

# *Special Report*

## **African American Employment Task Force for the Minnesota Department of Corrections**

### **Findings/Recommendations**

February 2006

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## Executive Summary

The African American Employment Task Force was established in August 2003 pursuant to an agreement settling an employment race discrimination lawsuit against the Minnesota Department of Corrections (DOC). The charge of the Task Force was to examine employment practices of the DOC relative to African American employees past and present.

The Task Force conducted a thorough examination of DOC employment policy and practice. Focus groups of African American past and present employees provided personal experiences, observations and recommendations. In addition, the Task Force carefully studied DOC employment policies, recruitment, hiring and promotional processes, training, discipline administration and overall retention.

Findings of the Task Force indicate that the dominant racial group of the DOC's workforce is Caucasian. Statistical data substantiates that African American employees are less than 3% of the employee population. Examination of the data proportionately to Caucasians indicates that African Americans separate at a higher rate, especially in entry-level positions; are promoted less frequently; and are disciplined, including discharge, at a higher rate. Other findings indicate that African Americans along with all minority groups are being recruited, but are not being retained. Other significant findings are that agency policies are sound and require equitable treatment of all employees. However, the Task Force has concluded that the administration of policies and selection processes has been flawed. Based on these findings, the Task Force recommended specific actions to be taken by management of the DOC:

- The top recommendation of the Task Force is to increase the number of African American employees. **Task Force Members firmly believe that until numbers of African Americans approach those found in the labor market and the DOC places more emphasis on hiring and retention of African Americans, it will be difficult for the Department to achieve real success.**
- To become more inclusive, respectful, supportive, encouraging and welcoming to African Americans.
- To provide cultural diversity and sensitivity training to all staff.
- To regularly review the implementation plan for the focus areas: Recruitment, hiring, promotions, training, discipline and retention.

In March 2006 the Commissioner of Corrections met with the Task Force to discuss their findings and recommendations in depth. As a result of that work, she formally received and accepted all of the Task Force recommendations and directed the creation of an Implementation Plan with actions scheduled through the year 2008. The Implementation Plan focuses on enhancements to each of the focus areas, recruitment, hiring, promotions, training, discipline and retention. Further, it includes use of mandatory performance standards for all managers and supervisors. Finally, the plan requires annual scrutiny of progress by the Task Force and the Commissioner, with the option to modify the Plan to improve effectiveness.

# Introduction

## *Background*

In January 2003 the Minnesota Department of Corrections (DOC) settled a lawsuit with the St. Paul Chapter of the National Association for the Advancement of Colored People (NAACP) and several employees. As part of the settlement, a task force with representatives from the African American community was to be established to examine DOC recruitment, hiring, promotions, training, discipline and retention of African Americans. The outcome was to be a report with recommendations to the Commissioner of Corrections (Commissioner).

The Commissioner formally invited the NAACP to participate on the Task Force. In addition, she assigned the following staff to serve: Assistant Commissioner for Support Services/Diversity Director, the Agency Human Resource Manager, the MCF-Lino Lakes Litigation Coordinator/Affirmative Action Officer Designee and the Department Affirmative Action Officer (Exhibit 1).

The first meeting of the Task Force occurred on August 13, 2003 and thereafter convened monthly through February 2006. The early work of the Task Force was to provide all members with a thorough briefing in the DOC's policies, procedures and practices. In addition, the members agreed that information was needed from African Americans currently employed and recently separated.

Several approaches were considered with the focus group model selected as the most meaningful way to hear the experiences, concerns and recommendations from past and present African American employees. An expert program evaluator was hired on contract and convened focus groups in Spring 2004 (Exhibit 2).

Invitations were extended to all 117 African American employees, all 34 persons separated from the DOC in the previous 3 years, and 18 persons who were directly involved in the lawsuit. Participation was voluntary. However, steps were taken to make participation possible for all employees who wanted to attend. Of the 169 invited, 31% or 57 participated in 13 groups. Per the program evaluator this was a good turnout. Thirty-eight were male and 19 were female.

The Task Force worked with the program evaluator to identify key areas of discussion for the focus groups. Themes that emerged consistently across all focus groups are documented in the text boxes throughout the report.

- **What are the work experiences of African American employees in the DOC?**
  - **What qualities or characteristics of the DOC influence that experience?**
    - ... “A place to contribute; a place to progress professionally”
    - ...Negotiating the DOC: a troubling, isolating experience for most”

- Characteristics of the DOC Make it a Good Environment for African American Employees
- Characteristics of DOC That Do Not Make it a Good Work Environment for African American Employees
- **How do African American employees find out about DOC policy, especially related to promotion, discipline, the complaint process and sexual harassment? What experiences do they have with the DOC's policy practice?**
  - ... "it's practice, not policy."
- **How can the DOC create a better work environment for African American employees? What recommendations do participants suggest in the areas of recruitment, hiring, promotion, retention, training and discipline? What are suggestions for the Task Force?**

Upon receipt of the preliminary findings from the focus groups, the Task Force asked the DOC to provide data that would validate or negate these findings. Deliberations on the data relative to the findings continued for many months. The report of that work is presented here.

***Report Format:***

The first six sections of this report documents by topic, the work of the Focus Groups and the findings of the Task Force. In addition, each section carries recommendations for action that will be regularly measured for progress as well as numerous supporting strategies.

The Task Force strongly recommends that the Commissioner use the included recommendations and supporting strategies in her implementation plan. This does not preclude the Commissioner from adding recommendations or strategies.

