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**DEPARTMENT OF MILITARY AFFAIRS  
STATE OF MINNESOTA**

***AFFIRMATIVE***

***ACTION***

***PLAN***

***2004 - 2006***

***Veterans Service Building***

***20 West 12th Street***

***St. Paul, MN 55155***

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# DEPARTMENT OF MILITARY AFFAIRS

MINNESOTA ARMY AND AIR NATIONAL GUARD



OFFICE OF THE ADJUTANT GENERAL

VETERANS SERVICE BUILDING

STATE OF MINNESOTA

20 WEST 12TH STREET

ST. PAUL, MINNESOTA 55155-2098

## STATEMENT OF COMMITMENT TO AFFIRMATIVE ACTION

The policy of the Department of Military Affairs is to take affirmative action to eliminate the underutilization of qualified members of protected groups in the civil service, where such action is not in conflict with the provisions of State law, in order to correct imbalances and eliminate the present effects of past discrimination. Protected groups, for affirmative action purposes, are defined as: 1) females, 2) people with disabilities, and 3) members of racial minority groups.

This policy applies to, and must be an integral part of, every personnel policy and practice which includes recruitment, interview, selection, compensation, classification, and retention activities, and also must include employee development programs, agency sponsored training, tuition assistance and use of facilities.

This department will continue to actively pursue a progressive program of affirmative action to insure that equal opportunity is provided on the basis of individual qualifications and to encourage all persons to seek employment and strive for advancement.

I herewith affirm the appointment of BG Jon L. Trost as this agency's Affirmative Action Officer. He is delegated full authority for the administration for the department's plan. He will report directly to me on all matters pertaining to affirmative action.

As Adjutant General, I am strongly committed to the principles and policies of the state's affirmative action efforts. I am also committed to the implementation of this affirmative action plan. All employees, including managers and supervisors, both federal and state, must always act responsibly and be proponents of progressive affirmative action in their positions, and I solicit employee input and assistance in an effort to achieve the goals and objectives of the Affirmative Action Plan.

Military Affairs will not tolerate discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, membership or activity in a local commission, sexual orientation and age.

Handwritten signature of Larry W. Shellito in cursive.

Larry W. Shellito  
Major General, MN ARNG  
The Adjutant General

Handwritten date "21 July 04" in cursive.

Date

# DEPARTMENT OF MILITARY AFFAIRS

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VETERANS SERVICE BUILDING

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20 WEST 12TH STREET

ST. PAUL, MINNESOTA 55155-2096

## POLICY STATEMENT ON DISCRIMINATION AND HARASSMENT

In order to provide and maintain a productive work environment consistent with merit principles, free of discriminatory practices and in accordance with Minnesota Statute 43A.01, Subd.2, it is necessary to remove and eliminate all forms of discrimination and harassment.

Harassment is a form of discrimination and, in general, is the display of behavior by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Of particular concern is sexual harassment which is defined as "unwelcome sexual advances by an employee toward another employee, request for sexual favors, and other verbal or physical conduct of sexual nature when: 1) an employee's submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) an employee's submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual".

This department will continue to prohibit harassment of any kind by assuring a work environment free of verbal or physical harassment based on race, color, creed, sexual orientation, membership or activity in a local commission, religion, national origin, sex, disability, age, marital status and status with regard to public assistance.

The complaint procedure contained in the Department of Military Affairs State Affirmative Action Plan provides the method whereby any employee, applicant or eligible who feels he/she has been subject to discriminatory harassment may seek assistance from the department's Affirmative Action Officer (651-268-8921). If the employee chooses, s/he may file a complaint externally with the MN Department of Human Rights, the Equal Employment Opportunity Commission or through other legal channels.

All employees, applicants and eligibles are to be treated with respect, courtesy and tact. Conduct that is personally offensive will not be tolerated. Abusing the dignity of anyone through ethnic, sexist or racial slurs, or other derogatory or objectionable comments is cause for disciplinary action.

Handwritten signature of Larry W. Shellito in black ink.

Larry W. Shellito  
Major General, MN ARNG  
The Adjutant General

Handwritten date "21 July 04" in black ink.

Date

"AN EQUAL OPPORTUNITY EMPLOYER"

## DELEGATION OF AUTHORITY AND RESPONSIBILITY

### ADJUTANT GENERAL

#### Responsibilities:

The Adjutant General is responsible for administration of the department's Affirmative Action Program and for ensuring that the department complies with all state and federal laws, rules and regulations regarding equal employment opportunity.

