

MINNESOTA STATE LOTTERY



AFFIRMATIVE ACTION PLAN

2012 – 2014

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AFFIRMATIVE ACTION PLAN

2012-2014

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Upon request, this plan can be made available in alternative formats for persons with disabilities by calling 651-635-8116.

INTRODUCTION

State law requires each agency in the executive branch to develop an affirmative action plan. There are a number of specific requirements outlined in law, administrative rule, and policies of Minnesota Management and Budget. The plan is revised biennially and submitted to Minnesota Management and Budget, Office of Diversity and Equal Opportunity for review and approval.

The plan is the cornerstone of the Minnesota State Lottery Affirmative Action/Diversity Program.

The purpose of affirmative action is to correct the effects of discrimination, whether intentional or unintentional, and to avoid present and future practices that may have an unfair, adverse effect on people of color, women and people with disabilities.

Affirmative action does not mean the hiring of unqualified people. It does not mean that any group shall be deprived of its rights or be subjected to unfair treatment. It means positive action to utilize the large reservoir of untapped human resources and skills among the protected classes, together with those groups whose skills have been used in the past.

If done properly, the need for affirmative action eventually will not exist, as all barriers to equal employment opportunity will have been eliminated from the employment process. An effective affirmative action program not only benefits those who have been denied equal employment opportunity in the past, but also will benefit the entire department.

The Human Resources Office is responsible for providing leadership and monitoring the activities of the Affirmative Action Program.

Lottery Managers and Supervisors are responsible for representing and supporting the goals of the Affirmative Action Program.

EXECUTIVE SUMMARY

This annual review revealed underutilization of the following protected group(s) in the following goal units.

| GOAL UNITS | Protected Groups | | |
|-------------------------------|------------------|------------|-----------|
| | Women | Minorities | Disabled* |
| Officials and Administrators | | X | |
| Professionals | X | | X |
| Technical & Paraprofessionals | X | | X |
| Office/Clerical | | X | X |
| Service | X | | |

*Effective June 30, 2000, the State of Minnesota is suspending the use of a percentage hiring goal for this population. However, the Lottery will continue its commitment to hiring individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodation.

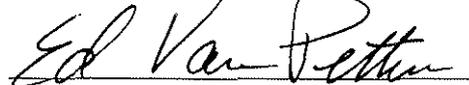
This annual Plan will be posted on employee bulletin boards in each work location and on the Lottery's intranet site so that every employee is aware of the office's commitments in affirmative action for the year.

This plan contains an internal procedure for processing employee complaints of alleged discrimination. Each employee has been apprised of this procedure.


 Human Resources Director
 (Affirmative Action Officer Designee)

6/29/12
 Date

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


 Lottery Director

6-29-12.
 Date

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

STATEMENT OF COMMITMENT

The Minnesota State Lottery is committed to a policy of providing equal employment to all persons without regard to race, creed, color, sex, sexual orientation, national origin, familial status, age, marital status, disability, public assistance status, religion, membership or activity in a local commission, or political opinions or affiliations. This policy will apply to all conditions of employment including, but not limited to: recruitment, selection, placement, advancement, retention, transfer, demotion, layoff, termination, disciplinary action, compensation, and employee development.

Equal employment opportunity cannot exist in the presence of discrimination. Therefore, efforts will be made to provide a work environment free of discrimination. The Lottery fully supports the non-discrimination provisions of all state and federal laws, rules and regulations that form the legal framework for equal employment opportunity and affirmative action.

It is my position and the Lottery's policy and responsibility to take an aggressive and effective affirmative action approach to ensure fair and equal treatment for minorities, women, and disabled persons; to work to eradicate the effects of prior discrimination; to eliminate present barriers; and to work to retain protected group employees. The elimination of barriers is one of many positive benefits of affirmative action. Perhaps most important, is fuller utilization of human resources in employment. To that end, I am committed to implementing this Affirmative Action Plan and to retaining protected group employees.


Ed Van Petten, Director


Date

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITIES

I. All Employees

Responsibility: All employees are responsible for conducting themselves in accordance with the policies and procedures of this plan. Employees refrain from any actions which would adversely affect the performance of a co-worker with respect to their race, color, creed, sex, national origin, age, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, political opinion or affiliation, disability or religion. **Lottery employees must demonstrate respect in their interpersonal communications with one another.**

II. Lottery Executive Director

Responsibilities

Oversee and ensure implementation of the Lottery's Affirmative Action Plan in compliance with existing federal and state laws, rules and regulations.

Duties

1. Include accountability for the administration of the Lottery's Affirmative Action Plan in own work plan.
2. Ensure that the Lottery's managers and supervisors are informed of their individual responsibilities for the Lottery's Affirmative Action Plan and require managers and supervisors to include responsibility statements for affirmative action in their position descriptions.
3. Take action on complaints of discrimination as outlined in the Affirmative Action Plan complaint procedure.
4. Issue a written statement to all employees affirming support for equal opportunity, diversity and the Lottery's Affirmative Action Plan.
5. Make decisions and changes in policy, procedures, or physical accommodations as may be needed to facilitate effective affirmative action.
6. Designate an Affirmative Action Officer.