A separate section summarizes all of the Task Forces recommendations for change and all strategies submitted to the Commissioner.

## Recruitment

**Definition:** Recruitment is the activity employers use to create a continuous pool of qualified job applicants. It includes but is not limited to: ads in newspapers, participation in job fairs, word of mouth, establishing ongoing relationships with community organizations and schools.

### **Focus Group Themes**

In general, participants indicated that DOC recruitment efforts for African Americans and other persons of color were more focused when coordinated by Central Office; current recruitment efforts are inconsistent; and efforts do not adequately use community resources to increase the potential pool. They also stressed the importance of developing (a) recruitment strategy in conjunction with effective retention strategies.

### **Task Force Findings:**

In general, DOC recruitment efforts for African Americans and other persons of color are more focused when coordinated by Central Office. In the past, recruitment efforts were inconsistent; and efforts did not adequately use community resources to increase the potential pool. More can be done to reach out to African Americans. This includes using communication media that African Americans access frequently and eliminating barriers created by the electronic application system recently implemented by the State of Minnesota.

The Task Force found that DOC did not have a Recruitment Plan in place when it began its work. As of 2004 the DOC implemented a Recruitment Plan.

Recruitment and retention strategies that target people of color need to be aggressive and more African Americans need to be recruited into leadership positions.

### **Task Force Recommendations:**

**Task Force Recommendation 1:** Set-up Internet access at facilities and recruitment events for training and direct application.

**Task Force Recommendation 2:** A process should be developed to track the progress of African Americans from first point of contact to hire.

Task Force Recommendation 3: Send regular progress reports on recruitment activities to the Commissioner (include individual successes and failures).

Task Force Recommendation 4: The DOC should create formal career tracks and communicate to all employees.

**Supporting Strategies:**

1. Create a recruitment plan focused on African Americans. Include facility tours, and consider creative approaches as employed by other organizations.
2. On a regular basis send out a press release to minority newspapers explaining how to use the State of Minnesota's electronic job application process (Resumix).
3. Develop interest in criminal justice occupations by visiting high schools and by enhancing the agency's partnership with the NAACP and other community organizations that work with African Americans.
4. Expand the use of interns through the Department's operating policy.
5. Target specific radio stations at certain times: B96, Cable access, PSA/s, Conversations with Al McFarland and KMOJ.
6. Develop relationships with African American community organizations that assist individuals with employment, including how to use the State's electronic application process.
7. Include NAACP and other African American community organizations regularly on job announcements that go to community organizations.
8. Target professional organizations for recruitment efforts for positions that require license, e.g., Black Social Workers, Black Psychologists, and Black Chamber of Commerce, Minneapolis and St. Paul Urban Leagues.
9. Designate one full time position for recruitment coordinator for the DOC.
10. Encourage managers and supervisors to recruit African Americans for jobs in their own occupational disciplines.

# Hiring

**Definition: Hiring is the process an employer uses to bring individuals into an organization for work. It is the culmination of a screening process that enables the organization to select an individual most likely to succeed in performing the work.**

## **Focus Group Themes:**

Participant comments on how to improve hiring practices focused on creating fair practices that reduce favoritism and insider use of information. In addition, many comments addressed fair representation of African Americans as part of the total DOC workforce and representation at all job levels.

## **Task Force Findings:**

The DOC operating policies are sound. Selection practices must be implemented that eliminate any perception of favoritism. The statistical data reflects that the majority of African Americans employed by DOC are in the Correctional Officer 2 classification. Therefore, the Task Force supports the existing centralized hiring process for Corrections Officers.

The total number of African Americans employed by the Department is approximately 3%. That number must be increased and the increases must be maintained (Exhibit 3.) The statistical data of 10-04 reflects that of 316 supervisory positions, 4% (13) are African Americans; and the 97 managers, 1% (3) are African American.

Based on data, the Task Force recommends the hiring of African American supervisors and managers to include candidates from outside the agency.

## **Task Force Recommendations:**

**Task Force Recommendation 1:** The Commissioner should make every effort to appoint African Americans as appointed officials (Deputy and Assistant Commissioners), institution heads and managers.

**Task Force Recommendation 2:** Increase the number of new hires of African Americans each year by 10% at all levels.

**Task Force Recommendations 3:** The DOC must develop and implement aggressive practices and strategies to hire qualified African Americans at supervisory and managerial levels.

Task Force Recommendation 4: The DOC will hold managers accountable for repeatedly failing to meet their affirmative action goals.

Task Force Recommendation 5: The DOC should develop a process on how to hold managers accountable for meeting Affirmative Action goals.

Task Force Recommendation 6: When there is a disparity, as identified in the approved DOC Affirmative Action Plan, for minorities and the hiring supervisor needs to reduce the pool of applicants beyond the minimum qualifications to reach a reasonable number to interview, he/she may not apply the preferred qualifications as documented on the job posting. If additional screening criteria is to be used to determine the finalist pool, at least 3 minority candidates shall be included.

Task Force Recommendation 6: The Commissioner shall not approve any missed opportunity when there is disparity for minority and an African American meets the minimum qualification.