#### Duties:

1. Designate the department's Affirmative Action Officer.
2. Hold members of his staff responsible for the effectiveness of affirmative action activities within their respective jurisdiction, especially those charged with recruitment, interviewing, selection and retention responsibilities.
3. Insure that guidance is published that provides clear procedures for filing complaints of alleged discrimination.
4. Communicate to his staff, through written statements, his commitment to the state's affirmative action and equal employment opportunity policy. Communicate to the public that our agency is an Equal Opportunity Employer by a statement at the bottom of agency letterhead stationery for all correspondence and in all employment advertising.
5. Make decisions and changes in policy, procedures or physical accommodations as needed to facilitate effective affirmative action.
6. Provide a work environment free of verbal or physical harassment based upon race, creed, color, status with regard to public assistance, religion, national origin, sex, age, disability, marital status, sexual orientation or membership or activity in a local human rights commission.

#### Accountability:

The Adjutant General is directly accountable to the Governor and the Legislature.

### AFFIRMATIVE ACTION OFFICER

The Affirmative Action Officer (AAO), who is also responsible for agency recruitment, retention and approval of recommendations for hire for the department is:

BG Jon L. Trost  
Veterans Service Building  
20 West 12th Street  
St. Paul, MN 55155

(651) 268-8921

Responsibilities:

To implement, direct and monitor the department's Affirmative Action Program and all related activities as directed by the Adjutant General.

Duties:

1. Work closely with Division Managers and supervisors, hereinafter defined, to insure recruiting efforts have been extensive to reach as many protected group members as possible in the application process.
2. Be directly involved in handling complaints of alleged discrimination including all forms of harassment as outlined elsewhere in this plan.
3. Complete all affirmative action reports as required.
4. Insure that the Adjutant General's statement of commitment and copies of the department's Affirmative Action Plan are distributed to all division managers and supervisors.
5. Act as liaison between our agency and the Minnesota Department of Employee Relations, Office of Diversity and Equal Opportunity.
6. Determine the need for affirmative action training and develop appropriate training programs.
7. Continually review policies, procedures, programs, and physical accommodations and recommend, to the Adjutant General, changes to enhance the department's affirmative action program.
8. Conduct pre-hiring reviews of selection recommendations for all vacancies.

Accountability:

The AAO reports to and is directly accountable to the Adjutant General.

DIVISION MANAGERS

Definition:

Division Managers, for affirmative action purposes, are the Civil Engineers and Deputy Commanders for Support at the Airbases, Post Commander at Camp Ripley, Facilities Management Officer at Camp Ripley, Flight Facilities Commander at the Army Aviation Flight Facility and Accounting Officer at the Adjutant General's Office.

Responsibilities:

To insure compliance with the department's Affirmative Action Plan and to undertake any necessary action to make progress towards meeting the equal employment opportunity goals and objectives set forth in this plan.

Duties:

1. Insure that supervisors are involved in recruiting efforts that will result in reaching the maximum number of protected group members possible for that vacancy.
2. Assist the department's AAO in identifying and resolving problems and eliminating barriers that inhibit reduction of disparities.
3. Insure that all subordinates are familiar with and comply with all provisions of the department's Affirmative Action program. Insure plan is posted in all employee work locations.
4. Insure prompt responses to any complaints of alleged discrimination.
5. Hold subordinate supervisors responsible for the effectiveness of the affirmative action efforts within their areas of jurisdiction.
6. Provide informal training and counseling to supervisors and encourage subordinate supervisors to attend formal affirmative action training as may be offered.

Accountability:

Division Managers are directly responsible to the Affirmative Action Officer.

SUPERVISORS:

Definition:

Supervisors, for affirmative action purposes, are: the Military Personnel Management Officer at the Adjutant General's Office, Airfield Firefighter Chief at Duluth Fire Station, Architectural Supervisor, Contracts Officer and Environmental Administrative Planning Director at Facilities Management Office, Environmental Planning Supervisor at Camp Ripley Training Site, Chiefs of Security at the air bases and Camp Ripley, Building Maintenance Supervisors at the Duluth and St. Paul Airbases and Building Maintenance Supervisors for Camp Ripley, Holman Field and 3 Training & Community Centers.

Responsibilities:

Insure that equal opportunity for employment is accorded to all job applicants and that all employees within their jurisdiction are treated fairly.

