

STATE OF MINNESOTA

# **MN.IT Services**

## **Affirmative Action Plan**

**August 2016 – August 2018**

Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

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**I. EXECUTIVE SUMMARY**

MN.IT’s 2016-2018 Affirmative Action Plan contains a diagnostic component that includes a number of quantitative analyses designed to evaluate the composition of its workforce and compare it to the composition of relevant labor pools. A review revealed underutilization of the following protected group(s) in the identified job categories:

**Table 1: UNDERUTILIZATION ANALYSIS OF PROTECTED GROUPS**

Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators		X	
Professionals		X	
Office/Clerical	X		X
Technicians			

Once MN.IT’s 2016-2018 Affirmative Action Plan is approved, information about how to obtain or view a copy of this plan will be provided to every agency employee. MN.IT’s intention is that every employee is aware of the agency’s commitments to affirmative action and equal employment opportunity. This plan will also be posted on MN.IT’s external website and internal SharePoint site on the Affirmative Action/Diversity page. The plan will be maintained by MN.IT’s Affirmative Action Officer.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.



7/29/16

Affirmative Action Officer or Designee

Date Signed



7/29/16

Human Resources Director or Designee

Date Signed



7/29/16

Commissioner or Agency Head

Date Signed

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## II. STATEMENT OF COMMITMENT

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MN.IT Services is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies, which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, status with regard to public assistance, or membership or activity in a local human rights commission.
- MN.IT is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- MN.IT will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- MN.IT will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is MN.IT'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. MN.IT strives to provide equal employment opportunities and the best possible service to all Minnesotans.



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Commissioner or Agency Head

7/29/16

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Date Signed

### III. **INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN**

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#### **A. Commissioner or Agency Head**

**Commissioner Thomas A. Baden, Chief Information Officer for the State of Minnesota**

**Responsibilities:**

The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

**Duties:**

The duties of the Commissioner shall include, but are not limited to, the following:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require all agency directors, managers, and supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

**Accountability:**

The Commissioner is accountable directly to the Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

#### **B. Affirmative Action Officer or Designee**

**Sarah Herder, Affirmative Action Officer**

**Responsibilities:**



The Affirmative Action Officer or designee is responsible for implementation of the policy's contained in the agency's affirmative action plan, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

**Duties:**

The duties of the Affirmative Action Officer or designee shall include, but are not limited to, the following:

- Prepare and oversee the Affirmative Action Plan, including development and setting of agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the agency's Commissioner of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide an agency-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

**Accountability:**

The Affirmative Action Officer is accountable directly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

### **C. Americans with Disabilities Act Coordinator or Designee**

**Sarah Herder, Affirmative Action Officer**

#### **Responsibilities:**

The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the agency's compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act - as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

#### **Duties:**

The duties of the Americans with Disabilities Act Coordinator shall include, but not limited to, the following:

- Provide guidance, coordination, and direction to agency management with regard to the Americans with Disabilities Act in the development and implementation of the agency's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the agency's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

#### **Accountability:**

The Americans with Disabilities Act Coordinator reports directly to the Commissioner.

### **D. Human Resources Director or Designee**

**Chad Thuet, Human Resources Director**

#### **Responsibilities:**

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies, including taking action to remove barriers to equal employment opportunity with the agency.

#### **Duties:**

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

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- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Ensure pre-hire review process is implemented and receives support from directors, managers, and supervisors;
- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;
- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

**Accountability:**

The Human Resources Director is directly accountable to the Deputy Commissioner.

**E. Directors, Managers, and Supervisors**

**Responsibilities:**

Directors, Managers, and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and compliance with the agency's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

**Duties:**

The duties of directors, managers, and supervisors include, but are not limited to, the following:

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- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;
- Communicate the agency's affirmative action policy to assigned staff;
- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;
- To provide a positive and inclusive work environment; and
- To refer complaints of discrimination and harassment to the appropriate parties.

**Accountability:**

Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the agency's Commissioner.

**F. All Employees**

**Responsibilities:**

All employees are responsible for conducting themselves in accordance with the agency's equal opportunity and Affirmative Action Plan and policies.

**Duties:**

The duties of all employees shall include, but are not limited to, the following:

- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and
- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

**Accountability:**

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner.

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## IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

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The following information describes the methods that MN.IT takes to communicate the Affirmative Action Plan to employees and the general public:

### A. Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The agency's Affirmative Action Plan is available to all employees on the agency's internal website at <https://inside.mn.gov/sites/mnitcommons/org/AS/HR/Pages/Affirmative-Action-and-Diversity.aspx> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

### B. External Methods of Communication

- MN.IT's Affirmative Action Plan is available on the agency's external website at [mn.gov/mnit](http://mn.gov/mnit) or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- MN.IT's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

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## V. STATEWIDE POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT

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It is the policy of the of the State of Minnesota to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment.

Any employee subjected to such harassment should file a complaint internally with the agency's Affirmative Action Officer or designee. If the employee chooses, a complaint can be filed externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the State Affirmative Action Program Coordinator in the Office of Equal Opportunity and Diversity at Minnesota Management and Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

- Notifying all employees and applicants of this policy; and
- Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

***Definitions:***

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

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

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

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or

- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur:

- Among peers or coworkers;
- Between managers and subordinates; or
- Between employees and members of the public.

Employees who experience discrimination or harassment should bring the matter to the attention of the MN.IT's Affirmative Action Officer or designee. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer or designee and all employees are expected to address or report any suspected harassment or retaliation.

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

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

Complaints of discrimination or harassment can be filed using the internal complaint procedure included in this Affirmative Action Plan.

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## **VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT**

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All employees shall respond promptly to any and all requests by the Affirmative Action Officer or designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer or designee to carry out responsibilities under this complaint procedure.

MN.IT has established the following discrimination/harassment complaint procedure to be used by all employees and applicants. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

**Responsibility of Employee:**

All employees are expected to contribute to and maintain a work environment free of verbal, psychological, social or physical harassment and to prohibit discrimination and harassment of any kind.

**Who May File:**

Any employees or applicants who believes that they have been discriminated against or harassed by reason of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

**Complaint Procedure:**

Any employee of MN.IT, contractor/consultant, applicant, or eligible candidate who believes that s/he has experienced general harassment or harassment and/or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age may file an informal or formal complaint. If you believe you have experienced behavior that violates the statewide Respectful Workplace Policy may also file an informal or formal complaint. MN.IT encourages complainants to use the following procedure:

**Filing Procedures:**

1. Complainant
  - a. If comfortable doing so, immediately inform the person perceived to be causing the harassment or discrimination that their behavior is objectionable and ask that it cease. Document the conversation, including details of date, time, place and witnesses.
  - b. If the employee is not comfortable confronting the person directly or, if after confrontation, the harassment or discrimination does not cease, report it to the applicable supervisor, manager, division director, or an employee of the Human



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Resources Division. If at all possible, employees are encouraged to use the suggested chain of supervision but are not required to do so.

- c. Maintain a written record of the instances of harassment and/or discrimination and the names of any witnesses.
- d. The complainant may also file a formal written complaint with MN.IT's Affirmative Action Officer/designee or the Director of Human Resources/designee. Formal complaints should be filed using the Complaint of Harassment or Discrimination form. This form is attached to this policy, and it is also available from the Human Resources Office and the Human Resources SharePoint site.
- e. The complainant shall respond promptly to any and all requests by the Affirmative Action Officer/designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer/designee to carry out responsibilities under this complaint procedure.
- f. The complainant shall participate in internal investigation by providing truthful, accurate and complete information.
- g. The complainant is expected to testify truthfully in administrative and legal proceedings.

2. Managers and Supervisors

- a. Receive reports of alleged unlawful discrimination and maintain a file of written documentation regarding complaints
- b. Contact MN.IT's Affirmative Action Officer/designee at (651) 201-2279 or Human Resources Representative immediately on becoming aware of a harassment or discrimination complaint.
- c. Participate in investigating complaints of harassment under the guidance of the Human Resources Office.
- d. If requested, participate in internal investigation by providing truthful, accurate and complete information.
- e. Testify truthfully in administrative and legal proceedings.
- f. Prohibit retaliation against any employee who files a complaint.

3. Affirmative Action Officer/Designee/Human Resources Office

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- a. Determine if the complaint falls within the jurisdiction of this complaint process and whether or not it is appropriate to conduct an investigation.
- b. The Affirmative Action Officer/Designee/Human Resources Office 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. Complaints may be investigated by an outside investigator or referred to another office or state agency as appropriate.
- c. The investigation may include interviews with the complainant(s), subject(s) of the investigation and witnesses. The Affirmative Action Officer/Designee/Human Resources Office may review pertinent documents including but not limited to personnel files, computer files and email.
- d. Upon completion of the investigation, the Affirmative Action Officer/Designee/Human Resources Office will submit its findings to the responsible party who is authorized to resolve the situation. If the investigation results in a finding that harassment and/or discrimination occurred, appropriate and corrective action will be taken in a timely manner. It may include discipline, up to and including discharge. Discipline will be determined on a case-by-case basis, after careful review of the relevant facts and in accordance with the relevant collective bargaining agreements, Managerial and/or Commissioner's Plans.
- e. The complainant and others who need to know will be notified of the outcome of the investigation in a timely manner, generally within 60 days of the filing of the complaint. Notification will be made in accordance with the requirements of the Minnesota Data Practices Act and other relevant laws.
- f. Disposition of the complaint will be filed with the Commissioner of the Minnesota Management and Budget within 30 days after the final determination.
- g. The Affirmative Action Officer/Designee/Human Resources Office may exceed the time limits stated in this complaint procedure when necessary. Factors may include, but are not limited to, the scope and complexity of the investigation, number of witnesses and the availability of investigation resources. This procedure will be modified if necessary to comply with contractual requirements.

This procedure does not preclude employees from immediately exercising external complaint options.

Any employee, applicant or eligible has the right to file a discrimination complaint with the U.S. Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, an appropriate court of law, or pursue other legal channels.

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## VII. REASONABLE ACCOMODATION POLICY

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State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and

A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

### **Applicant**

A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

### **Americans with Disabilities Act (ADA) Coordinator**

Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

### **Direct Threat**

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

### **Essential Functions**

Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

### **Interactive Process**

A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

### **Individual with a Disability**

An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

### **Qualified Individual with a Disability**

An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

### **Major Life Activities**

May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

### **Medical Documentation**

Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

### **Reasonable Accommodation**

An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.