**Supporting Strategies:**

1. Work with the Minnesota Department of Employee Relations (DOER) to establish that specific positions in the DOC must be filled with African Americans as a bona fide qualification based on the client population served.
2. Insure that African American community members or African American employees are assigned to participate in all hiring panels. Create and maintain a standing list of African Americans who are available to participate on hiring panels from the community and from within the DOC.
3. The DOC should open competition to the African American community for job classes that are normally filled by agency promotional when there are no African Americans in those classes.
4. Require managers/supervisors to hire from outside the DOC in other than current entry-level jobs classes and ensure this is accomplished by holding them accountable through performance management.
5. Provide managers/supervisors with information on hiring goals in quarterly reports and through regular meetings with Affirmative Action Officers/Designees.
6. Credit applicable work experience of African Americans from other jurisdictions for selection and compensation.
7. Include the NAACP and Minneapolis/St. Paul Urban League regularly on job announcements that go to community organizations.
8. The DOC should use the unclassified and temporary appointments as strategies to increase the number of African American employees.

## Promotion

**Definition:** The advancement of employees to higher pay and more responsible positions within the organization. Two methods of promotion occur at the DOC:

- 1) **Competitive:** The culmination of a screening process that selects an individual most likely to succeed in performing the work; and
- 2) **Non-competitive:** The advancement of employees within their own positions after demonstration of the ability to perform more responsible work.

### **Focus Group Themes:**

Recommendations related to promotion focused on using transparent policies that were not manipulated and were consistently and fairly applied.

Participants also emphasized the importance of removing barriers to promotion and committee membership especially because of the unfair handing out of discipline to African American. In addition, participants suggested that the DOC “open” the promotion process by sharing information more broadly and included persons of color on hiring and promotion panels.

### **Task Force Findings:**

The Task Force findings for promotions support the need to increase the total number of African Americans employees within the DOC to create a strong pool for appointments to supervisory and managerial opportunities. Temporary assignments were seen as opportunities to gain experience for promotions. The Task Force agreed with Focus Group participants, where they talked about the need for promotion practices to be more transparent. Also, they agreed that information about the promotion process be shared more broadly. The majority of Corrections Officer promotions occur within one’s own position and data for these appointments indicate that African Americans are promoted at the same rate as all other groups and consistent with promotional standards. For the three year period examined for promotion to Caseworker Career, only one African American was promoted. In the same three-year period, no African Americans were promoted to Correction Agent Career (Exhibit 4).

The statistical data shows that a glass ceiling exists for African Americans. No African Americans were appointed from November 10, 2001 to November 10, 2004 to middle and upper management positions (Exhibit 5).

## **Task Force Recommendations:**

Task Force Recommendation 1: From the current employee pool of African Americans increase the number promoted each year by at least 10%.

Task Force Recommendation 2: The DOC should conduct a thorough analysis of the competitive appointments based on race and gender including but not limited to the major job classes e.g., Captains, CO3 Lieutenants, Caseworker, Corrections Program Therapists, and Corrections Agents in order to monitor progress of Task Force Recommendation 1.

Task Force Recommendation 3: The DOC should create formal career tracks and communicate to all employees.

Task Force Recommendation 4: Every effort should be made to promote African Americans to leadership positions.

Task Force Recommendation 5: The process and criteria used for entry into and promotions within Corrections Caseworkers/Agents Class Series should be examined.

Task Force Recommendation 6: When there is a disparity for minorities and the hiring supervisor needs to reduce the pool of applicants beyond the minimum qualifications to reach a reasonable number to interview, he/she may not apply the preferred qualifications as documented on the job posting. If additional screening criteria is to be used to determine the finalist pool, at least 3 minority candidates shall be included.

Task Force Recommendation 7: The Commissioner shall not approve any missed opportunity when there is disparity for minority and an African American meets the minimum qualification.

## **Supporting Strategies:**

1. The DOC should open competition to the African American community for job classes that are normally filled by agency promotional when there are no African Americans in those classes.
2. Invite African American community members or assign African American employees to serve on all promotional selection panels.
3. Project unclassified assignments, temporary, mobility and work-out-of-class assignments with an anticipated duration of at least 6 months or more must be posted for 10 days or as required in the appropriate labor agreement. If the vacancy is anticipated to be longer than 30 days it must be posted. However, if there is an immediate need to fill that position, the appointment cannot be made for more than 30 days. Where there is an African American candidate that candidate will be appointed.
4. The DOC should develop a career-planning program for African American employees.

# Training

**Definition:** Teaching employees how to better perform their job responsibilities and to learn how to perform new responsibilities. Training is a tool used to teach and re-enforce agency policies/practices. It is also used to foster a harmonious, respectful, and inclusive work environment.

## Focus Group Themes

Participants identified two areas of training that would improve the work environment for African Americans: cultural sensitivity and training and one officer emphasized the importance of “intentional opportunities for all to interact meaningfully and learn about each other.” Participants noted that the training provided for new recruits does little to address cultural differences or make clear how others are to be treated. One officer said, “DOC offers mental health topics in the six-week training, but they do not touch on the DOC having different races and different types of people or what is the expected behavior for employees.”

As mentioned earlier, having white officers not only increase their understanding of and respect for cultural differences, but to also clearly understand what is appropriate and be held accountable for inappropriate behavior is essential.

## Task Force Findings:

The task force supports the themes of the focus group participants that more training is needed in the work environment related to cultural sensitivity, respect and conflict resolution.

## Task Force Recommendations

Task Force Recommendation 1: The DOC training plan should include intensive culture, diversity and sensitivity training for all staff every other year to enable a respectful work environment for all staff.

Task Force Recommendation 2: Create a leadership academy for the DOC employees with emphasis on recruiting African Americans.