Duties:

1. Whenever possible, interview, recommend for selection or promote qualified protected group members to a vacancy where a disparity exists.
2. Insure that their immediate work area environment is free from any form of harassment or discrimination.
3. Respond promptly to all complaints of alleged discrimination.
4. Communicate the department's Affirmative Action policy to assigned staff. Post our Affirmative Action Plan, commitment and policy statements and discrimination complaint procedures on employee bulletin boards in all common work areas. Notify employees that a current Plan is posted and should be reviewed periodically.
5. Indicate to the public that Military Affairs is "An Equal Opportunity Employer" by including that phrase in all employment advertisements. All agency letterhead also provides this information.
6. Perform specific related duties as may be outlined elsewhere in this plan.

Accountability: Supervisors are directly accountable to their Division Managers.

SPECIFIC PROGRAM OBJECTIVES

OBJECTIVE NUMBER 1:

To increase staff knowledge, through formal and informal training and internal communications on the following subjects: 1) Affirmative Action and the interview and selection process; 2) Disability awareness training to include reasonable accommodations for people with disabilities.

<u>Action Steps</u>	<u>Proponent</u>	<u>Target</u>
1. Require appropriate staff to attend any appropriate AA/EEO training.	AA Officer	When scheduled
2. Insure all new employees are informed of our agency's Affirmative Action Program.	Supervisor	At in-briefing
3. During staff visits to training/community centers and other facilities, insure that all employees are aware of their obligations and rights under the department plan.	AA Officer Supervisor	Concurrent with other visits

- |  |                          |                                |
|--|--------------------------|--------------------------------|
| 4. Distribute changes to the Affirmative Action Plan and insure (through visits) that the plan is posted in employee work areas.         | AA Officer<br>Supervisor | As changes occur or biennially |
| 5. Formally brief new employees on all department policies, including AA topics; complete in-briefing checklist and forward to MNAG-FIN. | Supervisors              | At in-briefing                 |
| 6. ADA training is required for all division managers and supervisors.   | AA Officer               | As needed                      |

Agency personnel completed the "Train the Trainer" course upon its inception. We will attempt to offer ADA training periodically within the priorities of agency commitments.

The Affirmative Action Officer is responsible for accomplishment of the action steps listed above. However, the affirmative action process is a combined responsibility of the hiring chain and all must embrace the letter and spirit of this directive.

Evaluation Process:

Completion of training is indicated by attendance at classes. Success of training translated to affirmative action is measured by goal achievement. By requiring supervisors to document Action Steps 2 and 5, we can verify that department employees are aware of their rights and responsibilities under this plan.

The individuals responsible for ADA compliance are:

Main Office St. Paul Airbase Duluth Airbase Camp Ripley	Terrence J. Palmer MAJ Robert Niesen MSgt Mark Rukavina Thomas Vesely
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OBJECTIVE NUMBER 2:

To encourage a work environment free of discriminatory harassment through education and awareness.

<u>Action Steps:</u>	<u>Proponent</u>	<u>Target</u>
1. Require supervisors and managers to attend appropriate training for discriminatory harassment/discrimination	AA Officer	Note (1) below

2. Through internal communications, insure that supervisors and Division Managers are reminded to watch for actions by employees that could undermine this objective.

AA Officer

Continual

3. Insure all new employees are trained in prevention of Sexual Harassment and know what constitutes discriminatory harassment.

AA Officer

Within 6 months of hire

(1) All Division Managers and Supervisors have completed discriminatory harassment training. Those who receive annual update training are noted by asterisk (\*). When new managers or supervisors are appointed, they will be scheduled for training as soon as possible. Names of current managers and supervisors are as follows:

**DIVISION MANAGERS**

**SUPERVISORS**

LTC Gary Moe \*  
 LTC Gary Niemi \*  
 COL Jim Daugherty \*  
 MAJ Robert Niesen\*  
 LTC Jama Davidson \*  
 Terrence Palmer \*  
 COL Joseph Schmitz \*  
 LTC Richard Weaver\*

COL Joseph Kelly \*  
 MSgt Jeffrey Allen\*  
 LTC Dale Slimmer \*  
 MSgt David Dodge \*  
 CPT Tyler Rule \*  
 John Ebert \*  
 Martin Skoglund  
 James McArdell

Wayne Schlangen  
 Michael Zbaracki  
 Suzanne Krueger  
 Thomas Bong  
 Thomas Vesely  
 William Kuesel  
 Douglas Tangwall

Responsibility

It is the responsibility of each employee and supervisor to be aware of signs of tension in his or her work area that may be caused by discriminatory harassment. Each manager and supervisor must constantly stress this objective to all subordinates.

