staff; Merit System AA Officer; DHS Recruiter
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



## OTHER REQUIREMENTS

### I. **Supported Employment:**

The Minnesota Department of Human Services collaborates with and participates in the Pathways to Employment program. Pathways to Employment is Minnesota's Competitive Employment Systems – Medicaid Infrastructure initiative, funded through a grant to the Minnesota Department of Human Services from the Centers for Medicare and Medicaid Services.

The Department will continue to work with the Pathways to Employment program to employ individuals with severe disabilities.

### II. **Confirmation of submission of Online Recruitment Form to MMB:**

From: aareports@state.mn.us [mailto:aareports@state.mn.us]

Sent: Tuesday, July 27, 2012 12:13 PM

To: richard.nymoen@state.mn.us

Subject: Recruitment Form Confirmation

You have submitted the following information.

Agency: Human Services

[Emailrichard.nymoen@state.mn.us](mailto:richard.nymoen@state.mn.us)

Question 1. What recruitment sources/media/events does your agency use for the recruitment for women, minorities and people with a disability in the past calendar year?

African American Family Services (AAFS)

African Community Service

African Development Center of MN

American Indian Center of Rochester

American Indian Family Center

American Indian OIC Spirit - Mpls

American Indian Opps Industrialization Cntr  
(OIC)

Asian Social Workers Network

Cambodian Association of Rochester

(CARM)

Center for Hmong Studies - Concordia  
University

Chinese American Association of Minnesota  
(CAAM)  
CLAC (Chicano/Latino Affairs Council)  
State of MN  
Confederation of Somali Community in  
Minnesota (CSCM)  
Council on Asian Pacific Minnesotans

Council on Black Minnesotans  
Cumunidades Latinas Unidas En Servicio  
(CLUES) - Job Bank  
Diversity

Eastside Neighborhood Services  
Emerge  
Employee Resource Groups at Saint Paul  
Public Schools (AFA, HMONG, Latino)

Get sign Language Interpreter Jobs  
Hispanic Chamber of Commerce  
Hmong American Mutual Assistance  
Association Inc.  
Hmong American Partnership (HAP) -  
Employment Services  
Hmong Times  
Hmong Today  
Indian Affairs Council  
Indian Welfare Tribal Council

International Institute  
Karen Organization of Minnesota (KOM)  
Korean Quarterly  
La Oportunidad Inc.  
Lao Family Community of MN  
Latino Social Workers Organization  
Mankato State University - Disability  
Services  
Merrick Community Services Job Bank  
Minneapolis Urban League  
Minnesota American Indian Bar Association  
Minnesota American Indian Chamber of  
Commerce  
Minnesota  
Minnesota Association of Black Lawyers  
Minnesota Black Chamber of Commerce  
Minnesota Council of Non-profits  
Minnesota Diversity  
Minnesota Hispanic Bar Association

Minnesota Management & Budget -  
Diversity Listserv  
Minnesota Resource Center  
Minnesota Women Lawyers  
MN Association for Marriage and Family  
Therapy  
MN Association of Korean Americans  
(MAKA)  
NAACP  
National Asian Pacific American Bar  
Association  
National Association of Black Social  
Workers  
National Association of African Americans  
in Human Resources  
National Association of Puerto Rican and  
Hispanic Social Workers  
National Association of Social Workers  
National Association of Social Workers -  
Minnesota Chapter  
National Association of State offices of  
Minority Health  
National Latino Behavioral Health  
Association

National Minority AIDS Council  
National Recruiting Health Resource Center  
National Society for Hispanic Professionals  
Native American Center of Southeast  
Minnesota  
Network of Indian Professionals Twin Cities  
(NetIP)  
Native Web.org  
Rural Recruitment and Retention Network

State of Minnesota - Academy for the Deaf  
State of MN - DEED- Disability Programs &  
Serv  
South Sudan Woman's Empowerment  
Twin cities Chapter of the National  
Association of African Americans in Human  
Resources  
Twin Cities Diversity Roundtable (TCDR)  
U of M - Minority Career Services  
U of M - Minority Career Services - Law  
School  
U of M Duluth-Center of American Indian

Question 2. Indicate the total expenses your agency incurred for recruitment advertising and activities for fiscal year 2011 (July 1, 2011 - June 30, 2012). Do NOT include staff time:

**Approximately \$20,000.**

Question 3. Does your agency use Social Networking sites (i.e. LinkedIn, Facebook, Twitter, etc.) for Recruitment?  
**LinkedIn**

Question 4. What Social Networking site(s) has your agency used for recruitment in the last calendar year?

LinkedIn:	Yes
Facebook:	No
Twitter:	No
MySpace:	No
Second Life:	No

Question 5. Does your agency have a policy regarding the use of Social Networking? No

Question 6. Does your agency have an Internship Program? Yes

Question 7. Does your agency have a Mentorship Program? Yes

Question 8. Does your agency employ Student Workers? Yes

Question 9. Does your agency have a Work-Training Program? No

Question 10. Human Services agrees to follow the guidelines set in M.S. 43A.191 Subd. 2d.  
Yes