Task Force Recommendation 3: The DOC new employee orientation/academy should include culture and diversity training by African Americans and other diverse groups.

Task Force Recommendation 4: The DOC should expand its existing mentorship program for professional development for African American employees.

Task Force Recommendation 5: The DOC should support (allow paid time off and pay associated fees) African American organizations that provide training i.e. National Association of Blacks in Criminal Justice, African American Men's Project, etc.

Task Force Recommendation 6: The DOC should provide training that creates understanding of cultures of those who are incarcerated and developing a skill set for working effectively with them

Task Force Recommendation 7: The DOC should have training that increases the capacity of leadership to understand diverse cultures and create supportive environments for all.

**Supporting Strategies:**

1. Training on culture, diversity and sensitivity should be mandatory every other year. It should include methods for holding employees accountable for appropriate behavior through setting expectations for performance.
2. Provide more in depth training in the Academy on civil rights laws that addresses race, gender, etc.
3. Use African American outside trainers from the community referred by NAACP.
4. Provide managers/supervisors with training on managing a diverse workplace, including effective supervision, discipline administration and avoiding race-biased decision-making.
5. The DOC leadership academy participants should be a minimum of 50% African American employees per academy.
6. The DOC should support African American employee membership in the National Association of Blacks in Criminal Justice (NABCJ).
7. Alternative methods of resolving conflict (Conflict Resolution Initiative, Employee Assistance Program, and Mediation) should be made available to all staff.

## Discipline

**Definition:** The tool used by employers to encourage employees to follow policies and procedures and/or perform their jobs as expected. State of Minnesota/DOC labor contracts and plans require the use of progressive discipline, meaning administering the lowest level of discipline for the initial infraction and increasing the level of severity only after repeated failure to comply. Discipline includes discharge or separating the employee from the organization.

### **Focus Group Themes:**

Focus group participants indicated that how disciplinary policies are practiced often negatively impact African American employees at the DOC. Their comments included the challenges of being on both sides of the discipline-identifying issues that need to be addressed or receiving discipline. Most felt that discipline of African Americans was unfairly practiced and were often condoned by the organizational culture. Recommendations focused on instituting practices and accountabilities to insure that DOC disciplinary policies were administered as intended and fairly among all employees.

### **Task Force Findings:**

Findings indicated that sound disciplinary policies are in place (Exhibit 6). Focus group participants reported that discipline was administered unfairly; therefore, the Task Force selected data documenting discipline for tardiness and absenteeism. That data showed that African Americans were disciplined at a higher rate than Caucasians (Exhibit 7).

At facilities where they have Corrections Officers all report for duty at the same location there has been a reduction in the perception of favoritism in administering tardiness guidelines (Exhibit 8). This perception is supported by data at MCF-Lino Lakes where an analysis of absenteeism and tardiness prior to and after the facility went to a single reporting location for Corrections Officers. When you look at the numbers for (tardiness) prior to the change; numbers for African Americans were 10 and 51 for Caucasians. After the change the numbers for African Americans went from 10 to 19 doubling, and for Caucasians 51 to 122 nearly a triple increase. African American employees were more likely to be subjected to discipline more often than Caucasians employees relative to their representation in the workforce. However, after the change more employees in general were likely to be disciplined for absenteeism and tardiness, the change leveled the playing field. (Exhibit 9).

Guidelines for the management of absenteeism and tardiness were not department-wide prior to the Task Force convening. Effective December 6, 2005, the DOC adopted a Facilities Division Directive on the management of absenteeism and tardiness (Exhibit 10).

**Task Force Recommendations:**

Task Force Recommendation 1: The DOC should commit resources to evaluate why African Americans are disciplined at a higher rate than other employees.

Task Force Recommendation 2: Annually monitor the rate of discipline by race. If data supports that African Americans are disciplined unfairly the Commissioner should develop strategies to correct the unfair discipline.

Task Force Recommendation 3: The following statement should be added to the Personal Conduct agency operating policy: If an employee makes a false allegation which he/she could not have believed to be true, the appointing authority will take appropriate disciplinary action against the employee.

Task Force Recommendation 4: Local guidelines for basic work expectations (e.g., tardiness, no call/no show, absenteeism) should be standardized and communicated department-wide and monitored quarterly.

**Supporting Strategies:**

1. Wherever possible DOC should have all Corrections Officers report for work at the same location to reduce perceptions or the reality of favoritism in administering tardiness guidelines.
2. Review DOC discipline data annually.

## Retention

**Definition:** The capacity of an organization to keep employees. Retention of staff is affected by almost all facets of employment but is generally based on employees' perception of how they are valued by the organization and their perceptions of fair and equitable treatment.

### **Focus Group Themes:**

Participants made several suggestions for ways to improve retention of African American employees such as connecting recruitment and retention plans; mentoring; creating a more hospitable climate for African American employees; and providing follow-along support for new recruits. One person suggested that having the administrators answer the question, "Why are we hiring and not retaining African American males?" could provide useful information for the organization and inform an effective recruitment / retention strategy.

Retention was usually mentioned as a corollary to **an effective recruitment strategy** in order to retain those who are recruited. **Mentoring** was suggested as a needed approach to retaining new recruits. Several noted that in the past, an effective mentoring program existed. Most recommendations were related to developing mentoring programs similar to previous ones; identifying mentors and making it clear to new recruits who the mentors are.