Modifications or adjustments may include, but are not limited to:

- Providing materials in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes in workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking; or
- Providing a reassignment to a vacant position.

### **Reassignment**

Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

### **Support Person**

Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

### **Undue Hardship**

A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

### **General Standards and Expectations**

*Individuals who may request a reasonable accommodation include*

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

*How to request a reasonable accommodation*

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

*Timing of the request*

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

*Form of the request*

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: [Employee/Applicant Request for Reasonable Accommodation Form](#).

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

*The interactive process entails*

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

*Agency responsibilities for processing the request*

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner



The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

### ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

### Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

- Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and
- Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

### *Analysis for processing requests*

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
  - Enable a qualified applicant with a disability to be considered for the position the individual desires;
  - Enable a qualified employee with a disability to perform the essential functions of the position; or
  - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and

5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

*Obtaining medical documentation in connection with a request for reasonable accommodation*

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#).

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

*Confidentiality requirements*

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

#### Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

#### General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

*Approval of requests for reasonable accommodation*

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

*Funding for reasonable accommodations*

The agency must specify how the agency will pay for reasonable accommodations.

*Procedures for reassignment as a reasonable accommodation*

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

*Denial of requests for reasonable accommodation*

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or

- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

#### *Consideration of undue hardship*

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

#### *Determining direct threat*

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

*Appeals process in the event of denial*

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

*Information tracking and records retention*

Agencies must track reasonable accommodations requested and report once a year by September 1<sup>st</sup> to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

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## VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

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Copies of available agencies' and building weather and emergency evacuation plans can be found at the following online locations:

- Administration –  
[http://view.ext.cms.oet.mn.gov/admin/images/evac\\_plan\\_adminbuilding.pdf](http://view.ext.cms.oet.mn.gov/admin/images/evac_plan_adminbuilding.pdf)
- Agriculture –  
<https://inside.mn.gov/sites/mnitcommons/org/MDA/Documents/agriculture-emergency-procedures.pdf>
- Central/Centennial Office Building –  
[http://view.ext.cms.oet.mn.gov/admin/images/evac\\_plan\\_cob.pdf](http://view.ext.cms.oet.mn.gov/admin/images/evac_plan_cob.pdf)
- Elmer L. Anderson Human Services Building –  
[http://view.ext.cms.oet.mn.gov/admin/images/emergency\\_plan\\_andersen.pdf](http://view.ext.cms.oet.mn.gov/admin/images/emergency_plan_andersen.pdf)
- Employment & Economic Development –  
<https://inside.mn.gov/sites/mnitcommons/org/DEED/Documents/MNIT%20@DEED%20F NBB.pdf>  
<https://inside.mn.gov/sites/mnitcommons/org/DEED/Documents/MNIT%20@DEED%20Metro%20Sq.pdf>

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- Grove Street Building –  
[http://view.ext.cms.oet.mn.gov/admin/images/emergency\\_plan\\_grove.pdf](http://view.ext.cms.oet.mn.gov/admin/images/emergency_plan_grove.pdf)
- Health –  
[http://view.ext.cms.oet.mn.gov/admin/images/emergency\\_plan\\_lab.pdf](http://view.ext.cms.oet.mn.gov/admin/images/emergency_plan_lab.pdf)
- Human Services –  
[http://view.ext.cms.oet.mn.gov/admin/images/emergency\\_plan\\_andersen.pdf](http://view.ext.cms.oet.mn.gov/admin/images/emergency_plan_andersen.pdf)
- Labor & Industry –  
<https://inside.mn.gov/sites/mnitcommons/org/DLI/Shared%20Documents/MNIT%20@DOLI.pdf>
- Management & Budget –  
<https://inside.mn.gov/sites/mnitcommons/org/MMB/SiteAssets/Centennial%20Office%20Building%20Emergency%20Plan-2013.pdf>
- Natural Resources –  
<https://inside.mn.gov/sites/mnitcommons/org/DNR/collab/Shared%20Documents/safety/MNIT-DNR-Lafayette-safetyplan.pdf>
- Olive Street Building –  
[http://view.ext.cms.oet.mn.gov/admin/images/emergency\\_plan\\_olive\\_street.pdf](http://view.ext.cms.oet.mn.gov/admin/images/emergency_plan_olive_street.pdf)
- Orville L. Freeman Office Building –  
[http://view.ext.cms.oet.mn.gov/admin/images/emergency\\_plan\\_freeman.pdf](http://view.ext.cms.oet.mn.gov/admin/images/emergency_plan_freeman.pdf)
- Pollution Control –  
<https://inside.mn.gov/sites/mnitcommons/org/MPCA/Documents/MNIT%20@PCA%20Emergency%20Plan.pdf>
- Powerhouse/691 Robert Street –  
[http://view.ext.cms.oet.mn.gov/admin/images/evac\\_plan\\_691\\_robert.pdf](http://view.ext.cms.oet.mn.gov/admin/images/evac_plan_691_robert.pdf)
- Transportation –
  - <https://inside.mn.gov/sites/mnitcommons/org/DOT/Documents/MNIT%20DOT%20Capitol.pdf>
  - <https://inside.mn.gov/sites/mnitcommons/org/DOT/Documents/MNIT%20DOT%20Maplewood.pdf>
  - <https://inside.mn.gov/sites/mnitcommons/org/DOT/Documents/MNIT%20DOT%20MetroDistrict.pdf>
  - <https://inside.mn.gov/sites/mnitcommons/org/DOT/Documents/MNIT%20DOT%20Rochester%20Watonna%202012.pdf>

- Veteran Affairs –  
<https://inside.mn.gov/sites/mnitcommons/org/MDVA/Documents/MDVAEmployeeEmergencyPlan.pdf>

## REASONABLE ACCOMMODATIONS IN EMERGENCY SITUATIONS

### 1. Weather Emergency During Work Hours

Capitol Security (Department of Public Safety) monitors the National Weather Services Bulletins through the National Air Warning System (NAWAS). If Capitol Security is informed through the NAWAS system that St. Paul is in danger, a public address announcement will be made immediately directing personnel to relocate.

Upon notification by Capitol Security, the floor wardens, area monitors, and assistants will then assume their particular responsibilities, and each person with a disability who is in need of assistance will be provided with identified individuals who will help him/her during emergency procedures.

In the event of a tornado warning, assistants are designated to help the person with a disability move to the ground floor corridor. If the onset of the severe weather emergency is such that there is insufficient time to relocate to the ground floor, the area monitor shall direct the assistants to help the individual(s) with a disability move to an inner office, where there are no windows or exit doors to the outside.

### 2. Weather Emergency Notification During Non-Work Hours

When state officials determine that state offices will be closed, affected supervisors will contact employees identified as needing special notification to tell them of the closing.

### 3. Fire Emergency

When the building alarm sounds, assistants are designated to help the person with a disability to relocate him/her to a safe area of the building free from smoke or fire. One assistant will then immediately relocate to the main entrance (or other safe entrance) to await the fire department. Upon arrival of the fire department, the assistant will notify them of the individual's location and will assist fire fighters in locating the person with a disability.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the agency contact(s) below to request the type of assistance they may need:

- Karen Ricci, Office & Administrative Specialist, 651.201.1187,  
[karen.ricci@state.mn.us](mailto:karen.ricci@state.mn.us)



- Steve Wydra, Information Technology Specialist, 651.201.1253,  
[Steve.Wydra@state.mn.us](mailto:Steve.Wydra@state.mn.us)

### **Evacuation Options:**

Individuals with disabilities have four basic evacuation options, with one additional option for facilities with an evacuation chair:

1. Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
2. Stairway evacuation: Using steps to reach ground level exits from building;
3. Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
4. Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
5. Additional option for facilities equipped with an evacuation chair: Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair.

### **Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities:**

Individuals with disabilities should follow the following procedures:

- Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")): Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until

the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

- Hearing disabilities: The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- Visual disabilities: The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

**Severe Weather Evacuation Options:**

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options, based on their location in their building:

- Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- Elevator evacuation: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- Shelter in Place: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

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**IX. GOALS AND TIMETABLES**

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**A. Progress Report**

In the 2014-16 Affirmative Action Plan, MN.IT was underutilized in women in the categories of Officials/Administrators, Professionals, and Technicians/Paraprofessionals. MN.IT was also underutilized in persons with a disability within Professionals and Technicians/Paraprofessionals. MN.IT was able to meet or exceed its goals in all areas except women in Technicians/Paraprofessionals.

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MN.IT saw a significant gains for women (+32) and persons with a disability (+49) in the Professionals category. An even larger increase that is not reflected in the table below (because it was not an area of underutilization at the time) is a +85 leap in racial minorities in the Professionals category.

The agency attributes these gains to focused commitment by leadership in this area and new strategies within its hiring process, particularly ensuring that the percentage of minimally qualified protected applicants matched that of the interviewee pool. MN.IT also sent communications to staff requesting that they self-report disabilities and update their racial/ethnic identity category, if they were comfortable in doing so.

Table 2 shows the goals set in the 2014-2016 Affirmative Action Plan with accompanying progress in reaching those goals over the past two years:

**Table 2: Progress Report on 2014-16 Goals**

Job Categories	Women		Racial/ Ethnic Minorities	Persons with Disabilities	
	Goal	Status		Goal	Status
Officials/Administrators	1	+1	Not underutilized	Not underutilized	
	Goal	Status		Goal	Status
Professionals	25	+32	Not underutilized	3	+49
	Goal	Status		Goal	Status
Technicians/Paraprofessionals	2	-2	Not underutilized	1	+1
	Goal	Status		Goal	Status
Office/Clerical	Not underutilized		Not underutilized	Not underutilized	
Service Maintenance	Not underutilized		Not underutilized	Not underutilized	

**B. Affirmative Action Goals for 2016-2018**

**Analyses**

The Affirmative Action goals in this plan have been developed using both a two-factor analysis and an external-only analysis. The former considers both the internal availability of current employees who might fill a particular job, as well as the external workforce availability. The availability of both is weighted according to the percentage of internal and external employees MN.IT has hired over the past two years. The internal consideration includes transfers, promotions, and movement.

For the Officials/Administrators category only, internal availability was determined using data from both the Officials/Administrators category and the Professionals category according to the rate at which MN.IT currently hires from each into the Officials/Administrators category. This analysis for additional precision was done because of the unique nature of this EEO category, which holds MN.IT's top leadership positions and has a high percentage of internal hires.