Accountability

Accountability is to the Governor. Indirectly the Commissioner of Minnesota Management and Budget and the State Affirmative Action Officer.

**III. Human Resources Director/Affirmative Action Officer Designee -
Loretta Nicholson, (651) 635-8114**

Responsibilities

Direct and implement the Lottery's Affirmative Action Plan and ensure that all applicable policies and procedures are administered fairly and are uniformly applied to all employees; take positive action to remove all barriers to equal employment opportunity within the Lottery.

Duties

1. Monitor the Lottery's Affirmative Action Plan objectives.
2. Advise the Director on all matters related to affirmative action and equal employment opportunities.
3. Provide consultation to managers and supervisors regarding affirmative action responsibilities and aid in the recruitment of protected class members. Recruitment remains an ongoing process that supports continuous affirmative hiring.
4. Ensure that alleged discrimination complaints are investigated and if necessary, appropriate corrective action is taken.
5. Establish hiring goals and revise the Lottery's Affirmative Action Plan biennially.
6. Ensure that all staff is informed of the Lottery's Affirmative Action Plan.
7. Oversee the Lottery's pre-hire review process.
8. Provide guidance in the development and utilization of selection criteria to ensure, to the extent possible, that it is objective, uniform, and job related.
9. Act as liaison between the Lottery and the State Affirmative Action Officer.
10. Determine the need for affirmative action and diversity training within the Lottery and initiate the development of such training.
11. Review reasonable accommodations for people with disabilities and to oversee the administration of the Americans with Disabilities Act within the Lottery.
12. Maintain records of requests for reasonable accommodation, missed opportunities and complaints of discrimination or discriminatory harassment.
13. Provide leadership to the Human Resources staff to adhere to affirmative action principals in the decision-making process for all personnel transactions.

Accountability

Is to the Lottery Executive Director, and indirectly, the State Affirmative Action Officer.

IV. Managers and Supervisors**Responsibilities**

Ensure compliance with the Lottery's Affirmative Action Plan and equal opportunity for all employees.

Duties

1. Communicate the spirit of the Plan and related policies to employees.
2. Ensure that job-qualifying criteria are fair, non-discriminatory, and job related.
3. Select qualified candidates for new jobs on the basis of qualifications including training, experience, the Lottery's affirmative action goals, and the pre-employment review procedure.
4. Estimate annual staffing needs and projected vacancies within respective divisions and set goals consistent with the Lottery's affirmative action goals and timetables.
5. Respond to requests for information related to discrimination complaints within the established timeframe. Assure that no reprisals are made against an employee for filing a discrimination complaint.
6. Contribute to employees' personal and professional growth with opportunities for appropriate training and self-improvement programs.

Accountability

Managers and supervisors are evaluated on the results of their affirmative action efforts in their annual performance review.

**COMMUNICATION OF AFFIRMATIVE ACTION PLAN
PROGRAMS, OBJECTIVES AND RESULTS
2012-2014**

Objective 1

To ensure that the Lottery has accurate data on the Affirmative Action disability status of its staff, and to make employees aware of their ability to request reasonable accommodations.

Steps

Survey Lottery staff regarding disability status so that the Lottery can accurately report the number of staff with disabilities for affirmative action purposes. The method used will be a voluntary, confidential, self-disclosure survey distributed to all Lottery staff.

Completion Date: On-going

Responsibility: Human Resources staff.

Evaluation: Survey distributed to all staff and SEMA4 updated to reflect the survey data. Survey instrument evaluated after use to determine if modifications are necessary.

Objective 2

Improve process for recruitment of best qualified candidates that also embraces affirmative hiring goals.

Steps

1. Manager and/or supervisor ensure job descriptions accurately reflect Agency's work.
2. Reporting systems indicate the best candidates are hired.

Responsibility: Human Resources, Managers, and Supervisors.

Completion Date: On-going

Objective 3

To identify and eliminate possible problems at the Minnesota State Lottery with regard to equal employment opportunity and affirmative action by developing and implementing an exit interview process.

Action Step: Develop an exit interview process/questionnaire and implement.

Responsibility: Affirmative Action Officer, Human Resources Staff, Managers, and Supervisors.

Completion: On-going

Evaluation: Review suggestions that may be made to improve the exit interview process and make changes as necessary.

AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

The Lottery Affirmative Action Officer will retain and review records related to recruitment, hiring and retention to assure efforts in these areas support the Lottery's commitment to Affirmative Action. Plan progress will be evaluated by:

1. On-going review of the Lottery's progress towards achieving its annual goals for hiring protected group members in goal units in which there is under-utilization.
2. On-going review of recruitment resources used and results gained from efforts to affirmatively fill vacancies in goal units in which there is under-utilization.
3. Quarterly review of formal Affirmative Action discrimination to assure there is no pattern of discriminatory treatment of protected group members.
4. On-going review of training request denials to determine if there is a pattern of disparate treatment of protected group members.