**Inclusive, respectful, supportive, encouraging and welcoming:** Participants indicated that in an ideal work environment for African Americans, they would be recruited for their skills; respected and valued for who they are as well as their contributions and talents. In addition, there would be room in the environment to "be themselves" where they would not be questioned about hairstyle or ostracized for observed cultural difference. African American employees would be able to "do things differently that accomplish the work" without undue criticism. Their opinions would be respected and their voices heard. The work environment would be "conducive to thriving," inclusive hospitable with no hostility. Absent from the environment would be "a good old boys network" that limits the connections and opportunities of those not included. There would be no intimidation, retaliation or "surveillance."

### **Task Force Findings:**

The Task Force found that most turnover of African American staff occurred within the first year of service (Exhibit 11).

The Task Force found that African Americans consistently had the highest turnover rate of all races over the three year period studied. Of note is that the rate was always over 20% as opposed to data on any other race. Only the Asian Pacific Islander group came close in FY04 with

a turnover rate of exactly 20% (Exhibit 11). It was felt that the DOC should develop a retention strategy that is focused on retaining African American employees as well as other employees of color. Focus group participants made several suggestions for ways to improve retention of African American employees such as connecting recruitment and retention plans; mentoring; creating a more hospitable climate for African American employees; and providing follow-along support for new recruits.

### **Task Force Recommendations:**

Task Force Recommendation 1: Reduce the turnover of African Americans by 50% annually.

Task Force Recommendation 2: The DOC should retain a race relation consultant to assess why African Americans separate at a higher rate than other employees and make recommendations for change. This Task Force should be involved in the selection of that consultant.

Task Force Recommendation 3: Each Facility Chief Executive Officer will identify or create a position on his/her management to be filled by a qualified African American. Facilities may fill these positions on a permanent basis or through a mobility assignment, with current DOC minority employees or from outside the Department. These positions will be at the managerial level, e.g., Assistant to the Warden, etc.

### **Supporting Strategies:**

1. Develop and implement a DOC Retention Plan.
2. The DOC should commit resources to assessing why African Americans separate at a higher rate than other employees.
3. Root causes of why African Americans separate at disproportionately higher rates than all other employee groups should be addressed in a planned and professional manner.
4. Qualifications/competencies for jobs should be better defined so that selection processes and self-selection decisions by potential employees are improved.
5. Training should include strategies on how to address issues of race, gender, ethnicity and culture.
6. Modify the General Harassment Agency Operating Policy to include Conflict Resolution Initiative as an alternative.
7. Conduct annual climate survey of African American employees to see if the Task Force improved the work environment.
8. Separating African American employees should be offered an in-person exit interview with an Affirmative Action Officer/Designees or a Personnel Officer.
9. The Department will recognize employees at all levels that contribute to the development and retention of a diverse workforce. The Department should explore the use of incentives and strategies to maintain a diverse workforce.

## Summary

The Task Force members spent considerable time studying the employment practices of the DOC. Findings, recommendations and supporting strategies are based on data collected through a rigorous focus group methodology and data collected through the State of Minnesota's personnel database called the SEMA4 system. Review of the data led to discussions about what works well and those areas that need improvement. Recommendations were formulated focusing on improving the hiring and retention of African Americans, however, the members sincerely hope that this work extends benefits to the entire work environment including all employees.

**The primary recommendation from the Task Force is that the DOC needs to hire more African Americans. This was determined to be a pre-condition to strengthen the Department of Corrections and to improve the work environment for African Americans.**

Finally, the long list of supporting strategies is important and will be monitored carefully by the Task Force in the ensuing years. This will be made possible by the Commissioner who has agreed to regularly reporting on the progress of all recommendations.

In closing, the members of the Task Force sincerely appreciate the contributions made by DOC staff members, past and present, who participated in Focus Groups.

Complete List  
**Recommendations/Supporting Strategies**

**Recruitment:**

Task Force Recommendation 1: Set-up Internet access at facilities and recruitment events for training and direct application.

Task Force Recommendation 2: A process should be developed to track the progress of African Americans from first point of contact to hire.

Task Force Recommendation 3: Send regular progress reports on recruitment activities to the Commissioner (include individual successes and failures).

Task Force Recommendation 4: The DOC should create formal career tracks and communicate to all employees.

**Supporting Strategies:**

1. Create a recruitment plan focused on African Americans. Include facility tours, and consider creative approaches as employed by other organizations.
2. On a regular basis send out a press release to minority newspapers explaining how to use the State of Minnesota's electronic job application process (Resumix).
3. Develop interest in criminal justice occupations by visiting high schools and by enhancing the agency's partnership with the NAACP and other community organizations that work with African Americans.
4. Expand the use of interns through the Department's operating policy.
5. Target specific radio stations at certain times: B96, Cable access, PSA/s, Conversations with Al McFarland and KMOJ.
6. Develop relationships with African American community organizations that assist individuals with employment, including how to use the State's electronic application process.
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8. Target professional organizations for recruitment efforts for positions that require license, e.g., Black Social Workers, Black Psychologists, and Black Chamber of Commerce, Minneapolis and St. Paul Urban Leagues.
9. Designate one full time position for recruitment coordinator for the DOC.
10. Encourage managers and supervisors to recruit African Americans for jobs in their own occupational disciplines.

## **Hiring:**

Task Force Recommendation 1: The Commissioner should make every effort to appoint African Americans as appointed officials (Deputy or Assistant Commissioners), institution heads and managers.

Task Force Recommendation 2: Increase the number of new hires of African Americans each year by 10% at all levels.