Evaluation Process

Knowledge of the department's harassment policy by all employees and training of supervisors for awareness of potential problems and how to properly deal with them should keep problems to a minimum.

OBJECTIVE NUMBER 3:

To attract qualified protected group members as applicants for vacant positions.

Action Steps:

Proponent

Target

1. Place notices of job opportunities

Supervisor

For each

in trade journals, publications targeted to the disabled, females or communities of color, bulletins, postings, e-mail messages and any other means of making vacancies known to potential applicants.

or Manager

unlimited  
vacancy

2. Contact the Urban League, technical colleges, rehabilitation sources and women's organizations.

Supervisor  
or Manager

For each  
unlimited  
vacancy

Responsibility:

The combined efforts of the AAO designee and each manager and supervisor will reflect our commitment to intensified recruiting for all vacancies in which we have a disparity.

Evaluation Process:

Success will be measured by increased numbers of protected group members applying for position vacancies and the hire of those qualified individuals whenever possible.

Retention Plan:

Long-term retention of protected group employees is hindered by lack of opportunity for upward mobility because most supervisors are military personnel. There is limited opportunity for advancement particularly to supervisory and managerial positions; this situation applies to all agency employees.

Historically there have been relatively few hires from the general public due to low agency turnover, and every effort is made to retain and promote current employees.

1. All vacancies are reviewed to determine if any current employees may qualify for advancement. Employees are informed of opportunities for promotions or transfers as soon as approval to fill is obtained. Any positions targeted for layoff will be studied to determine their effect on affirmative action. If they will affect our compliance, further consideration may be given to the targeted positions to determine if others could be eliminated instead.

2. We anticipate drawing up individual training plans for each employee and career progression will be monitored as part of the formal evaluation program.

3. Establishment of support groups will be considered along with better access to managers for career development counseling.

4. Continuing customer service outreach programs to better serve all agency employees throughout the state.

### Analysis of Separation and Layoff Patterns:

1. FY 02 produced 62 separations; 50 layoffs, 3 Insufficient Work Time (IWT) employees and 9 retired or resigned. One protected group member was laid off but claimed a position in another state agency.
2. In FY 03, 18 separations were counted; 10 were IWT employees, 7 retired or resigned, and one death was recorded. No employees in underrepresented units left our agency.
3. Agency Affirmative Action statistics remain essentially unchanged.

### PRE-EMPLOYMENT REVIEW

The pre-employment review is the most important tool available to accomplish the goal of increasing protected group representation in the department.

When a vacancy exists, resumes of qualified applicants are forwarded to the appropriate Division Manager. Intensified recruiting efforts have added protected group applicants to each list. Qualified applicants will be contacted to interview for the vacancy, however if there are >20, the best qualified will be contacted. At no time during the interview process will a commitment of employment be made to any person.

When interviews are completed, the Division Manager and interviewing supervisor will objectively review the interview panel's results to determine selection of the best qualified candidate. Military Affairs' Assistant Adjutant General, who serves as deputy agency head and reports directly to the Adjutant General, functions as AAO and is designated by the Adjutant General to make all hiring decisions.

All individuals interviewed but not selected will be provided a standard, personal letter from the Division Manager highlighting the qualifications of the person selected.

### Evaluating and Auditing Process:

Until April 2003, analysis of bi-weekly goal achievement reports confirmed the continued efforts of the agency to act affirmatively. Comparison of progress on an annual basis provided insight as to where efforts should be concentrated in recruitment of protected group members. These reports are no longer available for reference.

## REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES

The term "reasonable accommodations for people with disabilities" means actions by the Department that provide individuals a barrier free atmosphere to seek employment and, when employed, provides a work atmosphere that has been reasonably tailored to minimize hindrances to job performance because of a disability.

The Adjutant General directs that all federal and state employees of the Department of Military Affairs comply with the policies and procedures herein.

### POLICY

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

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

### EXAMPLES OF REASONABLE ACCOMMODATION MAY INCLUDE BUT ARE NOT LIMITED TO:

1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, split keyboards, large screen computer monitors, specifically designed workstation and ergonomic chair.
2. Job site modifications - may include adjustments to equipment height, addition of electrical outlets, redesigned filing system, reallocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring - might include flexible work hours and/or restructuring job duties while retaining the essential job duties.