The external factor used in both analyses is the availability of protected group members for all job categories within parallel occupations in the Minneapolis/St. Paul Metropolitan Statistical Area from the "Affirmative Action Statistics Data Packet" published by the Minnesota Department of Employment and Economic Development using American Community Survey compilation data from 2006-2010. This data set was used to achieve the most accurate comparison possible between MN.IT's workforce and the external job market. The geographic area was selected because 98% of MN.IT's external hires last year fell within this boundary.

The external-only analysis was added because there was higher external availability of protected group members in some categories, and MN.IT is committed to an increasingly diverse workforce. The external-only analysis is a straightforward comparison between MN.IT's workforce and external market availability.

#### Difference in External Factors

The external factor used in this 2016-2018 Affirmative Action Plan is different than that used in the 2014-16 Plan, which used general workforce availability for the Minneapolis/St. Paul Metropolitan Statistical Area (rather than occupation-specific availability). The percentage of women available in the overall workforce far exceeds occupation-specific availability, so the underutilization of women would have appeared much higher using that standard. (An explanation of this was included in the 2014-16 Plan.) The percentage of minorities available externally using the occupation-specific statistics will be higher, however. Therefore, while MN.IT made significant gains in hiring racial minorities in the Professionals category, the underutilization analysis will not demonstrate this. External availability of persons with disabilities has been set at 7% across the board, so will not be impacted in the same way.

#### **Underutilization Results**

Underutilization analysis worksheets are attached as appendices. However, due to the difference in external availability data, the underutilization comparisons are not entirely valid. A better measure of progress may be found in Table 2, which documents simple raw data gains.

MN.IT's current areas of underutilization are documented in Table 3:

#### **Table 3. Underutilization Analyses (Two-Factor Analysis and External-Only Analysis)**

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Job Categories	Two-Factor Analysis			External-Only Analysis		
	Women	Racial/ Ethnic Minorities	Persons with Disabilities	Women	Racial/ Ethnic Minorities	Persons with Disabilities
Officials/ Administrators	-	1	-	3	5	-
Professionals	-	12	-	-	49	-
Office/Clerical	2	-	1	3	-	1
Technicians/ Paraprofessionals	-	-	-	-	-	-

**Hiring Goals**

In addition to the underutilization analyses above, some additional considerations when goal-setting included: number of anticipated hires, and specifically new hires, in each EEO category over the next two years; anticipated retirements in the same time period; and the extent to which the goals were assertive and attainable.

Based on the underutilization analyses and additional data gathered, MN.IT set hiring goals for 2016-2018 that are displayed in Table 4 below.

**Table 4. Hiring Goals for 2016 – 2018**

Job Categories	Women	Racial/ Ethnic Minorities	Persons with Disabilities
Officials/ Administrators	2	4	-
Professionals	-	30	-
Office/Clerical	1	-	1
Technicians/ Paraprofessionals	-	-	-

Discussion of Goals:

A discussion of progress and goals for each protected group is included below. For all protected groups, the agency will seek to meet affirmative action goals through communication and

education, professional development opportunities within MN.IT, and forward-thinking hiring practices that make the entire process as fair and equitable as possible.

*Women:*

The two-factor analysis used for this Plan did not show underutilization in women within Officials/Administrators, but the external-only analysis showed MN.IT was underutilized by three women in this group. Therefore, MN.IT set a goal of hiring two additional women in this EEO category. Both analyses indicated an underutilization of women in the Office/Clerical category. This is due to the very high representation of women in this category in the external marketplace. MN.IT set a goal to hire one additional woman in this area.

*Racial Minorities:*

Both analyses showed underutilization of racial minorities in both the Officials/Administrators and Professionals categories. The two-factor analysis indicated a shortcoming of one employee in Officials/Administrators, and the external-only analysis indicated five. Based on all available data, MN.IT decided to set an aggressive hiring goal of 4 additional employees in this area. Within the Professionals category, the two-factor analysis showed an underutilization of 12 employees, and the external-only showed 49. MN.IT added 85 employees who are racial minorities to this category in the previous two years and determined that an additional 30 was reasonable and assertive at this time. This will bring MN.IT closer to the eventual goal of 20% racial minorities that Governor Dayton has set to reflect the Minnesota community at large.

*Persons with Disabilities:*

Both analyses indicated that MN.IT was underutilized in persons with a disability by one employee within the Office/Clerical category. MN.IT set a goal of one additional hire, accordingly. While no other EEO category shows underutilization, and MN.IT has achieved the Governor's goal of 7% within state employment, MN.IT will continue to monitor this area, as the agency is experiencing high rates of retirement, and retirees have a statistically higher proportion of persons with a disability than the overall workforce. These losses will likely necessitate increased hiring goals in the future.

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## X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

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In pursuing its commitment to affirmative action, MN.IT will take the following actions during 2016-2018:

**Objective #1: Regularly monitor and report on progress to address underutilization of protected groups.**

*Action Steps:*

- Track and report application, interview, and hiring data.
- Highlight progress, or lack thereof.
- Review applicant pool data.
- Address specific issues, as needed.

*Evaluation:*

MN.IT staff will collect monthly data to observe and evaluate new hire metrics and current workforce makeup for the agency as a whole, as well as at different geographic locations. This ongoing tracking will keep managers and supervisors informed on current demographics and where hiring efforts should be focused.

**Objective #2: Continue striving to ensure that the percentage of protected class applicants who meet minimum qualifications matches the percentage of protected class interviewees in underutilized job categories.**

*Action Steps:*

- AAO will meet with Staffing representatives and Human Resources management to determine areas of improvement and hone practices.
- Staffing representatives will continue to analyze initial interviewee pools and make requests of hiring managers to add interviewees as necessary without revealing to which protected category the interviewee belongs.

*Evaluation:*

MN.IT staff will routinely monitor applicant and interviewee pools. AAO will produce quarterly progress reports and share them with the Commissioner and Director of Human Resources.

**Objective #3: Create new opportunities by a) increasing the number of entry-level positions at MN.IT and b) laying out clear career pathways for entry-level and experienced IT professionals.**

*Action Steps:*

- Gather input from hiring managers and others on barriers to implementation.
- Provide guidance to hiring managers, where possible.
- Create a visualization of career pathways within MN.IT.
- Offer professional development to diverse staff to improve their opportunities for career advancement at entry and senior levels.

*Evaluation:*

MN.IT staff will track and report on the number of jobs available at each level of the ITS series to identify where progress is being made and what areas still need to be addressed.

**Objective #4: Research new ways of improving processes, policies, and practices to attract and retain diverse talent.**

*Action Steps:*

- Look to other AA Plans across state agencies to identify potential areas of growth and change within MN.IT.
- Research possible actions to improve processes, policies, and practices, such as offering applications to hiring managers without identifying information.

*Evaluation:*

MN.IT's AAO will visit this topic regularly with Human Resources and with other affirmative action and diversity and inclusion (D&I) staff at other agencies. The AAO will also attend professional development events to further this objective.

**Objective #5: Use the AA Plan as a benchmark and guide to improve upon areas of underutilization, making adjustments where necessary to keep the document meaningful and dynamic.**

*Action Steps:*

- Use the AA Plan in establishing work plans and products throughout 2016-2018.
- Share the Plan and hiring goals with employees, supervisors, and managers.
- Offer resources and training on the Plan.

*Evaluation:*

The AAO will monitor and report out on the action steps being taken within the AA Plan in meetings with MN.IT's Commissioner and Director of Human Resources.

**Objective #6: Build and maintain external relationships with constituencies that can help address underutilization areas.**

*Action Steps:*

- Stay connected to ACCESS community and D&I staff across state government.
- Identify and grow external network and resources.
- Attend trainings and workshops.



*Evaluation:*

This is an ongoing objective for the AAO and Human Resources. Many partnerships have been established. The agency now needs to continue to nurture those relationships and find ways to further engage with diverse groups at the intersection of Information Technology.

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**XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS**

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**A. Pre-Employment Review Procedure/Monitoring the Hiring Process**

MN.IT will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. MN.IT will use the monitoring the hiring process form in underutilized areas to track the number of women, minorities, and individuals with disabilities in each stage of the selection process.

Human Resources will work closely with hiring managers and directors to review the requirements for the position, post the position, and assist with interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Human Resources will consult with the AAO on this process. Directors, managers, and supervisors will be asked to provide adequate documentation of their hiring decisions, which will be reviewed by Human Resources and the AAO.

Any time MN.IT cannot justify a hire, staff will regard and record the hire as a missed opportunity. Agency leadership will be asked to authorize the missed opportunity. MN.IT will report the number of affirmative and non-affirmative hires, as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are offered interviews, employees scheduling interviews will provide an invitation to request a reasonable accommodation for individuals with disabilities to allow the candidate an equal opportunity to participate in the interview process.

MN.IT has included in its Vision Statement its priority to diversify its workforce. All personnel involved in the selection process will be trained and accountable for MN.IT's commitment to equal opportunity and the affirmative action program, including its implementation. The following outlines the procedure when a vacancy occurs as well as who is responsible:

ACTION STEPS	RESPONSIBLE PARTY
Human Resources screens and forwards all applicants meeting the minimum qualifications for the position to the hiring manager/supervisor.	HR Representative
Human Resources notifies all applicants who did not meet minimum qualifications.	HR Representative

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Hiring manager/supervisor screens qualified applicant pool and selects candidates for interviews.	Hiring Supervisor/Manager
Hiring manager/supervisor submits their list of interview selectees to their HR Staffing Representative before scheduling any interviews.	Hiring Supervisor/Manager
HR Staffing Representatives send hiring managers/supervisors instructions to either proceed with the interview process, as planned, or to add candidates to the interview pool.	HR Representative
Hiring managers/supervisors submit the names of any candidates that were added to the interview pool before scheduling any interviews.	Hiring Supervisor/Manager
Hiring managers/supervisors may proceed with scheduling and conducting interviews.	Hiring Supervisor/Manager
Hiring managers/supervisors discuss candidate selection with Human Resources prior to making a job offer.	Hiring Supervisor/Manager
If selection is not an affirmative hire in an underutilized job category, hiring managers/supervisors prepare a written rationale documenting the exceptional qualifications of the non-protected candidate, as well as the rationale for not selecting other qualified candidates.	Hiring Supervisor/Manager
HR Staffing Representative ensures rationale meets standards and includes it in the MTHP report.	HR Representative
AAO reviews justification statements on a regular basis and consults with HR about the standards for such rationale.	Affirmative Action Officer
Hiring manager makes the offer.	Hiring Supervisor/Manager
All parties adhere to Minnesota Government Data Practices Act, Section 13.43: Protected group status & information regarding the pre-employment selection process is not disclosed.	HR Representative Hiring Supervisor/Manager Division Director Affirmative Action Officer

**B. Pre-Review Procedure for Layoff Decisions**

MN.IT will make layoff determinations consistent with applicable bargaining unit contract/plan language. The human resources staff and affirmative action officer will review layoff proposals prior to implementation to determine the effect on agency affirmative action goals and timetables and will consider alternative layoff options. 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.