New Hire Checklist

The rules governing statewide affirmative action programs require that methods of auditing, evaluating and reporting program success be established for all agencies. This includes a procedure that requires a pre-employment review of all hiring decisions for goal units with unmet affirmative action goals. Therefore, when a vacancy occurs in a goal unit with unmet affirmative action goals, the below procedure will be followed **before** an employment offer is made.

1. The Affirmative Action Officer notifies the supervisor that a disparity exists in the goal unit to which the vacancy belongs. The Affirmative Action Officer advises the supervisor of his/her affirmative action responsibility as outlined in the procedure below.
2. After interviews have been conducted, no job offer can be made to any candidate until approval is received. If a candidate from the protected group population for which there is a disparity is not selected, the supervisor must provide a written rationale explaining his/her decision to the Affirmative Action Officer.
3. The Affirmative Action Officer reviews the rationale and either approves or denies the explanation. The Affirmative Action Officer notifies the supervisor of the decision.
4. If the rationale is denied, the Affirmative Action Officer notifies the Executive Director in writing of the determination and indicates a recommended remedial action.

5. The Executive Director will determine final action.
6. Nothing in the above process shall be considered an obstruction to hiring decisions based on the priority in appointment clauses (e.g. seniority, recall from layoff, etc.) detailed in contracts/ plans negotiated between the State and employee unions/ associations.

Pre-Review of Lay-Off Determinations

1. Lottery management will make lay-off determinations consistent with applicable bargaining unit contract/ plan language.
2. The Lottery Human Resources Director/ Affirmative Action Officer will review lay-off determinations prior to implementation to determine the effect on agency affirmative action goals and timetables. Any negative impact on Affirmative Action disparity status will be addressed via the pre-employment review process.
3. Nothing in this process shall be considered an obstruction to the layoff and recall language in applicable contract/ plans negotiated between the State and employee unions/ associations.

Quarterly reports on the Lottery's hiring goals are provided to management staff and the Executive Director.

COMMUNICATION OF AFFIRMATIVE ACTION PLAN

The following steps ensure that employees are advised of and understand the Minnesota State Lottery's policy of nondiscrimination and its interest in actively and affirmatively providing equal opportunity in all employment practices.

Internal Communication

1. Copies of the Affirmative Action Plan are furnished to the Director, Managers, Supervisors and staff.
2. The Affirmative Action Plan is prominently displayed on employee bulletin boards within all offices of the Lottery. An electronic version of the Affirmative Action Plan is available on the Lottery's Intranet site.
3. New employees are informed of the Lottery's Affirmative Action Plan, the components of the plan, and given a copy of the Affirmative Action Plan by the Human Resource Office during employee orientation.
4. Managers and Supervisors are responsible for communicating to their staff, during regular staff meetings, that a copy of the plan, any revisions to the plan and other information regarding Lottery's affirmative action/diversity activities are available for their review.

External Communication

1. A copy of the Affirmative Action Plan is furnished to Union-appointed Business Representatives for employee bargaining units including AFSCME, MAPE and MMA.
2. A copy of the Affirmative Action Plan is provided to individuals upon request.
3. The phrase *Equal Opportunity Employer* is included in Lottery letterhead and in all recruitment advertisements.
4. Six copies are provided to the Legislative Reference Library every even-numbered year.
5. The Affirmative Action Plan will be posted on the Minnesota State Lottery's website.

LOTTERY POLICY GENERAL HARASSMENT

General harassment is prohibited by Minnesota Management & Budget's Administrative Procedure 1.2 (April 7, 1988).

It is the policy of the Minnesota State Lottery to prohibit general harassment of its applicants, eligibles, and employees thereby providing a work environment free from general harassment. This policy covers all Lottery employees and individuals providing volunteer services or contracted for employment.

All employees are to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from harassment.

The Lottery will not tolerate general harassment among its applicants, or employees and will take appropriate corrective action against anyone violating this policy. Employees engaging in general harassment in the work place or while representing the Lottery away from the work place can expect disciplinary action. Disciplinary actions will be considered on a case-by-case basis. Appropriate corrective action, up to and including termination of employment, will be taken.

Retaliation or intimidation directed toward a complaining party is also prohibited. If retaliation or intimidation occurs, disciplinary action, up to and including termination of employment, may result.

General harassment is behavior involving verbal, psychological, symbolic, social or physical methods of intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or effect of affecting the work environment or when:

Submission to such behavior or communication is explicitly or implicitly made a term or condition of employment for the employee or group of employees;

Submission to or rejection of such behavior or communication is used as a basis for making employment decisions which affect the employee or group of employees;

Such behavior or communication unreasonably interferes with an individual's productivity and/or creates a working environment that is intimidating, hostile or offensive; or

Such behavior or communication interferes with or jeopardizes an employee or group of employees' employment or career opportunities.

This does not include negative affects an employee may experience as a result of actions taken by a supervisor that are within the scope of the supervisor's responsibilities and would be considered reasonable and appropriate actions. Issues of this nature will be referred to the appropriate person.