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

#### REQUEST FOR REASONABLE ACCOMMODATIONS FOR EMPLOYEES

1. The supervisor and the employee with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.
2. The supervisor must inform the ADA Coordinator (ADAC) of the request and submit an Employee Request for Reasonable Accommodation form and supporting information to the ADAC within 7 working days after receiving the request. Justification will include a statement of the limitations, the suggested accommodation, approximate cost, and any other pertinent information.
3. The ADAC will review the request; if the accommodation will cost a significant amount (over \$300.00) the ADAC will forward it along with his or her recommendation to the agency head within 3 working days.
4. The decision will be provided in writing to the supervisor, manager and employee within five (5) working days after the agency head makes a determination.
5. The ADAC will maintain all documents pertaining to the accommodation.

#### FUNDING FOR REASONABLE ACCOMMODATION:

Funding will be provided for reasonable accommodations and the availability of funds varies with each agency. The agency head must approve expenditure of funds for accommodations over the amount determined to be significant. When determining whether or not to make an accommodation without imposing undue hardship on the agency, the following factors must be considered:

- a. Size of the agency budget
- b. Nature and cost of the accommodation
- c. Ability to finance the accommodation in relationship to the site(s) where a need may exist
- d. Documented good faith effort to explore a less restrictive or less expensive alternative.

REQUEST FOR REASONABLE ACCOMMODATIONS FOR JOB APPLICANTS AND  
EMPLOYEES SEEKING PROMOTION:

1. All initial communication between a job applicant or employee with a disability seeking promotion and a supervisor or personnel office regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
2. The supervisor or personnel office shall contact the ADAC immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the time of interview, requests shall be handled promptly.
3. The ADAC will contact the applicant to discuss the needed accommodation and discuss possible alternatives if necessary.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
5. If approved, the ADAC shall take the necessary steps to see that the accommodation is provided.

DENIAL OF ACCOMMODATION

All denials of requests for accommodation will be documented and kept on file by the ADAC who will notify the employee of his/her right to file a complaint of discrimination under the affirmative action plan complaint procedure. He shall inform the employee of the right to file a complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission (EEOC) or a private attorney.

If the requested accommodation made by a job applicant is denied, the ADAC shall notify the job applicant of the decision and inform him/her of the right to file a complaint with the Minnesota Department of Human Rights, the U.S. EEOC or a private attorney.

ACCOMMODATIONS PROVIDED

During the previous biennium, an employee requesting a compressed time schedule was granted that request; this accommodation was provided at no direct cost to the agency.

## PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

### GENERAL:

The goal of the Department of Military Affairs is to provide policies, procedures, and a work environment that is conducive to excellent employer/employee relations. The Adjutant General's policy statement on discrimination and discriminatory harassment that appears earlier in this plan will be posted on all employee bulletin boards in their work areas. Local reproduction may be necessary if additional copies are needed.

The affirmative action complaint procedure within this plan is designed to be simple so that complaints can be resolved expeditiously within the department with the utmost regard for data privacy. Coercion, reprisal, retaliation or intimidation against anyone filing a complaint either internally or through other channels or serving as a witness under this procedure is prohibited.

An employee, applicant or eligible who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation or age may file a complaint by completing the Discrimination Complaint Form provided by the AAO designee. Complaints will be accepted up to 180 calendar days after the occurrence of the event or after the individual becomes aware that an event or situation may involve discriminatory harassment. Employees who are terminated are encouraged to file their internal complaint prior to separation, however complaints will be accepted up to 180 days after the actual separation date.

### COMPLAINT PROCEDURE:

1. The Affirmative Action Officer will investigate the complaint to determine if it falls under Equal Employment Opportunity law or is of a general personnel nature. The AAO shall also discuss other options for resolution, such as Workplace Mediation.
  - a. If determined that the complaint is not related to discrimination but to general personnel concerns, the AAO will inform the complainant in writing within 15 working days.
  - b. If the complaint is related to discrimination, within 15 working days the AAO will contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to respond to the allegations within a specific period of time. All employees shall respond promptly to any and all requests for information and for access to data and records to enable the AAO designee to carry out his/her responsibilities.
2. The AAO will then investigate the complaint and upon conclusion of the investigation, will notify the complainant(s) and respondent(s) that the investigation is complete. The AAO will then review the findings of the investigation.