Task Force Recommendations 3: The DOC must develop and implement aggressive practices and strategies to hire qualified African Americans at supervisory and managerial levels.

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Task Force Recommendation 7: The Commissioner shall not approve any missed opportunity when there is disparity for minority and an African American meets the minimum qualification.

## **Supporting Strategies:**

1. Work with the Minnesota Department of Employee Relations (DOER) to establish that specific positions in the DOC must be filled with African Americans as a bona fide qualification based on the client population served.
2. Insure that African American community members or African American employees are assigned to participate in all hiring panels. Create and maintain a standing list of African Americans who are available to participate on hiring panels from the community and from within the DOC.
3. The DOC should open competition to the African American community for job classes that are normally filled by agency promotional when there are no African Americans in those classes.
4. Require managers/supervisors to hire from outside the DOC in other than current entry-level jobs classes and ensure this is accomplished by holding them accountable through performance management.
5. Provide managers/supervisors with information on hiring goals in quarterly reports and through regular meetings with Affirmative Action Officers/Designees.

6. Credit applicable work experience of African Americans from other jurisdictions for selection and compensation.
7. Include the NAACP and Minneapolis/St. Paul Urban League regularly on job announcements that go to community organizations.
8. The DOC should use the unclassified and temporary appointments as strategies to increase the number of African American employees.

## **Promotion:**

Task Force Recommendation 1: From the current employee pool of African Americans increase the number promoted each year by at least 10%.

Task Force Recommendation 2: The DOC should conduct a thorough analysis of the competitive appointments based on race and gender including but not limited to the major job classes e.g., Captains, CO3 Lieutenants, Caseworker, Corrections Program Therapists, and Corrections Agents in order to monitor progress of Task Force Recommendation 1.

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than 30 days it must be posted. However, if there is an immediate need to fill that position, the appointment cannot be made for more than 30 days. Where there is an African American candidate; that candidate will be appointed.

4. The DOC should develop a career-planning program for African American employees.

## **Training:**

Task Force Recommendation 1: The DOC training plan should include intensive culture, diversity and sensitivity training for all staff every other year to enable a respectful work environment for all staff.

Task Force Recommendation 2: Create a leadership academy for the DOC employees with emphasis on recruiting African Americans.

Task Force Recommendation 3: The DOC new employee orientation/academy should include culture and diversity training by African Americans and other diverse groups.

Task Force Recommendation 4: The DOC should expand its existing mentorship program for professional development for African American employees.

Task Force Recommendation 5: The DOC should support (allow paid time off and pay associated fees) African American organizations that provide training i.e. National Association of Blacks in Criminal Justice, African American Men's Project, etc.

Task Force Recommendation 6: The DOC should provide training that creates understanding of cultures of those who are incarcerated and developing a skill set for working effectively with them

Task Force Recommendation 7: The DOC should have training that increases the capacity of leadership to understand diverse cultures and create supportive environments for all.

## **Supporting Strategies:**

1. Training on culture, diversity and sensitivity should be mandatory every other year. It should include methods for holding employees accountable for appropriate behavior through setting expectations for performance.
2. Provide more in depth training in the Academy on civil rights laws that addresses race, gender, etc.
3. Use African American outside trainers from the community referred by NAACP.
4. Provide managers/supervisors with training on managing a diverse workplace, including effective supervision, discipline administration and avoiding race-biased decision-making.
5. The DOC leadership academy participants should be a minimum of 50% African American employees per academy.

6. The DOC should support African American employee membership in the National Association of Blacks in Criminal Justice (NABCJ).
7. Alternative methods of resolving conflict (Conflict Resolution Initiative, Employee Assistance Program, and Mediation) should be made available to all staff.

## **Discipline:**

Task Force Recommendation 1: The DOC should commit resources to evaluate why African Americans are disciplined at a higher rate than other employees.

Task Force Recommendation 2: Annually monitor the rate of discipline by race. If data supports that African Americans are disciplined unfairly the Commissioner should develop strategies to correct the unfair discipline.

Task Force Recommendation 3: The following statement should be added to the Personal Conduct Agency Operating Policy: If an employee makes a false allegation which he/she could not have believed to be true, the appointing authority will take appropriate disciplinary action against the employee.

Task Force Recommendation 4: Local guidelines for basic work expectations (e.g., tardiness, no call/no show, absenteeism) should be standardized and communicated department-wide and monitored quarterly.

## **Supporting Strategies:**

1. Wherever possible DOC should have all Corrections Officers report for work at the same location to reduce perceptions or the reality of favoritism in administering tardiness guidelines.
2. Review DOC discipline data annually.

## **Retention:**

Task Force Recommendation 1: Reduce the turnover of African Americans by 50% annually.

Task Force Recommendation 2: The DOC should retain a race relations consultant to assess why African Americans separate at a higher rate than other employees and make recommendations for change. This Task Force should be involved in the selection of that consultant.

Task Force Recommendation 3: Each Facility Chief Executive Officer will identify or create a position on his/her management to be filled by a qualified African American. Facilities may fill these positions on a permanent basis or through a mobility assignment, with current DOC minority employees or from outside the Department. These positions will be at the managerial level, e.g., Assistant to the Warden, etc.