General harassment differs from other forms of harassment because it is not based on any protected characteristic and, therefore, is not a form of unlawful discrimination. Harassment can take several forms some of which are:

- Repeated remarks or names which are insulting, demeaning, belittling or disparaging;
- Repeated jokes about employees' unique characteristics such as race, disability, etc. which are insulting, demeaning, or in any way negatively received or perceived;
- Repeated ridicule of an employee;
- Sabotage of an employee's character, reputation, personal possessions or job performance or product;
- Exclusion from orientation or teamwork;
- Unequal assignment of job responsibilities such as repeatedly giving an employee less responsible or less challenging assignments not related to ability; or
- Unequal application of performance standards, discipline or work rules.

The forms of harassment listed above are only examples. They are not inclusive.

The Executive Director is responsible for the enforcement of this policy within the Lottery. However, managers, supervisors, and the Human Resources Director are also responsible for the implementation and enforcement of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment to and compliance with the framework of this policy. Each employee must be informed that harassment is unacceptable behavior and that they are responsible for personal conduct consistent with the spirit and intent of this policy.

Claims of general harassment or violations of this policy will be investigated by the Human Resources Director or an investigator(s) selected by the Human Resources Director. Progress is monitored and an attempt is made to maintain confidentiality during the investigation.

GENERAL HARASSMENT COMPLAINT PROCEDURE

Applicants and employees who believe they have been subjected to general harassment in the workplace or believe they have witnessed such behavior have the obligation of first trying to resolve their complaint or concerns by talking with the responsible party, their supervisor, the division director or the Human Resources Director. Employees not satisfied with the results of their efforts to remedy the complaint or concern must file their complaint in writing. The Lottery's initial step in responding will be to determine whether the complaint is properly a discrimination complaint, and therefore, appropriate to be addressed by the internal procedure.

1. Complaints may be filed with the employee's supervisor, the Human Resources Director, or anyone in a supervisory/management position in the Lottery.
2. The individual receiving the complaint immediately refers it to the Human Resources Director who determines if the complaint is: discrimination based on one of the protected characteristics that is unlawful; sexual harassment; or general harassment covered under this policy. (Timeline: 5 work days)
3. In any case, the Human Resources Director directs and reviews the investigation. (Timeline: 60 days. If more time is needed an extension must be approved by the Executive Director).
4. The Human Resources Director reports the results of the investigation to the employee filing the complaint, the alleged offending person and the supervisor of the alleged offending person. (Timeline: within 3 days of final determination)
5. The supervisor of the alleged offending person, in consultation with the HR Director, takes recommended corrective action. The severity of the corrective action should correlate to the severity of the conduct with its purpose to prevent subsequent occurrences.
6. If the Lottery learns through an exit interview or other means that an employee has left the Lottery because of general harassment, the supervisor conducts an inquiry. A copy of the inquiry and any determination made is forwarded to the Human Resources Director.

If an employee or group of employees filing the complaint wants to appeal the results of the investigation, they may do so in writing to the Lottery Executive Director (Timeline: 21 calendar days). The Executive Director and the Human Resources Director review the (original) complaint (Timeline: 30 days). The Executive Director notifies the

employee or employees that filed the complaint and the alleged offending person of the Director's final determination (Timeline: within 3 days of final determination).

The Human Resources Director of the Minnesota State Lottery maintains all complaints and materials associated with investigations. Records are maintained according to the Minnesota Government Data Practices Act.

Employees may use this procedure or other options. Other options include the State Affirmative Action Officer, the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, or the judicial system. Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

LOTTERY POLICY NON-DISCRIMINATION

It is the policy of the Minnesota State Lottery to prohibit discrimination on the basis of race, color, creed, national origin, sex, religion, marital status, age, disability, reliance on public assistance, political opinion or affiliation, familial status, sexual orientation or membership or activity in a local commission, in employment and the delivery of its housing or financial services. This policy covers all employees and individuals providing employment-related contract or volunteer services. Violation of this policy is a violation of individuals' rights covered under the US Civil Rights Act of 1968, Title VII and/or the Minnesota Human Rights Act, Chapter 363; US Civil Rights Act of 1968, Chapter VIII; Americans with Disabilities Act (ADA) of 1990, Titles II and III; and, Section 504 of the 1973 Rehabilitation Act.

All employees are to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from discrimination.

The Lottery does not tolerate discrimination among its employees and will take appropriate corrective action against employees violating this policy. Employees engaging in discriminatory activities or actions in the work place or while representing the Lottery away from the work place can expect disciplinary action. Disciplinary actions will be considered on a case-by-case basis. Appropriate corrective action, up to and including termination of employment, will be taken.

Retaliation or intimidation directed toward a complaining party, or a person who cooperates with an investigation, is also prohibited. If retaliation or intimidation occurs, disciplinary action, up to and including termination of employment, may result.

Discrimination can take several forms. One form is making repeated jokes about employees' unique characteristics such as race, disability, religion, etc. which are insulting, demeaning, or in any way negatively received or perceived. Another form of discrimination is repeated remarks or names that are insulting, demeaning, belittling or disparaging. These are two forms of discrimination provided as examples. They are not inclusive.