If it is determined that there is an adverse impact on protected groups, MN.IT will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. MN.IT will determine if other alternatives are available to minimize the impact on protected groups.

### **C. Other Methods of Program Evaluation**

The agency submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (within 30 days of final disposition).

The agency will also evaluate this Affirmative Action Plan in the following ways:

- Monitor quarterly progress toward stated goals by job category and location with reports to leadership;
- Analyze employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
- Analyze employee engagement survey results by protected group to identify potential issues of concern and address accordingly;
- Request stay interview results from supervisors and managers and analyze the results;
- Analyze compensation program to determine if there are patterns of discrimination;
- Review the accessibility of online systems and websites and ensure that reasonable accommodations can be easily requested; and
- Discuss progress with agency leadership on a periodic basis and make recommendations for improvement.

## **XII. RECRUITMENT PLAN**

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The objective of this recruitment plan is to ensure the agency's recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and assist in meeting the affirmative action goals to achieve a diverse workforce.

Recruitment costs incurred during the 2014-2016 plan were as follows:

- FY 15 - \$19,646
- FY 16 - \$23,532

The anticipated budget for FY 17 is \$25,000. Following are various recruitment methods or strategies utilized by the agency during the past year and plans for the upcoming years 2016-2018. The most commonly used sources are career websites, both paid and unpaid sourcing, school and college career services, job fairs, open houses, professional organizations, and current employees.

MN.IT utilized a blend of paid advertising and free events, with a variety of focus on student recruitment, disability recruitment, veteran recruitment, and specialty skill recruitment (e.g., Project Management, GIS, etc.). These strategies have been determined to be highly effective through a process of resume collection at each event, compilation into a MN.IT database, and ongoing communication with candidates. MN.IT's Recruitment Director uses fields such as graduation date and specialty skill to target communications and sends mass communications to promote new career opportunities.

For FY 2015 & 2016 combined, there were over 60 Career Events and 10 presentations. MN.IT continues to re-evaluate new and old events to ensure it is meeting the needs of the organization and is diversifying its outreach to potential job seekers.

### **A. Advertising Sources**

#### **PAID:**

FY 15: \$10,500

FY 16: \$15,438

MN.IT's paid advertising for FY 16 was as follows:

- Drupaljobs.org
- ISACA
- ISSA
- Minnesota Jobs-sponsored billboard listing MN.IT Services in Downtown Minneapolis in April 2016 (\$4,000)
- StackOverFlow annual subscription to a professional site for programmers to discuss and correct programming code (\$2,000)

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- Unlimited annual advertising package with Minnesota Jobs, which also sweeps postings on Indeed, SimplyHired, and DiversityMN (\$6,400). See delineation of costs and associated statistics below for the 590 total jobs posted.)

	CY 2015	CY 2016
# Jobs posted	394	196
Price per posting	\$16.24	\$32.65
# of views	104,948	47,183
Price per view	\$.06	\$.14
# Clicked to apply	1,555	1,591
Price per applicant	\$4.11	\$4.02

**UNPAID:**

MN.IT also took advantage of the following unpaid advertising sources:

- Brown College
- Capella University
- Cybrary
- DEED: MinnesotaWorks
- Ebenefits
- Facebook
- Globe/Minnesota School of Business
- HireMNgrads (posts to all state college sites)
- LinkedIn
- Metro State
- MMB Diversity Recruitment Office’s diversity email blast
- MNGISLIS
- Project Management Institute (PMI)
- Rasmussen
- Twitter
- U of M: Goldpass
- University of Wisconsin, River Falls

**B. Job and Community Fairs**

MN.IT participates in numerous job and community fairs throughout the year to promote jobs and recruit candidates. Following is a breakdown of these events:

Community Presentations:

- State Employer Panel Presentation at Job Connect

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- JFCS Employer Breakfast Presentation
- Goodwill Easter Seals Presentation to 20 Job Placement Specialists
- Wilder Layoff Group – Presentation on State Careers and Hiring Process
- 34<sup>th</sup> Annual Government IT Symposium – Initiatives and Strategies to Increase Diversity in IT
- Minnesota Digital Government Summit – Future of IT Workforce
- DeVry University – Strategic Recruitment

#### Events Focused on the Disability Community:

- Minneapolis Placement Partnership Disability Career Event
- South Metro Placement Partnership Diversity/Disability Career Event

#### Events Focused on Ethnic/Racial Diversity:

- DEED Diversity Career Event (x2)
- Minneapolis South Workforce State Agency Career Event
- Minneapolis Urban League – Employer of the Day and Career Event (x2)
- Takoda/AIOIC Career Event
- Takoda Institute Career Fair

#### Events Focused on Veterans:

- DEED Veterans Career Fair (x2)
- Hiring Our Heroes
- MACV Stand Down Event
- US Dept. of Veteran Affairs Career Fair

#### General Job Seeker Events:

- Employer of the day – Mpls Workforce Center
- Get Jobs Job Fair (x2)
- John Kline Career Fair
- Minnesota Jobs/93X Career Fair

#### Specialty Skill Events:

- Bloomington Workforce Center IT Career Event
- Cyber Security Summit
- Dice Targeted Career Fair (IT Professionals) (2)
- Imation Layoff Event
- Project Management Institute Career Fair (2)
- SFS Cyber Corps Virtual Career Fair
- U of M, GISSO GIS Networking and Career Fair (2)

### **C. College and University Recruitment Events**

MN.IT has established many different partnerships with academic institutions around the metro area, state, and region. MN.IT's recruiter has developed relationships with faculty and staff at these institutions to provide a mutually beneficial pathway for communication and information about the type of recruits that MN.IT needs and the skills that recent graduates will have when entering the workforce.

The demographic of new graduates is one with a considerably higher percentage of racial and ethnic minorities, and thus MN.IT strives to not only recruit these students, but is also working to create more entry-level positions to facilitate a pipeline of diverse future talent.

Following is a list of schools, colleges, and universities with which MN.IT has partnered to promote its jobs and source candidates:

#### High School:

- Spokesman Recorder – HS Diversity Career Expo
- STEM Career Event – Irondale HS

#### Training/Bootcamp Programs:

- IT Futures/IT Ready Career Event
- IT Ready Class Graduation Event
- Prime Digital Academy Career Event
- Software Guild Interviewing Event

#### Technical/College/Universities:

- Advance IT Virtual Career Event
- Advance IT/MnSCU/Century College Career Event and Networking Mixer (x2)
- Anoka Technical College working with IT Faculty for Interns
- Brown College Virtual Event
- Hennepin Technical College Career Events (x2)
- MCTC/Advance IT Career Event
- Minnesota School of Business/Globe Career Event (x2)
- Rasmussen College & Community Career Fair (x2)
- St. Cloud University Science and Engineering Job and Intern Event
- U of M Engineering and Technical Career Fest
- U of M Job and Internship Fair (x2)
- UW River Falls Career Fair
- UW River Falls Mock Interview Event (x4)
- UW River Falls Networking Event

Student Presentations:

- AchieveMpls – Broadway High School - presentation to all female school on IT Careers
- Advance IT Security Bootcamp – IT Security Careers in Government
- Presentation of IT Careers at 2016 TechCities Conference, Carlson School of Management

**D. Diversity Recruiter**

MN.IT will utilize Minnesota’s Statewide Executive Recruiter, Anika Ward, to help recruit for top leadership positions to help reach our goals within the Officials/Administrators category and ensure that agency leaders reflect the agency as a whole.

**E. Recruitment for Persons with Disabilities**

In addition to previously mentioned activities, MN.IT will carry out the following as a means of pursuing persons with disabilities in its recruitment efforts:

**1) Chief Information Accessibility Officer (CIAO)**

MN.IT has prioritized accessibility, utilizing a unique position to ensure accessibility in all communications. MN.IT employee Jay Wyant is the State’s CIAO, and as such, works with state agencies to define best practices, design and implement strategies to change organizational culture, improve procurement processes, and organize communities of practice, all focused on ensuring that the State's information and services are fully accessible to its citizens and employees.

**2) Job Postings**

MN.IT will review job postings for physical and sensory requirements to determine whether the qualifications listed are job-related and consistent with business necessity. Additionally, our agency will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.

**3) Self-Identification**

At the time of application and once a year, MN.IT will communicate to its employees that the agency collects summary data related to the number of individuals who have applied for positions and who are in our workforce. MN.IT will inform employees that it collects this summary data to make determinations about where improvements need to be made in terms of recruitment, selection, or retention of individuals with disabilities.



**4) Supported Employment (M.S. 43A.191, Subd. 2(d))**

- a. MN.IT supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. MN.IT will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.
- b. MN.IT will implement and ensure that reviews of positions are taking place. MN.IT will work with VRS or the MMB State ADA Coordinator to receive assistance in these efforts.

**5) Connect 700 Program**

Where possible, MN.IT will utilize the Connect 700 Program, which allows hiring managers to hire an individual with a disability and provide them training. At the end of the trial period, MN.IT can hire the individual.

**6) Accessibility Matters Campaign**

MN.IT will distribute marketing material and resources to our staff to remind them to create accessible electronic documents and systems so that employees with disabilities can access the same information and resources as other employees.

**7) Reasonable Accommodations**

MN.IT will prominently display on its website that staff members will provide reasonable accommodations to qualified individuals with a disability who apply for its positions, as needed. Once hired, MN.IT will educate employees, supervisors, and managers on accommodating employees in the workplace. MN.IT's AAO conducted a Lunch and Learn on reasonable accommodations in February 2016 and provides individual consultations with managers, candidates, and employees on a regular basis.