- a. If sufficient evidence exists to substantiate the complaint, appropriate action will be taken.
  - b. If there is insufficient evidence to support the complaint, a letter will be sent to both complainant(s) and respondent(s) dismissing the complaint.
3. Within 60 calendar days from the filing of the written complaint, the written answer will be provided to the parties. Complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within 60 days.
4. All dispositions of complaints will be filed with the Commissioner of Employee Relations within 30 days of final determination. The Affirmative Action Officer's written report will detail the nature of the complaint, the manner in which it was resolved, and the resolution. The report will be approved by the Adjutant General.
5. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act (MGDPA). The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is complete and all appeals are exhausted, all documentation is subject to the provisions of the MGDPA.
6. All data collected may at some time become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:
  - a. Interviews or written interrogatories with all parties involved in the complaint, e.g. complainant(s), respondent(s) and their respective witnesses, officials having pertinent records or files, etc.
  - b. All records pertaining to the case, i.e. written, recorded, filmed or other type.
7. The AAO shall maintain records of all complaints and any pertinent information or data for 3 years after the case is closed.
8. If, as a result of this response, the complainant remains dissatisfied, s/he will be advised of his/her right to file a charge of discrimination within one year of the occurrence, with the Commissioner of the Minnesota Department of Human Rights.

Minnesota Statute 363.06, Subd. 1, affords the grieving employee the right to "bring civil action as provided in section 363.14 subdivision 1, clause (a), or may file a verified charge with the commissioner (of Human Rights) or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the detail of the practice complained of and, if applicable, providing witnesses, documents, and other information required by the commissioner".

## EMPLOYEE RIGHT TO NOTICE

### WEATHER EMERGENCY NOTIFICATION

Our agency recognizes the need for all employees to be able to receive timely notification of building or location closure due to weather or other emergencies as determined by the Commissioner of Employee Relations and announced through the media as described in Administrative Procedure 5.4, Time Off in Emergencies, updated 02/01/01. The Alertcast System will be used to notify commanders at each large location.

Hearing-impaired employees will be notified by their supervisors via the Minnesota Relay System if they are not to report for work due to adverse weather conditions.

If an emergency arises during the workday, the Veterans Service Building is equipped with audio and visual emergency alarms in numerous locations including rest rooms. Capitol Security has instituted a policy of notifying the department's Comptroller for severe weather warnings. All employees will be notified immediately and are to go to the lowest (tunnel) level of the building until advised to return to their workstations. Designated employees adjacent to those with disabilities will assist them to safety.

### EMERGENCY BUILDING EVACUATION

All buildings under the operational control of the Department of Military Affairs are governed by a locally prepared and posted Building Evacuation Plan to be used when emergency evacuation of a building is required. Designated employees adjacent to those with disabilities will assist them in the event of a building evacuation.

An emergency evacuation plan has been developed for the entire Veterans Service Building. The plan is in writing with designated employees appointed as evacuation staff.

## Employee Request for Reasonable Accommodation

Employee Name: \_\_\_\_\_

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

Date of Request: \_\_\_\_\_

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

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

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.

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

3. Type of accommodation you are requesting:

Making facilities readily accessible

Job restructuring

Part time or modified work schedule

Modification to a rule, policy or practice

Modification of equipment or devices

Qualified reader or interpreter

Acquisition of equipment or devices

Other (specify): \_\_\_\_\_

Please describe in detail the accommodation you are requesting:

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

5. Additional Comments:

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

## REASONABLE ACCOMMODATION AGREEMENT

This form is to be completed by the department's ADA Coordinator after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the department to the specific accommodation.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Name of Division Manager

The request for reasonable accommodation to the needs of the above named employee with a disability was:

Accepted                       Denied

Justification for the decision (indicate specific factors considered)

\_\_\_\_\_  
If reasonable accommodation was approved, was the employee's suggestion accepted?