LOTTERY POLICY ZERO TOLERANCE FOR SEXUAL HARASSMENT

It is the policy of the Minnesota State Lottery to prohibit verbal and physical harassment of its employees based on race, color, creed, national origin, sex, religion, marital status, age, disability, status with regard to public assistance, political opinion or affiliation, familial status, sexual orientation or membership or activity in a local commission.

This prohibition with respect to sexual harassment includes unwelcome behaviors of a sexual nature as defined by Equal Employment Opportunity Commission (EEOC). Employees, as well as non-employees in the employer's workplace, are prohibited from these acts that create a negative work environment. The prohibitions also extend to any location, activity or event associated with the organization or with its employees in their capacity as representatives. Retaliation for sexual complaints or for participation in an investigation is also prohibited.

Sexual harassment is any behavior of co-workers or supervisors, based on sex, which is unwelcome, personally offensive, insulting and demeaning where:

- Submission to such conduct or communication is explicitly or implicitly made a term or condition of an individual obtaining employment with the State of Minnesota.
- Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual's employment.
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment may include:

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

An employee subjected to such harassment has several resources for filing a complaint. These resources include the employee's supervisor/manager, the Human Resources Director and/or the Executive Director. Other options include the State Affirmative Action Officer, the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, or the judicial system. Intentional use of this

policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

Sexual harassment by any employee, manager, supervisor, and non-employees will not be tolerated. All employees, managers, supervisors and non-employees alike are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. People who violate this policy will be subject to appropriate disciplinary action up to and including termination of employment.

The Lottery is responsible for the implementation of this policy within the Lottery and managers are responsible for the implementation of this policy within their division. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance with the framework of this policy. All employees are informed that harassment will not be tolerated, and each supervisor is responsible for orienting his/her staff to the Lottery's policy. Human Resources will keep employees apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, the Lottery Executive Director or designee is responsible for:

Preparing a written statement prohibiting sexual harassment, explaining the intent of the policy, the prohibited harassment and retaliation, and announcing the means of control.

Designing procedures and practices for its operation, including:

- an educational program;
- avenues available for reporting complaints; and
- a procedure under which complaints will be investigated promptly and carefully.

Ensuring systematic discussion, review and revision of the policy, procedures and practices.

A prohibition of sexual harassment has been made and entered into between the State of Minnesota and the Minnesota State Employees' Union, AFSCME, Council No. 6, AFL-CIO and its affiliated local unions. The complete context of this prohibition can be found in the most current issue of the union contract.

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

An employee, a group of employees, and/or job applicants, including eligible candidates (hereafter referred to as "complainant"), with a complaint of discrimination or harassment, may file a formal complaint using the following procedures:

1. The complainant shall meet with the Human Resources Director to describe the nature of the complaint, the facts upon which it is based and the relief requested.
2. The Human Resources Director determines if the complaint is one of a discriminatory nature based on one or more of the protected characteristics, sexual harassment or general harassment. The Human Resources Director notifies the complainant of the determination and investigatory implications within ten (10) working days after receiving the complaint.
3. The complainant is informed of other options for resolving the complaint. These options include: the State Affirmative Action Officer; the Equal Employment Opportunity Commission (EEOC); the Minnesota Department of Human Rights; or the judicial system.
4. The Human Resources Director investigates the complaint in an attempt to reach a resolution workable to all parties. A report of findings and a recommendation for resolution is presented to the Lottery Executive Director.
5. The Human Resources Director informs the complainant of the determination within sixty (60) calendar days after the formal complaint is filed.
6. If the complainant remains dissatisfied, they are advised by the Human Resources Director of the right to file a discrimination complaint with the Commissioner of the Minnesota Department of Human Rights within one (1) year of the incident.
7. The Commissioner of Minnesota Management and Budget is to be advised within thirty (30) days of final disposition.

** If the Human Resources Director is the alleged offending person, the employee may go directly to the Lottery Executive Director, who will conduct the investigation.*

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DISCRIMINATION/HARASSMENT COMPLAINT FORM

Information about the Complainant:

Name: _____ Job Title: _____

Home Address: _____ Phone: _____

Work Address: _____ Phone: _____

Agency: _____ Division: _____

Supervisor: _____

Information on the Respondent (Person(s) Who Sexually Harassed or Discriminated Against You)

Name(s): _____ Job Title: _____

Work Address: _____ Phone: _____

Agency: _____ Division: _____

Supervisor: _____

Others who discriminated against or sexually harassed you:

Basis on which complaint is being filed (check all that apply):

Race _____ Sex _____ Color _____ Creed _____ Age _____
Disability _____ Religion _____ Marital Status _____ National Origin _____ Political Affiliations _____
Status with Regard to Public Assistance _____ Sexual Orientation _____
Membership or Activity in a Local Commission _____

Date most recent act of discrimination took place:

If you filed this complaint with another agency, please give the name of that agency or agencies and the date(s) filed. Use additional paper if necessary.

Agency Name: _____ Date Filed: _____

Describe incidents (starting with the most recent) you feel support your complaint giving specific names, places, dates, times, and the actions or events of harassment or discrimination you believe you experienced.