**8) Strategic Partnerships**

- a. Vocational Rehab Services (VRS): MN.IT has built a partnership with Vocational Rehab Services (VRS) at DEED. MN.IT staff has assisted with informational interviews and resume reviews and receives notices of special events to attend that are focused on the disability community.
- b. Return2Work Solutions: MN.IT's Recruitment Director meets with clients of placement specialists that work with individuals who have had work comp injuries and have been retrained in a new field and are now seeking jobs. MN.IT will continue to conduct informational interviews for clients and resume reviews for individuals served by Return2Work Solutions.

- c. Other Events: MN.IT has developed numerous partnerships that allow staff to attend events and career fairs focused on the disability community (please see “B. Job and Community Fairs”).

**9) Self-Analysis**

MN.IT will conduct periodic self-assessments to determine if its systems and documents are accessible, language in job postings is inclusive, reasonable accommodations have been provided, and staff have been trained on how to provide reasonable accommodations.

**10) Reporting**

MN.IT will conduct a quarterly analysis of the number of persons with disabilities who have applied for positions and the number of persons with disabilities hired.

**F. Relationship Building and Outreach**

MN.IT Services is an active member of MNCARRS (Minnesota Community Advisors on Recruitment and Retention Solutions) and has built several valuable partnerships with community partners in the program. MN.IT Services has attended career events, and staff have completed formal presentations for placement specialists and job seekers. MN.IT Services also meets directly with these partners and meets with the individuals they refer for mock and informational interviews and resume reviews:

- AchieveMpls
- Goodwill Easter Seals
- Jewish Family and Children Services
- Minneapolis Urban League
- Ramsey County – Job Connect
- RESOURCE/Employer Action Council
- Takoda Group (AIOIC)
- US Department of Veterans Affairs
- YWCA

MN.IT also partners with programs and groups that focus on layoffs and job transition. MN.IT attends program meetings and sponsored events and meets directly with clients that are referred. These programs and groups include:

- First Tuesday Networking Group
- Rapid Response Team (DEED)
- RESOURCE
- Wooddale Job Transition Group

MN.IT has built relationships with several educational programs. This includes presenting to classes, participating in employer board meetings, attending recruitment events, and presenting on employer panels. Following are academic institutions with which MN.IT has developed strong relationships with educational/program staff:

- FUSION/ Advance IT/Metro State
- IT Futures/IT Ready
- Prime Digital Academy
- Scholarship for Service, Security Students enrolled in program, in various schools (only one in MN – St. Cloud State University)
- Software Guild
- U of M Technology Leadership Institute – Security Master’s Program

Other valuable partnerships created:

- MN.IT’s Recruitment Director co-leads the State Recruiters quarterly meeting, where discussions are had regarding the most valuable events, measuring results, and connecting with other state agencies and HR staff/recruiters to share and promote candidates.
- MN.IT’s Recruitment Director works with Hennepin County’s IT Department leadership to discuss hiring strategies and classification efforts.

These partnerships were of great value to MN.IT’s recruitment efforts, as it enabled staff to learn what students are gaining through formal training and certifications and how staff can assist them in gaining state employment, or at least, understanding barriers to employment. Currently MN.IT Services is working on Career Paths for non-traditional IT hires so that graduates from these programs can be eligible for entry-level employment in IT.

MN.IT Services will continue to evaluate the partnerships that have been built and continue to develop strategic partnerships to further improve recruitment efforts.

## **G. Internships**

MN.IT primarily provides internships under the Student Worker classification so that students can complete any needed internship requirements and then continue as a part-time student to gain professional work experience until nearing graduation.

MN.IT Services has multiple student workers across the agency (in the fields of IT, HR and Communications). To recruit for these positions, MN.IT sends email communications to career development offices, professors, and students currently in the state applicant system. Advertising is done through student job boards and connecting directly with students that MN.IT has met through presentations, mock interviews, and career events.

In 2015, MN.IT was the first state employer accepted into the Scholarship for Service (SFS) program that was originally established for federal employment only. SFS is a scholarship program that trains students in IT Security, and upon graduation, students agree to work for government for at least two years. In 2016, MN.IT hosted four students from this program for summer internships.

In FY 2014, MN.IT had one unpaid intern from Anoka Technical College, placed at MN.IT @ DHS within the Network Engineering Team.

The most valuable recruitment of students comes from completing mock interviews, where a one-on-one discussion can be had to understand more about students' career interests and skill sets.

#### **H. Additional Recruitment Activities**

1. MN.IT Services purchased a "widget" through the paid advertising vendor, Minnesota Jobs, which allows all of the jobs posted through paid advertising to also be shown on the MN.IT website ([www.mn.gov/mnit](http://www.mn.gov/mnit)).
2. MN.IT began using GovDelivery as an email messaging system in April 2016. The email blast is branded as "MN.IT HOT JOBS" and is sent twice a month to highlight career opportunities, provide a link to all open MN.IT positions, notify interested individuals of MN.IT's location at upcoming career events, and provide features such as tips for resumes and information on state benefits. Metrics are available to see how many job seekers read this publication and what links they select. It has been proven to be a valuable tool to keep in communication with the more than 2,000 job seekers, community partners, placement specialists, and interested individuals who sign up while visiting MN.IT's website.
3. MN.IT is actively working with Minnesota Management and Budget (MMB) to establish reporting in the new applicant system (Recruiting Solutions) that will allow staff to track employee referrals and move forward with establishing a referral program.
4. MN.IT partnered with other state agencies to apply for a Minnesota State Careers booth at the Minnesota State Fair for 2016. The State was able to secure a booth in the Education Building. MN.IT will continue to be a part of this effort to promote the State as an employer of choice.
5. MN.IT plans to work with other state agencies to host an all-state agency career event in Fall 2016.

6. MN.IT responds to applicant inquiries and concerns and meets with interested applicants who have concerns about barriers in the system in order to better understand and recruit diverse talent.

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### XIII. RETENTION PLAN

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MN.IT Services is committed not only to the recruitment of women, minorities, and individuals with disabilities, but also to the retention of employees belonging to these protected groups.

#### A. Individual(s) Responsible for the Agency's Retention Program/Activities

Sarah Herder, Affirmative Action Officer, 651-201-2574, [sarah.herder@state.mn.us](mailto:sarah.herder@state.mn.us)

#### B. Separation and Retention Analysis by Protected Groups

MN.IT had 249 total separations in FY 2015-2016. Approximately 49% were retirements, 44% were resignations, and 6% were dismissals/non-certifications. One percent was due to deaths, and less than one percent was due to layoffs. MN.IT had no enhanced separations or terminations without rights.

Ninety-three percent of all MN.IT jobs fall within the Professionals EEO category, and therefore the picture of the agency as a whole largely reflects this category. The remaining EEO categories combined had 16 separations: 8 employees from the Officials/Administrators category, 5 employees from Technicians and Paraprofessionals, and 3 employees from Office/Clerical. Separation statistics for which  $n > 10$  are analyzed below.<sup>1</sup> Where a given type of separation has fewer than 10 employees, EEO statistics are suppressed for issues of data privacy.

##### Women

Total separations by women were fairly proportionate to their representation in the workforce overall. Women make up 38% of the agency overall ( $n=2153$ ) and represented 37% of all separations ( $n=249$ ) in the past two years. Women were slightly overrepresented in retirements, comprising 41% of all retirements ( $n=121$ ). They were underrepresented in resignations, making up 33% of all resignations ( $n=110$ ) and just slightly underrepresented in dismissals, at 36% of total dismissals ( $n=14$ ).

Women make up 38% of all employees in the Professionals category and represented 38% and 36% of retirements and dismissals/non-certifications, respectively ( $n=112$  and 14).

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<sup>1</sup> "N" is the total number of the population in a given statistic (the denominator). For example, if women make up 37% of the agency overall, and  $n=2125$ , there are 2125 total employees, and 37% of all employees are women.

However, women were underrepresented in resignations, making up only 28% of these separations (n=100).

#### Racial Minorities

Racial minorities were slightly underrepresented in separations overall, making up 17% of the agency as a whole, but representing 12% of all separations. Racial minorities were underrepresented in resignations and retirements, comprising 15% and 6% of the respective groups. In dismissals/non-certifications, however, racial minorities were overrepresented, making up 36% of this separation category.

Similarly, within the Professionals category, racial minorities represented 17% of all employees, but comprised only 11% of all Professional separations. Racial minorities made up 15% of all resignations, 5% of all retirements, and 36% of dismissals/non-certifications.

#### Persons with a Disability

Persons with a disability were overrepresented in separations overall, comprising 7% of the agency workforce, but representing 10% of all separations. Persons with a disability comprised 13% of all retirements, 7% of resignations, and 14% of all dismissals/non-certifications.

These statistics are nearly mirrored within the Professionals EEO category, where persons with a disability represent 7% of all Professional employees and 10% of total Professional separations. Their overrepresentation was in retirements, where they made up 13% of all retirees, as well as in dismissals/non-certifications, where they made up 14% of all separations.

### **C. Methods of Retention of Protected Groups**

MN.IT will continue to seek new and innovative ways to retain qualified protected group employees that it has recruited. Specific efforts include:

#### **1. MN.IT Inclusion Committee**

MN.IT currently has an executive team committee focused on diversity and inclusion. In the upcoming two years, MN.IT will use the findings and recommendations of that group to create a new committee focused on workplace inclusion, with representatives from protected groups across the agency. The aim of this Inclusion Committee will be to bolster MN.IT's vision to "create a workforce that includes variety of backgrounds, styles, perspectives, values and beliefs." This committee will also move "beyond diversity" to better understand our diverse employees' experiences, what attracted them to MN.IT, what motivates them and keeps them with the agency, and the type of environment that will allow them to be as productive as possible. Part of this group's intention will be to identify and attain educational opportunities that will help build and perpetuate such an environment.

**2. Educational Programming**

MN.IT has begun educational programming on diversity- and inclusion-related policies, practices, and topics. The AAO and MN.IT's Inclusion Committee will continue to look for educational needs and identify opportunities to address those areas through Lunch and Learns, regular D&I communications, and other educational programming.

**3. Pipeline Project**

MN.IT will offer professional development through training and certification opportunities through the Pipeline Project grant to encourage retention by allowing for professional growth, development, and advancement within the agency. The grant will allow \$6,000 per employee per year for up to 25 employees. Diverse employees will be given an advantage in recipient selection.

**4. Engagement Survey**

MN.IT will include demographic data in its agency-wide employee engagement survey in order to analyze employee response data by protected group. This will allow MN.IT to identify potential issues and address them through more in-depth information gathering, trainings to address particular concerns, or other means.