Yes                       No                       Partially

Reason:

\_\_\_\_\_  
Describe specific accommodations to be made:

\_\_\_\_\_  
Cost estimate:

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

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ADA Coordinator

\_\_\_\_\_  
Date

**DISCRIMINATION COMPLAINT FORM**

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

Person Filing Charge \_\_\_\_\_ Date of Alleged Act \_\_\_\_\_

Location of Alleged Act \_\_\_\_\_

Basis of Discrimination

\_\_\_\_ Race                      \_\_\_\_ Religion                      \_\_\_\_ Creed                      \_\_\_\_ National Origin

\_\_\_\_ Sex                      \_\_\_\_ Age                      \_\_\_\_ Disability                      \_\_\_\_ Marital Status

\_\_\_\_ Status with Regard to Public Assistance                      \_\_\_\_ Color                      \_\_\_\_ Sexual Orientation

\_\_\_\_ Membership or Activity in a Local Commission

Nature of Charge

\_\_\_\_ Hiring                      \_\_\_\_ Wages                      \_\_\_\_ Job Classification

\_\_\_\_ Benefits                      \_\_\_\_ Referral                      \_\_\_\_ Public Accommodations

\_\_\_\_ Discharge                      \_\_\_\_ Training                      \_\_\_\_ Qualification Testing

\_\_\_\_ Demotion                      \_\_\_\_ Layoff                      \_\_\_\_ Intimidation/Harassment

\_\_\_\_ Seniority                      \_\_\_\_ Recall                      \_\_\_\_ Other

Describe the alleged discrimination act:

Name/Address of any witness/s:

Have you brought this charge to anyone else's attention:                      \_\_\_\_ Yes                      \_\_\_\_ No

If yes, describe the meeting on the reverse side of this form.

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

Address \_\_\_\_\_

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

**PRINTABLE UTILIZATION ANALYSIS CHART**

UTILIZATION ANALYSIS for a State Agency

*Military affairs*

EEO Job Group	Protected Group <i>Female</i>					
	A	B	C	D	E	F
	Total Number in Group	Total Number of <i>Females</i> in Group	% <i>Female</i> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	1	0	0	(37.8)	0	0
Professionals	41	4	9.7	63.8	22	19
Technicians	10	3	30	63.1	6	3
Protective Services	55	3	5.5	64.4	35	32
Paraprofessionals	0	0	0	0	0	0
Office/Clerical	36	34	94	67.7	24	0
Skilled Craft	33	0	0	7.8	3	3
Service Maintenance	93	27	29	43.6	40	13

**Column Instructions for the Utilization Analysis**

A = Total number of employees in the job group

B = Total number of protected group in the job group

C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

D = Availability % (from the Census data)

E = Column A multiplied by Column D (rounded numbers)

F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

**PRINTABLE UTILIZATION ANALYSIS CHART**

**UTILIZATION ANALYSIS for a State Agency** *Military Affairs*

EEO Job Group	Protected Group <i>Minority</i>					
	A	B	C	D	E	F
	Total Number in Group	Total Number of <i>Minority</i> in Group	% <i>Minority</i> in the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	1	0	0	(5.1)	0	0
Professionals	41	0	0	8.0	3	3
Technicians	10	0	0	6.8	1	1
Protective Services	55	4	7	6.3	3	0
Paraprofessionals	0	0	0	0	0	0
Office/Clerical	36	2	6	8.2	3	1
Skilled Craft	33	1	3	7.1	2	1
Service Maintenance	93	2	2	14.3	13	11

**Column Instructions for the Utilization Analysis**

- A = Total number of employees in the job group
- B = Total number of protected group in the job group
- C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)
- D = Availability % (from the Census data)
- E = Column A multiplied by Column D (rounded numbers)
- F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

**PRINTABLE UTILIZATION ANALYSIS CHART**

UTILIZATION ANALYSIS for a State Agency *Military affairs*

EEO Job Group	Protected Group <i>Disabled</i>					
	A	B	C	D	E	F
	Total Number in Group	Total Number of <i>Disabled</i> in Group	% <i>Disabled</i> the Group	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	1	0	0	(11.31)	0	0
Professionals	41	1	2	10.88	5	4
Technicians	10	0	0	11.52	1	1
Protective Services	55	0	0	11.60	6	6
Paraprofessionals	0	0	0	0	0	0
Office/Clerical	36	2	6	11.56	4	2
Skilled Craft	33	1	3	11.55	4	3
Service Maintenance	93	3	3	11.37	10	7

**Column Instructions for the Utilization Analysis**

A = Total number of employees in the job group  
 B = Total number of protected group in the job group  
 C = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)  
 D = Availability % (from the Census data)  
 E = Column A multiplied by Column D (rounded numbers)  
 F = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