This complaint is being filed based on my honest belief that I was harassed or discriminated against. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

Complainant Signature: _____ Date: _____

Received By: _____ Date: _____

Additional information on your complaint:

Names, addresses and telephone number of witnesses who may have knowledge about the complaint:

Name: _____
Address: _____
Telephone Number: _____

LOTTERY POLICY REASONABLE ACCOMMODATION

For more information on ADA compliance, contact the Human Resources Director, at 651-635-8114.

The Minnesota State Lottery encourages the employment and promotion of people with disabilities. Accommodations are provided to qualified individuals, whether an employee or job applicant, or an employee seeking promotion, when such accommodations are directly related to performing a job or competing for a job and do not impose an undue hardship on the Agency. Accommodations are not provided for non-job related personal needs, such as transportation to and from work.

An individual with a disability is defined as:

1. A person who has a physical or mental impairment that substantially limits one or more major life activities;
2. A person who has a record of such impairment; or
3. A person who is regarded as having such impairment.

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

Modification of equipment or assistive devices. Purchase of or a modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and /or specifically designed desk and files.

Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area, special parking facilities or other types of similar modifications.

Job restructuring. It may include flexible work hours and/or restructuring job duties while retaining the essential job duties.

Support services. Services may include interpreters for individuals with hearing impairments, readers for individuals who are blind, or special attendants.

Reassignment. It may be necessary to reassign to a vacant position of equal status when possible and appropriate.

REQUESTING REASONABLE ACCOMMODATION

EMPLOYEES

1. The supervisor and the individual with a disability should discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.
2. The supervisor, or the employee, informs the Human Resources Director of the request and submits a Request for Reasonable Accommodation to the Human Resources office. The request must include justification for the request including a statement of the limitations, the suggested accommodation, approximate cost, and any other pertinent information. The Human Resources Director assists the supervisor by providing the necessary resources and information.
3. The supervisor, and/or the Human Resources Director determine the need to request medical documentation from the requesting individual to support an accommodation request.
4. The Human Resources Director reviews the request and assists the supervisor in making the accommodation. If an accommodation costs a significant amount (an amount exceeding \$500.00), the Human Resources Director forwards the request along with a recommendation to the Executive Director within three (3) working days.
5. The decision is provided in writing to the supervisor, manager and employee within five (5) working days after the Executive Director makes the determination. The Human Resources Director maintains all documents pertaining to the accommodation.

JOB APPLICANTS

1. All initial communication between a job applicant and a supervisor or Human Resources office regarding a position in the Lottery shall indicate the willingness of the Agency to make reasonable accommodation upon request, prior to the job interview.
2. The supervisor contacts Human Resources immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
3. Human Resources contacts the applicant to discuss the needed accommodation and possible alternatives, if necessary.
4. The agreed upon accommodation is provided if the cost does not cause an undue hardship to the Agency.
5. Human Resources takes the necessary steps to ensure the accommodation is provided.

EMPLOYEES WITH DISABILITIES SEEKING PROMOTION

1. All initial communication between the employee with disabilities and the supervisor or Human Resources office regarding a promotional opportunity in the Agency indicates the willingness of the Lottery to make reasonable accommodation upon request.
2. The supervisor contacts Human Resources immediately to indicate that an accommodation is needed. In order to ensure that any accommodation is provided at the time a "new job" begins, requests are handled in a timely manner.
3. Human Resources contacts the employee with disabilities to discuss the needed accommodation and possible alternatives, if necessary.
4. The agreed upon accommodation is provided if the cost does not cause an undue hardship to the Lottery and the critical job elements of the promotional job can still be accomplished.
5. Human Resources takes the necessary steps to ensure the accommodation is provided.

FUNDING FOR REASONABLE ACCOMMODATION

The Lottery approves expenditures of funds for accommodations over the amount determined to be significant. When determining whether or not to make the accommodation without imposing undue hardship on the Lottery, the following factors must be considered:

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

DENIAL OF ACCOMMODATION

All denials of requests for accommodation are documented and kept on file by Human Resources. The Human Resources Director will notify the employee of their right to file a complaint of discrimination under the Agency's affirmative action plan complaint procedure or that they may file a complaint with the Minnesota Department of Human Rights or other legal channels including the U. S. Equal Employment Opportunity Commission.

REASONABLE ACCOMMODATION REQUEST FORM

Please print or type
 Attach additional sheets for questions below if necessary

| | | |
|---|---|-----------------|
| Employee Name | Classification | Date of Request |
| Division/Office | | |
| *Statement of Limitation: You may be asked to provide additional medical information in support of your request. | | |
| 1. | Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited. | |
| 2. | Type of accommodation requested to perform essential function(s): | |
| 3. | Which essential function(s) of your job will the requested accommodation allow you to perform? | |
| 4. | Why is the requested accommodation necessary to perform the essential job function(s)? | |
| 5. | How will the requested accommodation be effective in allowing performance of the essential job function? | |
| Signature of Employee | Date | |
| Signature of Supervisor | Date | |
| Signature of Director | Date | |
| Additional Comments | | |
| *Information on this form shall be confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. PL 101-336, Sec. 102 C. | | |

RECRUITMENT PLAN

The Minnesota State Lottery will identify and implement both short and long term recruiting strategies that lead to employing individuals best suited for jobs and who promote a diverse workforce.