**5. Stay Interviews**

As a follow-up to the employee engagement survey, MN.IT will encourage supervisors and managers to conduct "stay interviews" with current employees. These interviews can simply be an extension of routine 1:1 meetings, but will seek to attain personal information that employees wish to share on their work environment, what keeps them at MN.IT, and the opportunities they need to continue with MN.IT in the future.

**6. Exit Survey**

MN.IT will transition its exit survey to an e-questionnaire format to improve efficiency and ready access to data for analysis and reporting. Anonymous or aggregate results of this survey will be shared with MN.IT leadership and management within the departments of concern, where appropriate.

**7. Mentorship Program**

MN.IT will continue to offer its Mentorship Program, which was originally established in 2013. This program connects mentees and mentors from all levels of the organization. The purpose of the program is for mentors to share professional skills, knowledge, experiences, insight, wisdom, and institutional knowledge in a setting of trust and confidentiality that prepares the mentee for a higher level of performance, productivity or achievement. It also benefits the agency by increasing communication and knowledge throughout the organization.

Participants are offered career counseling and a resume review, as well as a six-month connection with their mentor. MN.IT now encourages diverse employees to participate in the Mentorship Program.

To improve the employee experience with this program, MN.IT created a Mentorship Resource Page in August 2015 with all relevant information and resources, including the application, session dates, and mentorship data from past participants.

**8. Emerging Leaders Institute (ELI) and Senior Leaders Institute (SLI) Programs**

MN.IT encourages all of its employees to take advantage of the ELI and SLI Programs, and will encourage diverse employees to apply in future communications about the opportunity. The agency decided to add rigor to the application process in 2016 by adding an interview to the selection process. The interview panel was comprised of five people, one of whom was a woman and one of whom was a racial minority. The panel determined that between candidates otherwise equal in qualifications, the recommendation would go to the diverse candidate. Ninety percent of the ELI candidates and 50% of the SLI candidates recommended by the panel belonged to a protected class.

**9. Performance Evaluation Metrics**

MN.IT has added performance evaluation metrics around inclusion for managers and supervisors and all employees to emphasize the importance of inclusion and bring consciousness to what inclusion looks like in everyday interactions with colleagues, supervisors, and supervisees.

**10. Employee Resource Groups (ERGs)/Business Resource Groups (BRGs)**

MN.IT will talk to employees currently associated with ERGs/BRGs in other agencies and research opportunities for ERGs/BRGs at MN.IT and/or in collaboration with other state agencies.

**11. Human Resources Directors Partnership (HRDP) Diversity & Inclusion (D&I) Working Group**

MN.IT's Human Resources Director initiated, and is currently chairing, a new working group focused on diversity and inclusion. The group's goals are as follows:

- Review, prioritize and develop strategies for implementing the July 2015 recommendations from the EO/AA Workgroup in the Reengineer of the Hiring Process Project.
- Develop regular and consistent diversity and inclusion communications to distribute to agency staff in order to create awareness, commitment, goals and, outcomes around diversity and inclusion.



- Develop guidance on how to use the 2016-2018 Affirmative Action Plan continuously and more effectively.

**12. MN.IT Careers Page**

Created on the Commons/Intranet SharePoint site in August 2015, this page was announced to all employees via email and Morning Java. This site maintains information on what MN.IT is doing, how to get involved with recruitment and retention efforts, and career development opportunities. The page lists events that MN.IT is attending, community partnerships that staff have formed, and provides information on how to make a referral, post on social media, or suggest/attend a recruitment event. The section on career development links to training opportunities and current career opportunities and provides information on the mentorship program, how to schedule a career consultation, and total compensation information.

**APPENDIX A: COMPLAINT OF DISCRIMINATION/HARASSMENT FORM**



**COMPLAINT FOR HARASSMENT, DISCRIMINATION OR RESPECT IN THE WORKPLACE**

**Purpose and Intended Use of Data Collected on this Form**

This form is being used to obtain information needed to investigate your complaint of harassment, discrimination or respect in the workplace. You are not legally required to provide this information, but without it, we may not be able to investigate your complaint. The data you provide on this form will be provided to individuals within MN.IT Services who need to access the data for investigation purposes. Under certain circumstances, other entities may have a legal right to access the data, including Minnesota Management and Budget, applicable labor organization(s), Department of Human Rights, Equal Employment Opportunity Commission, Attorney General, and the Legislative Auditor.

**Information about you:**

Your Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Division: \_\_\_\_\_ Phone: \_\_\_\_\_

Supervisor: \_\_\_\_\_

**Indicate below names of any individual(s) who you believe discriminated against, harassed you or did not show respect:**

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

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

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

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

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

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

**Indicate below the basis on which a harassment or discrimination complaint is being filed (check all that apply):**

<input type="checkbox"/> General Harassment	<input type="checkbox"/> Race	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Color
<input type="checkbox"/> Creed	<input type="checkbox"/> Marital Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion	<input type="checkbox"/> Gender/Sex
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Status regarding public assistance	<input type="checkbox"/> Membership in local commission	

**Check the box below to indicate a respect in the workplace complaint is being filed:**

<input type="checkbox"/> Respect in the Workplace
---

**Nature of complaint - Please describe the circumstances that occurred that cause you to file this complaint. Include names, types of behavior, location and dates of events. Attach additional sheets if necessary.**

**Identify the date and time the most recent act of discrimination, discriminatory harassment or lack of respect took place:**

**Were there any witnesses to what you've described above? If so, please list the names and work location of the witnesses. If you do not know witnesses' names, provide a job title or other identifying information if you can do so.**

- 1.
- 2.
- 3.

**I hereby certify that the information I provided on this form is true and correct to the best of my knowledge.**

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Received by

\_\_\_\_\_  
 Date

**APPENDIX B: Employee/Applicant Request for ADA Reasonable Accommodation Form**



**State of Minnesota**  
**Employee/Applicant Request for ADA Reasonable Accommodation Form**

The State of Minnesota is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

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Employee Name

Job Title

---

Work Location

Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

**Questions to clarify accommodation requested.**

1. What specific accommodation are you requesting?
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
  - a. If yes, please explain.

**Questions to document the reason for the accommodation request** *(please attach additional pages if necessary).*

1. What, if any job function are you having difficulty performing?
2. What, if any employment benefit are you having difficulty accessing?
3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?
4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

### **Information Pertaining to Medical Documentation**

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

**This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.**

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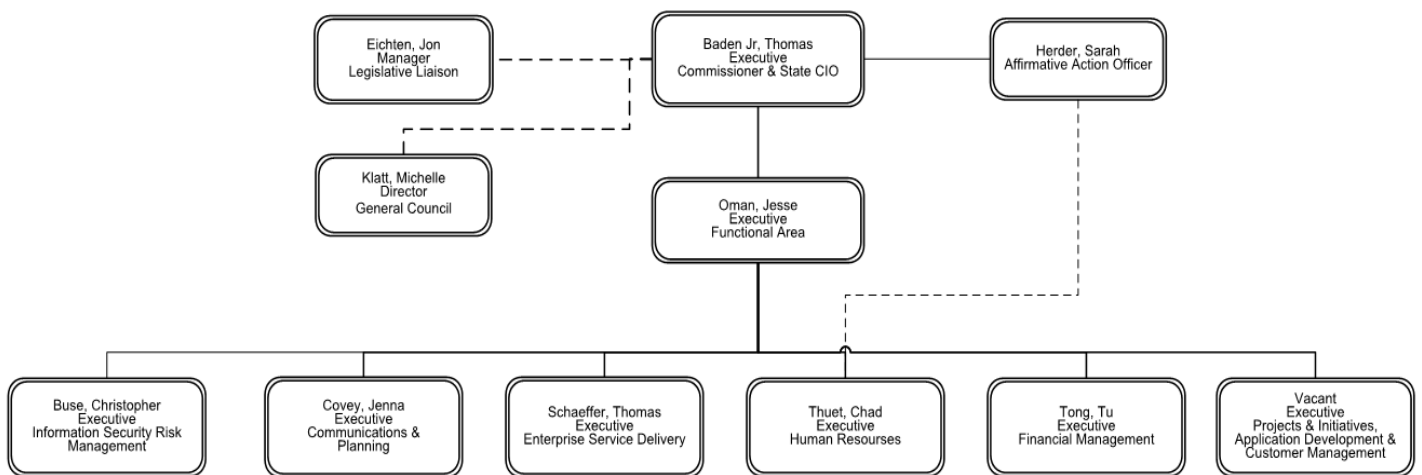
Employee Signature

Date

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**Appendix C: Agency Profile and Organizational Chart**

MN.IT Services is the Information Technology (IT) agency for Minnesota’s executive branch, providing a wide variety of IT services to over 70 agencies, boards, and commissions. A subset of those services are also made available to other Minnesota government entities and education institutions. In its governance role, MN.IT Services sets IT strategy, direction, policies, and standards for enterprise IT leadership and planning. MN.IT builds, maintains, and secures the State’s IT infrastructure. MN.IT’s staff members work in over 90 physical locations, managing over 2,000 distinct applications, supporting the State’s digital services for Minnesota citizens and delivering a wide range of IT projects every year for its agency partners. MN.IT helps make the business of government run.