### **Supporting Strategies:**

1. Develop and implement a DOC Retention Plan.
2. The DOC should commit resources to assessing why African Americans separate at a higher rate than other employees.
3. Root causes of why African Americans separate at disproportionately higher rates than all other employee groups should be addressed in a planned and professional manner.
4. Qualifications/competencies for jobs should be better defined so that selection processes and self-selection decisions by potential employees are improved.
5. Training should include strategies on how to address issues of race, gender, ethnicity and culture.
6. Modify the General Harassment Agency Operating Policy to include Conflict Resolution Initiative as an alternative.
7. Conduct annual climate survey of African American employees to see if the Task Force improved the work environment.
8. Separating African American employees should be offered an in-person exit interview with an Affirmative Action Officer/Designees or a Personnel Officer.
9. The Department will recognize employees at all levels that contribute to the development and retention of a diverse workforce. The Department should explore the use of incentives and strategies to maintain a diverse workforce.

*Exhibit 1*

**African American Employment Task Force  
For the Minnesota Department of Corrections**

**Membership**

**Community Members**

Nathaniel Khaliq, President  
St. Paul Chapter  
National Association for the Advancement  
of Colored People

Dianne Binns, Board Member  
St. Paul Chapter  
National Association for the Advancement  
of Colored People  
Previous employee of the Agency  
Hennepin County Probation Agent

Jackie Cooper, Community Member  
St. Paul Chapter  
National Association for the Advancement  
of Colored People  
Previous employee of the Agency  
HIRED Employment and Training Consultant

Leanna Simmons, Board Member  
St. Paul Chapter  
National Association for the Advancement  
of Colored People

**Agency Members**

Chris Bray,  
Assistant Commissioner

Karen McCarty  
Human Resource Manager

Henry Wesley,  
Litigation and Claims Officer  
MCF-Lino Lakes

Pamela Kelly,  
Affirmative Action Officer

*Exhibit 2*

Focus Groups – Program Facilitator/Evaluator

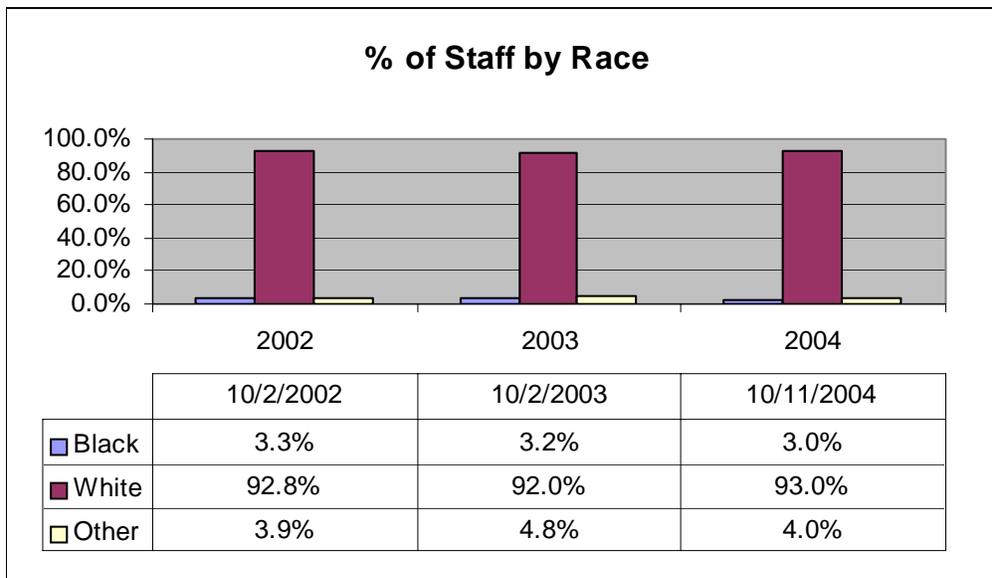
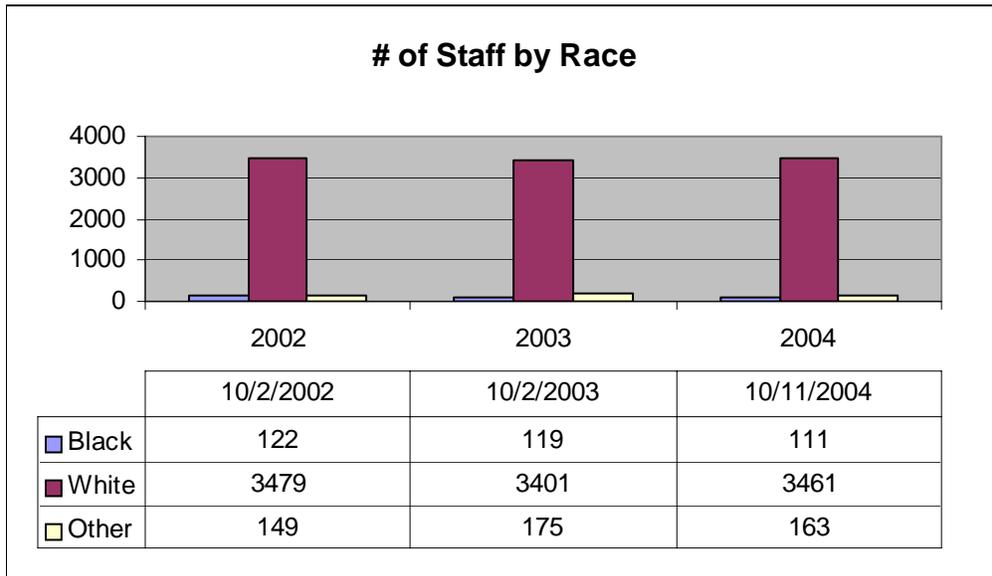
Vanessa McKendall-Stephens, Ph.D.