Management staff, in partnership with Human Resources staff, continues to identify and implement strategies for effective recruitment that includes but may not be limited to:

Diverse Advertising sources

Local major newspapers

Saint Paul Pioneer Press

Minneapolis Star Tribune

Web Page

Department of Employment and Economic Development-Workforce Centers

Department of Finance and Employee Relations

Monster.com

Community Newspapers

Access Press

Asian Pages

The Circle

LaVoz Latina

Minneapolis Spokesman

Minnesota Women's Press

Native American Press

Lowertown News/Saint Paul Voice

Professional Associations

NASPL

Colleges and Universities

MNSCU-State Universities, Community Colleges and Technical Colleges

University of Minnesota

The College of St. Catherine

University of St. Thomas

Macalister College

Hamline University

Bethel College

Concordia College

The internet appears to be the most successful tool for reaching job applicants. The Internet now provides us with the largest number of job applicants. Job ads are also placed on Minnesota Management and Budget's web site.

| Total Agency Employees (6/2012) | Women | Minority | Disabled |
|---------------------------------|----------|----------|----------|
| 151 | 74 | 27 | 8 |
| (% of total population) | (49.01%) | (17.88%) | (5.30%) |

Projected Hiring Opportunities and Recruitment Strategies

Strategies for projected hiring goals as well as other job applicant pools include, but are not limited to:

- Continue to define job-qualifying criteria through the use of job competencies. Job profiles that define expected job competencies would assist in qualifying candidates using their existing knowledge, skills, abilities and behaviors.
- Continue to target specific communities through protected group community newspapers. Add to this group, the Access Press and similar organizations supporting people with disabilities, employment agencies, and other recruiting venues, as can be identified, to target disparate qualified candidates, especially people with disabilities.
- Hiring supervisors and Human Resources staff will continue their partnership by sharing recruitment strategies that lead to a qualified and diverse applicant pool.
- Continue to ensure that all recruitment activities are in compliance with the Americans with Disabilities Act by making materials available in alternative formats (when requested) and ensuring all meeting locations are accessible.

Recruitment Strategies for Persons with Disabilities

In a renewed effort to recruit people with disabilities, the Lottery includes the following recruitment methods in its efforts to diversify the workforce:

- Vacancy announcements are disseminated to disability-related agencies and organizations as well as Minnesota's public and private universities and colleges;
- The public is informed, through all printed materials, that the Lottery provides reasonable accommodation in accordance with the ADA and Section 504 Rehabilitation Act;
- Additional employment opportunities are provided through the Supported Employment Program when applicable.

Supported Worker

In accordance with Minnesota Statute 43.191, the Lottery reviews work to determine if there are jobs that may be used for supported employment. The following procedure is used:

- Human Resources and the hiring Manager or Supervisor review profiled jobs where work needs are identified and hiring is anticipated.
- Human Resources and the hiring Manager or Supervisor decide together if the identified work needs can be met with supported employment work opportunities.
- If yes, Human Resources will contact Minnesota Management and Budget for referrals/job applicants. Recruitment activities include making materials available in alternative formats and ensuring accessible meeting locations as may be necessary.
- Managers and supervisors receive training on the Supported Employment Program where hiring is anticipated.

RETENTION PLAN

State of Commitment

The Minnesota State Lottery strives to affirmatively ensure equal employment opportunity by retaining a diverse, talented and qualified workforce. The responsibility for these retention efforts lies with all employees of the Minnesota State Lottery, including the Executive Director and his Management Team; all Directors, Managers, and Supervisors; Human Resources Director and staff.

Retention Strategies

1. Offer exit interviews to all employees who are voluntarily leaving the department. Review results and make recommendations for changes as appropriate, to address avoidable departures.
2. Review our policies and determine if we need to revise any policies to make our workplace a more family/employee oriented environment.
3. Continue to provide to our employees the Employee Assistance Program as a tool to resolve potential conflicts in the workplace.
4. Analyze Hiring Authorities' soft skills such as communicating with staff, maintaining a respectful workplace, conflict resolution, problem solving abilities to determine if the Hiring Authorities are playing a role in retention issues.
5. To explore providing E-learning opportunities in career development to Lottery staff in such topics as Word, Excel, Access, time management, career development, customer service procedures, project development, and organizational skills.
6. The Lottery will continue to post diversity educational and special event information at each of its five facilities.
7. Analyze separation and layoff patterns for a two year period of all employees to determine impact on protected group members.

For fiscal year 2012, the Minnesota State Lottery had 18 separations. Of that total, 72% were protected group members, or 28% were non-protected group members. During this time period, 8 of the separations were due to retirement.

WEATHER EMERGENCIES

Declaration of a weather emergency during operating hours will be announced facility-wide over the headquarters loudspeaker system and/or affected regional offices will receive notification via telephone. Requests to accommodate the weather-related needs of individuals with disabilities will be addressed on a case by case basis. Supervisors should consult with the Affirmative Action Officer.