**APPENDIX D: Underutilization Analysis Worksheets**

**A. Two-Factor Analysis**

<b>WOMEN</b>									
<b>Job Categories</b>	<b>Total Employees in Job Group</b>	<b>Total Number of Women in Group</b>	<b>% of Women in the Group</b>	<b>Avail-ability %</b>	<b>Avail-ability Number</b>	<b>AAP 2016-2018 Under-utilized</b>	<b>AAP 2014-2016 Under-utilized</b>	<b>Improved, Not Improved, Same*</b>	<b>Numerical Difference in the Two Plans*</b>
Officials/ Administrators	73	22	30.14%	30.73%	22	0	3	Improved	3
Professionals	2005	752	37.51%	34.65%	695	-57	102	Improved	159
Office/Clerical	29	24	82.76%	91.00%	26	2	-3	Not improved	-5
Technicians/ Para-professionals	47	13	27.66%	26.41%	12	-1	5	Improved	6
<b>Totals</b>	<b>2154</b>	<b>811</b>	<b>37.65%</b>						

<b>MINORITIES</b>									
<b>Job Categories</b>	<b>Total Employees in Job Group</b>	<b>Total Number of Minorities in Group</b>	<b>% of Minorities in the Group</b>	<b>Avail-ability %</b>	<b>Avail-ability Number</b>	<b>AAP 2016-2018 Under-utilized</b>	<b>AAP 2014-2016 Under-utilized</b>	<b>Improved, Not Improved, Same*</b>	<b>Numerical Difference in the Two Plans*</b>
Officials/ Administrators	73	4	5.48%	6.36%	5	1	0	Not improved	-1
Professionals	2005	340	16.96%	17.55%	352	12	-5	Not improved	-17
Office/Clerical	29	9	31.03%	15.61%	5	-4	0	Improved	4
Technicians	47	13	27.66%	22.14%	10	-3	-2	Improved	1
<b>Totals</b>	<b>2154</b>	<b>366</b>	<b>16.99%</b>						

<b>PERSONS WITH DISABILITIES</b>									
<b>Job Categories</b>	<b>Total Employees in Job Group</b>	<b>Total Persons with Disabilities in Group</b>	<b>% of Persons with Disabilities in Group</b>	<b>Avail-ability %</b>	<b>Avail-ability Number</b>	<b>AAP 2016-2018 Under-utilized</b>	<b>AAP 2014-2016 Under-utilized</b>	<b>Improved, Not Improved, Same*</b>	<b>Numerical Difference in the Two Plans*</b>
Officials/ Administrators	73	8	10.96%	10.52%	8	0	0	Same	0
Professionals	2005	142	7.08%	7.06%	142	0	14	Improved	14
Office/Clerical	29	1	3.45%	6.05%	2	1	0	Not Improved	-1
Technicians	47	3	6.38%	6.79%	3	0	1	Improved	1
<b>Totals</b>	<b>2154</b>	<b>154</b>	<b>7.15%</b>						

\*Please note that the external workforce availability statistics used in the 2014-16 analysis are different than those used in the 2016-18 analysis (general workforce vs occupation-specific availability). Thus, underutilization analyses are not entirely valid. Please see MN.IT's 2016-18 Affirmative Action Plan for further information. Source of external data in analysis below.

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B. External-only Analysis

WOMEN						
Job Categories	Total Employees in Job Group	Total Women in Group	% of Women in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized
Officials/Administrators	73	22	30.14%	34.70%	25	3
Professionals	2005	752	37.51%	25.79%	517	-235
Office/Clerical	29	24	82.76%	94.00%	27	3
Technicians/Paraprofessionals	47	13	27.66%	25.79%	12	-1
Totals	2154	811	37.65%			

MINORITIES						
Job Categories	Total Employees in Job Group	Total Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized
Officials/Administrators	73	4	5.48%	12.10%	9	5
Professionals	2005	340	16.96%	19.38%	389	49
Office/Clerical	29	9	31.03%	10.00%	3	-6
Technicians	47	13	27.66%	19.38%	9	-4
Totals	2154	366	16.99%			

INDIVIDUALS WITH DISABILITIES						
Job Categories	Total Employees in Job Group	Total Persons with Disabilities in Group	% of Persons with Disabilities in Group	Availability %	Availability Number	AAP 2016-2018 Number Underutilized
Officials/Administrators	73	8	10.96%	7.00%	5	-3
Professionals	2005	142	7.08%	7.00%	140	-2
Office/Clerical	29	1	3.45%	7.00%	2	1
Technicians	47	3	6.38%	7.00%	3	0
Totals	2154	154	7.15%			

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).



**APPENDIX E: Separation Analysis by Protected Groups Worksheets**

TOTAL SEPARATIONS								
Types of Separation	Total Number	Total Percentage	Total Women	Percentage of Women	Total Minorities	Percentage of Minorities	Total Persons with Disabilities	Percentage of Persons with Disabilities
Dismissal or Non-Certification	14	5.62%	5	35.71%	5	35.71%	2	14.29%
Resignations	110	44.18%	36	32.73%	17	15.45%	8	7.27%
Enhanced Separation	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Retirement	121	48.59%	49	40.50%	7	5.79%	16	13.22%
Deaths	3							
Lay-off	1							
Termination without Rights	0	0.00%	0	0.00%	0	0.00%	0	0.00%
<b>Total Separations</b>	<b>249</b>	<b>100.00%</b>	<b>92</b>	<b>36.95%</b>	<b>29</b>	<b>11.65%</b>	<b>26</b>	<b>10.44%</b>

PROFESSIONALS								
Types of Separation	Total Number	Total Percentage	Total Women	Percentage of Women	Total Minorities	Percentage of Minorities	Total Persons with Disabilities	Percentage of Persons with Disabilities
Dismissal or Non-Certification	14	6.11%	5	35.71%	5	35.71%	2	14.29%
Resignations	100	43.67%	28	28.00%	15	15.00%	6	6.00%
Enhanced Separation	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Retirement	112	48.91%	42	37.50%	6	5.36%	14	12.50%
Deaths	3							
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Termination without Rights	0	0.00%	0	0.00%	0	0.00%	0	0.00%
<b>Total Separations</b>	<b>229</b>	<b>100.00%</b>	<b>77</b>	<b>33.62%</b>	<b>26</b>	<b>11.35%</b>	<b>22</b>	<b>9.61%</b>

Greyed-out areas indicate a denominator less than 10. Statistics are suppressed for reasons of data privacy.

**APPENDIX F: MN.IT’S Affirmative Action Policy**



**Employee Policies**

**Name of policy: Affirmative Action Policy**

This document is available in alternative formats for individuals with disabilities by calling the Human Resources Division at 651-201-2270 or through the Minnesota Relay Service at 1-800-627-3529.

*Revision history:*

Date	Author	Description	Revision #
10/11/13	Human Resources Office	Effective Date: October 11, 2013	New

General Information	
Policy Statement	MN.IT is committed to the establishment and maintenance of an affirmative action program. In accordance with Minnesota Statutes and rules, an affirmative action plan will be developed and revised every two years. The plan will contain specific components, including program objectives and hiring goals. The hiring goals and selection process and procedures will be set to eliminate underutilization of qualified protected group members, except where a bona fide occupational qualification exists.
Reason for the policy	To establish and maintain the agency affirmative action program.
Who should know about this policy	All MN.IT managers, supervisors, employees, and interns should be aware of the policy.
Definitions	<p>Ethnic/Racial minorities: refers to persons from the categories below. Persons of mixed ethnic/racial backgrounds would choose the group with which they most clearly identify.</p> <ol style="list-style-type: none"> <li><i>Black/African American (not Hispanic origin)</i> – persons having origins in any of the black racial groups of Africa.</li> <li><i>Hispanic</i> – persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.</li> <li><i>American Indian or Alaskan native</i> – persons having the origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.</li> <li><i>Asian or Pacific Islander</i> – persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This category includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.</li> </ol>

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General Information	
	Persons with disabilities: refers to a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.
Goals	The Commissioner of Minnesota Management and Budget will establish statewide goals for each job group by protected group based on the 2010 census. The agency's goals must be based on comparison of the composition of the work force with the composition of the relevant civilian labor force in the reasonable recruitment area. If the comparison shows that a job group underutilizes a protected group, the commissioner will establish a goal for that protected group in that job group. EEO4 categories will be used as the basis for goal unit designators.
Contacts	For further information about this policy, contact your supervisor, or the Human Resources Division.

General standards and expectations	
General Provisions	The qualified protected groups, which the State of Minnesota has identified as being under-utilized in its workforce, include: (1) women, (2) ethnic/racial minorities and (3) persons with disabilities.
Human Resources Responsibility	<ul style="list-style-type: none"> <li>• The Affirmative Action Officer will be responsible for developing and revising the agency's Affirmative Action Plan.</li> <li>• The agency's Affirmative Action Plan will be posted on the Commons. Employees may also request a copy from the Affirmative Action Officer, or their manager/supervisor. The department's Affirmative Action Plan is also attached below.</li> <li>• As part of fulfilling its Affirmative Action responsibilities, HR sends a quarterly "monitoring the hiring process" report to MMB. The purpose of this report is to track progress against affirmative action goals.</li> </ul>

Forms and instructions	
References	Minnesota Statutes Section <a href="#">43A.187</a> MMB Administration Procedure <a href="#">19.1</a> Minnesota Rules <a href="#">3905.0500</a>
MN.IT Affirmative Action Plan	MN.IT AA <a href="#">Plan</a>

**APPENDIX G: MN.IT'S Prohibition of Harassment and Discrimination Policy (Includes Respect in the Workplace)**



**Employee Policies**

**Name of policy: Prohibition of Harassment and Discrimination (Includes Respect in the Workplace)**

This document is available in alternative formats for individuals with disabilities by calling the Human Resources Division at 651-201-2270 or through the Minnesota Relay Service at 1-800-627-3529.

Revision history:

Date	Author	Description	Revision #
7/27/2006	Human Resources Office	Effective Date: July 27, 2006, Supersedes: July 1, 2004	1
1/3/2013	MN.IT HR	Effective Date: January 3, 2013; Supersedes July 27, 2006.	2
12/29/2014	MN.IT HR	Effective Date: December 29, 2014; Supersedes January 3, 2013.	3
4/20/2015	MN.IT HR	Effective Date: April 20, 2015; Supersedes December 29, 2014.	4
12/30/2015	MN.IT HR	Effective Date: December 30, 2015; Supersedes April 20, 2015.	5

General Information	
Policy Statement	It is the policy of MN.IT Services (MN.IT) to maintain a work environment free of verbal, psychological, social or physical harassment and to prohibit discrimination and harassment based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age. This prohibition with respect to harassment and discrimination includes both overt acts and other actions that create a negative or hostile work environment. In addition, coercion, retaliation, reprisal or intimidation of anyone filing a complaint or serving as a witness under this policy is prohibited. MN.IT's policy is further committed providing a positive environment in which all staff, members of the public and others doing business with the state are treated with professionalism and respect. No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse.
Reason for this Policy	This policy exists to affirm MN.IT's commitment to building and maintain a workplace that is free of harassment and discrimination of any kind, and that is respectful and professional toward all who do business with or receive services from MN.IT.