**PRINTABLE GOAL and TIMETABLES CHART**

**GOALS AND TIMETABLES for a State Agency**

EEO Job Group	Women			Minorities			People with a Disability		
	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable
Officials and Administrators	—	—	—	—	—	—	—	—	—
Professionals	18	1	2004-2006	3	1	2004-2006	4	1	2004-2006
Technicians	3	1	2004-2006	1	1	2004-2006	1	1	2004-2006
Protective Services	32	2	2004-2006	—	—	—	6	1	2004-2006
Paraprofessionals	—	—	—	—	—	—	—	—	—
Office/Clerical	—	—	—	1	1	2004-2006	2	1	2004-2006
Skilled Craft	3	1	2004-2006	1	1	2004-2006	3	1	2004-2006
Service Maintenance	13	2	2004-2006	11	2	2004-2006	7	1	2004-2006

07/26/04

**Relating to Military Affairs' Utilization Analysis:** Due to historically low agency turnover, along with budget concerns, we don't anticipate appreciable growth that would allow increase of our employee complement more than minimally. Hires and internal promotions are generally made to replace existing personnel upon retirement or resignation. Using our 2004-2006 AA Recruitment Plan, we will attempt to reduce our underutilization and increase affirmative hires.

**Officials & Administrators:**

No goals set, as our only employee in that category is the Adjutant General, our agency head, who was recently appointed for a 7 year-term.

**Professionals:**

19 of the 41 Professional positions are in the Military Personnel job classification, for which there is no pool of disabled persons. Those positions, along with 16 others, are located at Camp Ripley, near Little Falls, where there is a considerably smaller pool of minority candidates. We will make a good faith effort to recruit and hire one female, one minority and/or one disabled person to a Professional position when a vacancy occurs.

**Technicians:**

We anticipate no turnover, but have set a goal of 1 for each disparate category.

**Protective Services:**

We will make a good faith effort to actively recruit qualified female Firefighters, Military Security Guards and Security Guards. These three job classes generally cannot employ persons with disabilities due to the nature of their work and safety concerns.

**Office/Clerical:**

Our goals are one in each of the Minority and Disabled categories and we will make every effort to reach those goals if vacancies occur.

**Skilled Craft:**

We will intensify recruiting efforts to bring one employee on board in at least one of the three underutilized categories if vacancies occur.

**Service Maintenance:**

Our goals are set for 2 females and 2 minorities along with one person with a disability in the Service Maintenance job group as openings occur.

07/26/04

# DEPARTMENT OF MILITARY AFFAIRS

MINNESOTA ARMY AND AIR NATIONAL GUARD



OFFICE OF THE ADJUTANT GENERAL

VETERANS SERVICE BUILDING

STATE OF MINNESOTA

20 WEST 12TH STREET

ST. PAUL, MINNESOTA 55155-2098

MNAG-FIN

December 24, 2003

MEMORANDUM FOR All State Employees and Supervisors of State Employees

SUBJECT: Weather Emergencies Reminder

We have again reached the time of year for severe winter weather emergencies. Factors considered for emergencies include road conditions and maintenance, transit operations, wind, cold or ice and whether power or heating systems are affected. The decision by the Commissioner of the Department of Employee Relations (DOER) to declare an emergency can be statewide or limited to a specific portion of the state. *Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency.*

If a weather emergency is declared during the night, the announcement will be broadcast on local radio and television stations, and will be provided prior to the start of the normal work day (8:00 a.m.). If changes in the emergency designation are warranted, they will be made as the day progresses.

You can get basic information about DOER-related weather emergencies and state office closures 24 hours a day by visiting DOER's Office Closures website at:  
<http://www.doer.state.mn.us/weather/index.asp>.

A weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. In unique individual situations which make it impossible for an employee to get to work when an emergency has not been declared, supervisors should consider allowing that employee to make up the lost time or use compensatory time or annual leave.

Airbase and Camp Ripley Commanders and the FMO may close a facility without consultation with DOER if they determine the emergency may adversely impact the health and safety of employees in the facility and results in unavailability of work until the emergency has passed. In this situation, employees must cover the time with annual leave, comp time, leave without pay or an adjusted work schedule. If DOER approves and subsequently declares an emergency for that facility/area, absence from work due to the emergency will then be with pay.

When DOER has declared an emergency, use payroll earnings code "MSL" for the appropriate number of hours. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate. Employees on approved sick or pre-arranged vacation leave will not have such leave time restored to their balances.

Questions may be referred to me at (651) 282-4080.

Handwritten signature of Betty Koreltz in cursive.

Betty Koreltz  
Personnel Officer Senior