If severe weather develops during the night, the Commissioner of Minnesota Management and Budget will make a determination prior to 5:00 a.m. whether and which facilities should open.

As background, weather emergencies are declared when a number of conditions exist. The factors that are considered are:

- ◆ Road maintenance. Are state highways open and snowplows operating?
- ◆ Transit operations. Are local transit systems running?
- ◆ Additional weather conditions. Is wind, cold or ice a factor?
- ◆ Other considerations. Is power or heating systems affected?

After a determination is made, the following is done:

- Media is notified: radio stations WCCO, KSTP, KSJN, and the wire services of AP and UPI.
- The Governor is notified.
- Department of Finance and Employee Relations notifies designated employees through the AlertCast system of weather emergency.
- The Lottery Executive Director and/or designee notifies Division heads. When a weather emergency affects any of the regional offices, the Marketing Director or a designee will send notification of the weather emergency to the appropriate Regional Manager/s.
- Supervisors and Managers or their designees notify employees with a disability of the weather emergency on an individual basis. Supervisors of deaf and hard of hearing employees should have a procedure in place to provide notice to these individuals about a weather emergency. If your employee has a TDD machine

(Telecommunications Device for the Deaf), the supervisor can contract the employee through the Minnesota Relay Service (MRS) at 800-627-3529. Here's how it works:

1. The supervisor calls the MRS number.
 2. The MRS operator dials the employee's number.
 3. The supervisor then speaks the message to the MRS operator, who communicates what was said to the employee via the TDD machine. The MRS operator will then speak to you what the employee types.
- Employees monitor the appropriate media to receive information regarding declaration of a weather emergency by the Commissioner of Minnesota Management and Budget.

BUILDING EVACUATION

The building evacuation plan for the Roseville Headquarters facility is contained in the March 29, 2012 Fire Evacuation Plan memo (attachment A).

In case of an emergency, all visitors should be assisted out of the building by the Lottery staff member/s they have come to meet: or if en route, their staff escorts.

Employees with disabilities who need assistance evacuating the building during an emergency have volunteer assistants who will help them exit the building.

FIRE EVACUATION PLAN

We have recently upgraded the **Fire Protection System** at our Roseville facility. The new system consists of the following devices: smoke detectors, heat sensors, horns with strobe lights, manual pull stations and alarm enunciators keypads with English language displays.

It is each employee's primary responsibility to adhere to the following evacuation plan when the **Fire Protection System's** warning alarms are activated.

You must execute the evacuation plan in a quick and orderly manner. The evacuation and accounting for staff must take place within a five-minute period to be effective!

DO'S:

- Leave the facility without delay via the nearest available exit.
- Report to your supervisor in the north parking lot. See Appendix A on the next page.
- Second floor employees should use the stairwell.
- Be prepared to merge with other staff when leaving the building.

DON'TS:

- Do not use elevators.
- Do not run or panic.
- Do not attempt to extinguish the fire yourself
- Do not re-enter the building until the Chief of Security has determined it is safe.

Disaster Recovery

Refer to the Lottery's Disaster Recovery Plan.

Disaster Prevention

Following is a checklist of actions you should take at the end of each work day to help prevent a disaster in your workstation and in your area of the office:

- Close office doors.
- Remove all documents from your desk and store them away.
- Close overhead cabinet doors. Documents stored on the floor should be in boxes and under the desk.
- Make sure all coffee pots and other appliances are turned off and/or unplugged.

OFFICE MEMORANDUM

DATE: March 29, 2012
TO: All Roseville Headquarters Employees
FROM: Douglas L. Wills
Chief of Security



SUBJECT: **FIRE EVACUATION PLAN**

The Fire Protection System at our Roseville Headquarters facility consists of the following devices: smoke detectors, heat sensors, horns with strobe lights, manual pull stations and alarm annunciator keypads with English language displays.

It is each employee's primary responsibility to adhere to the following evacuation plan when the Fire Protection System's warning alarms are activated.

You must execute the evacuation plan in a quick and orderly manner. The evacuation and accounting for staff must take place within a five-minute period to be effective!

DO'S:

Leave the facility without delay via the nearest available exit.

Report to your supervisor in the north parking lot. See map on the next page.

Second floor employees should use the stairwell.

Be prepared to merge with other staff when leaving the building.

DON'TS:

Do not use elevators.

Do not run or panic.

Do not attempt to extinguish the fire yourself.

Do not re-enter the building until the Chief of Security or his designee has determined it is safe to do so.

SPECIAL ASSIGNMENTS:

Department managers will designate assistants to help staff with disabilities.

Visitors are to be escorted from the building by the employees with whom they are meeting or by their escort.

Receptionist will take the sign-in logs and turn them over to their supervisor to account for visitors.

Each supervisor will report personnel not accounted for to the Chief of Security or his representative.

AND REMEMBER:

If you are **caught in heavy smoke:** Drop to the floor, cover your mouth and nose with a cloth, take short breaths, and crawl to the nearest exit.

If you are **unable to exit the building:** Call 9-911, give the operator your name and your location within the building.