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General Information	
Who should know about this policy	This policy applies to all MN.IT employees, applicants, eligible candidates, contractors/consultants and other members of the public who do work with and for the department.
Definitions	<p><b>Age discrimination:</b> means discrimination on the basis of age.</p> <p><b>Discrimination:</b> any 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.</p> <p><b>Discriminatory harassment:</b> behavior based on protected class status that is unwelcome, personally offensive, insulting or demeaning, and that unreasonably interferes with an individual's work performance and/or creates an intimidating, hostile work environment.</p> <p>Discriminatory harassment may take a variety of forms, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Repeated disparaging, belittling, demeaning, insulting remarks.</li> <li>• Repeatedly making the employee, or a characteristic unique to the employee, the subject of jokes.</li> <li>• Repeated ridicule of an employee.</li> <li>• Display of posters, signs, pictures, cartoons, symbols, written statements or other materials that belittle or demean a category of individuals based on protected class status. This includes electronic receipt, storage, display or transmission of material that is or may be reasonably regarded as violent, harassing, discriminatory, obscene, sexually explicit or pornographic, including any depiction, photograph, audio recording, or written word.</li> </ul> <p>It is possible for discriminatory harassment to occur: (1) among peers or co-workers; (2) between managers and subordinates; or (3) between employees and members of the public.</p> <p><b>Employee:</b> 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.</p> <p><b>Employment actions:</b> include hiring, discharge, tenure, compensation, terms, upgrading, conditions, facilities or privileges of employment. Adverse employment actions can result from intentional discrimination or the use of employment systems that have the unintended effect of unlawfully discriminating against groups of persons.</p> <p><b>General harassment:</b> an egregious, repeated or persistent pattern of verbal, psychological, social or physical action, which results in intimidation, ridicule, entrapment, degradation, coercion or harm with the purpose or the effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment, or unreasonably creating an intimidating, offensive work environment, providing the harassment is not based on any protected characteristics. Protected characteristics include: race, color, sex, disability, religion, creed, national origin, age, marital status, status with regard to public assistance, sexual orientation and membership or activity in a local human rights commission.</p> <p>General harassment does not include actions taken by a supervisor that are within the scope of the supervisor's responsibilities and are considered reasonable and appropriate actions, such as performance reviews or supervisory meetings or conversations.</p> <p><b>Hostile work environment:</b> is discriminatory harassment as defined above and is based on any protected characteristics. It means 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.</p>

General Information	
	<p><b>Marital status:</b> means whether a person is married, single, remarried, divorced, separated or a surviving spouse, and includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.</p> <p><b>National origin:</b> means the place of birth of an individual or of any of the individual's lineal ancestors, or culture or linguistic characteristics common to a specific ethnic group. Harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."</p> <p><b>Person with a disability:</b> means a person who: a) has a physical, sensory or mental impairment that substantially limits one or more major life activities; b) has a record of such impairment; or c) is regarded as having such an impairment.</p> <p><b>Sex:</b> means gender and includes but is not limited to sexual harassment, and/or actions based on pregnancy, childbirth, or disabilities related to pregnancy and childbirth.</p> <p><b>Sexual harassment:</b> has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:</p> <p style="padding-left: 40px;">"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to such conduct or communication is made either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct or communication is used as a factor in decisions affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive environment.</p> <p><b>Sexual orientation:</b> means having, or being perceived as having, an emotional, physical or sexual attachment to another person without regard to the sex of that person; or having or being perceived as having an orientation for such attachment; or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.</p>
Contacts	For further information about this policy, contact your supervisor or the Human Resources Office.
Failure to Comply	Failure to comply with this policy may subject an employee to discipline, up to and including discharge.

General Standards and Expectations	
General	All employees are expected to contribute to and maintain a work environment free of verbal, psychological, social or physical harassment and to prohibit discrimination and harassment of any kind.
Respectful Workplace	<p>MN.IT is committed to building and maintaining a workplace that is respectful and professional toward all employees, volunteers, contractors, and other persons visiting MN.IT Services' workplaces. To that end, employees are expected to adhere to the standards set forth in the <a href="#">statewide Respectful Workplace Policy</a> and:</p> <ul style="list-style-type: none"> <li>• Conduct themselves in a manner that demonstrates professionalism and respect for others in the workplace and public service environment;</li> <li>• Use informal means to address issues with the individual(s) involved whenever possible;</li> <li>• Participate fully and in good faith in any informal resolution process or formal complaint and investigative process for which they may have relevant information; and</li> <li>• Report incidents that may violate the Respectful Workplace Policy in accordance with the procedures found below.</li> </ul>

Procedures	
Procedure	<p>Any employee of MN.IT, contractor/consultant, applicant, or eligible candidate who believes that s/he has experienced general harassment or harassment and/or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age may file an informal or formal complaint. If you believe you have experienced behavior that violates the <a href="#">statewide Respectful Workplace Policy</a> may also file an informal or formal complaint. MN.IT encourages complainants to use the following procedure.</p> <ol style="list-style-type: none"> <li>1. Complainant                     <ol style="list-style-type: none"> <li>a. If comfortable doing so, immediately inform the person perceived to be causing the harassment or discrimination that their behavior is objectionable and ask that it cease. Document the conversation, including details of date, time, place and witnesses.</li> <li>b. If the employee is not comfortable confronting the person directly or, if after confrontation, the harassment or discrimination does not cease, report it to the applicable supervisor, manager, division director, or an employee of the Human Resources Division. If at all possible, employees are encouraged to use the suggested chain of supervision but are not required to do so.</li> <li>c. Maintain a written record of the instances of harassment and/or discrimination and the names of any witnesses.</li> <li>d. The complainant may also file a formal written complaint with MN.IT's Affirmative Action Officer/designee or the Director of Human Resources/designee. Formal complaints should be filed using the Complaint of Harassment or Discrimination form. This form is attached to this policy, and it is also available from the Human Resources Office and the Human Resources SharePoint site.</li> <li>e. The complainant shall respond promptly to any and all requests by the Affirmative Action Officer/designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer/designee to carry out responsibilities under this complaint procedure.</li> <li>f. The complainant shall participate in internal investigation by providing truthful, accurate and complete information.</li> <li>g. The complainant is expected to testify truthfully in administrative and legal proceedings.</li> </ol> </li> <li>2. Managers and Supervisors                     <ol style="list-style-type: none"> <li>a. Receive reports of alleged unlawful discrimination and maintain a file of written documentation regarding complaints</li> <li>b. Contact MN.IT's Affirmative Action Officer/designee at (651) 201-2279 or Human Resources Representative immediately on becoming aware of a harassment or discrimination complaint.</li> <li>c. Participate in investigating complaints of harassment under the guidance of the Human Resources Office.</li> <li>d. If requested, participate in internal investigation by providing truthful, accurate and complete information.</li> <li>e. Testify truthfully in administrative and legal proceedings.</li> <li>f. Prohibit retaliation against any employee who files a complaint.</li> </ol> </li> <li>3. Affirmative Action Officer/Designee/Human Resources Office                     <ol style="list-style-type: none"> <li>a. Determine if the complaint falls within the jurisdiction of this complaint process and whether or not it is appropriate to conduct an investigation.</li> <li>b. The Affirmative Action Officer/Designee/Human Resources Office 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. Complaints may be investigated by an outside investigator or referred to another office or state agency as appropriate.</li> <li>c. The investigation may include interviews with the complainant(s), subject(s) of the investigation and witnesses. The Affirmative Action Officer/Designee/Human Resources Office may review pertinent documents including but not limited to personnel files, computer files and email.</li> </ol> </li> </ol>

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	<p>d. Upon completion of the investigation, the Affirmative Action Officer/Designee/Human Resources Office will submit its findings to the responsible party who is authorized to resolve the situation.</p> <p>e. If the investigation results in a finding that harassment and/or discrimination occurred, appropriate and corrective action will be taken in a timely manner. It may include discipline, up to and including discharge. Discipline will be determined on a case-by-case basis, after careful review of the relevant facts and in accordance with the relevant collective bargaining agreements, Managerial and/or Commissioner's Plans.</p> <p>f. The complainant and others who need to know will be notified of the outcome of the investigation in a timely manner, generally within 60 days of the filing of the complaint. Notification will be made in accordance with the requirements of the Minnesota Data Practices Act and other relevant laws.</p> <p>g. The Affirmative Action Officer/Designee/Human Resources Office may exceed the time limits stated in this complaint procedure when necessary. Factors may include, but are not limited to, the scope and complexity of the investigation, number of witnesses and the availability of investigation resources.</p> <p>This procedure will be modified if necessary to comply with contractual requirements.</p> <p>This procedure does not preclude employees from immediately exercising external complaint options. Any employee, applicant or eligible has the right to file a discrimination complaint with the U.S. Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, an appropriate court of law, or pursue other legal channels.</p>
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<b>Responsibilities</b>	
Commissioner	The Commissioner is responsible for the administration of this policy within the department. The Commissioner is responsible for implementing and promoting the provisions of this policy in the department, ensuring that employees are fully aware of this policy, holding managers accountable for the enforcement of this policy, and making final determinations to resolve complaints of harassment and discrimination.
Managers and Supervisors	Managers and supervisors have responsibility for the administration of this policy within their work units. Managers and supervisors are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy and for establishing and maintaining a climate in the work unit that encourages employees to communicate appropriately. Upon observing words or actions that may violate this policy, managers and supervisors must immediately take necessary steps to protect employees from unlawful discrimination in the workplace, even if no complaint has been made. Managers and supervisors are responsible for holding employees who violate this policy accountable and for taking appropriate corrective action when complaints are substantiated.
Employees	Employees are responsible for informing a supervisor/manager, the Affirmative Action Officer, or Human Resources Office promptly of any concerns regarding unlawful discrimination.
Affirmative Action Officer/designee/ Human Resources Office	The Affirmative Action Officer/designee/Human Resources Office is responsible for initiating practices and providing training designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy, as well as investigating harassment complaints thoroughly and impartially and taking appropriate corrective action.
<b>Violation Procedures</b>	
<p>Any violation of this policy by an employee will be cause for appropriate disciplinary action. Varying degrees of seriousness in discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions, including suspension, demotion, or termination. In certain cases, work transfers may also be made by the employer, subject to the terms and conditions of contract language. Additionally, inappropriate behaviors which do not rise to the level of discriminatory harassment, yet are disruptive, should be corrected early and firmly in the interests of maintaining a successful and productive workplace. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.</p>	
<b>Forms and References</b>	



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Forms	For Complaint of Harassment, Discrimination or Respect in the Workplace forms and instructions, please visit the <a href="#">MN.IT HR Forms Page</a>
References	<a href="#">Admin Procedure 1.2</a> – Harassment Prohibited <a href="#">HR/LR Policy #1432</a> – Respectful Workplace