Face Valu

3507 Emerson Avenue North

Minneapolis, MN 55412

*Exhibit 3*



*Exhibit 4*

**Average # of Days to Promotion**

***Corrections Officer 1 to 2***

Fiscal Year	Black	White
FY03	225	275
FY04	243	350
FY05	231	371

***COI-Trainee to COI (probationary)***

Fiscal Year	Black	White
FY03	42	42
FY04	42	42
FY05	42	42

***Corrections Security Caseworker to Career***

Fiscal Year	Black	White
FY03	3094	4852
FY04	N/A	3677
FY05	N/A	8209

***Corrections Agent to Agent, Senior***

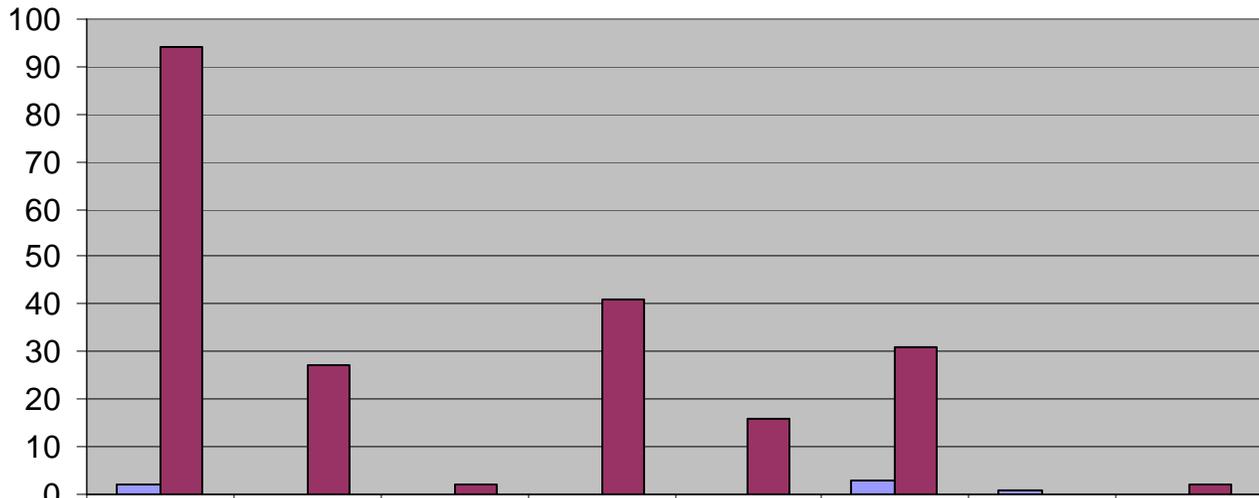
Fiscal Year	Black	White
FY03	N/A	750
FY04	N/A	2437
FY05	N/A	842

***Corrections Agent, Senior to Career***

Fiscal Year	Black	White
FY03	N/A	N/A
FY04	N/A	1931
FY05	N/A	2999

Exhibit 5

Promotions 11/10/01 to 11/10/04



Black	2	0	0	0	0	3	1	0
White	94	27	2	41	16	31	0	2

*Exhibit 6*

**Minnesota Department of Corrections**

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<b>Policy:</b>	<b>103.225</b>	<b>Title:</b>	<b>Employee Discipline Administration</b>
<b>Issue Date:</b>	<b>6/1/05</b>		
<b>Effective Date:</b>	<b>7/1/05</b>		

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**AUTHORITY:** [Minn. Stat. 43A.20](#)  
[Minn. Stat. Chap. 179A, Public Employment Labor Relations](#)

**PURPOSE:** To establish procedures regarding instances of employee conduct that may lead to discipline.

**APPLICABILITY:** Department-wide

**POLICY:** The Work Incident Review Committee (WIRC) will review the findings of all investigations referred to the committee by a WIRC member. A suspension, demotion, or discharge may only be administered after a review by the WIRC. All investigations resulting from a discrimination or sexual harassment complaint are administered pursuant to [Policy 103.300, "Anti-Discrimination & Sexual Harassment."](#)

**DEFINITIONS:**

Facility WIRC - Warden/Superintendent, Corrections Facility Operations Director/Assistant Superintendent, Corrections Facility Administration Director/Juvenile Program Director, Industry Director, Human Resources (HR) Director/designee, Central Office (CO) Manager (when shared services function)/designee, and other executive team members as deemed appropriate by the appointing authority.

CO/Field Services WIRC - At the discretion of the CO HR Director (membership must include the Division Head/designee affected and be limited to Management Plan employees), or designee.

Discipline Levels (in order of severity with 1 being least severe and 5 being most severe)

1. Oral Reprimand
2. Written Reprimand
3. Suspension
4. Demotion
5. Discharge

**PROCEDURES:**

- A. The supervisor/manager will notify the HR Office when an investigation has been assigned.
- B. Upon completion of an employee investigation, the investigator will forward the completed investigation file to the manager of the work area who is a member of WIRC.
- C. The manager will review the investigation with the supervisor of the subject of the investigation and determine the level of discipline appropriate for the infraction. The manager may consult with the HR staff as needed regarding the facts of the case and/or procedural issues surrounding the investigation. The supervisor through the manager has the authority to proceed with discipline at the level of written reprimand and below. The supervisor will notify the subject of the investigation when the investigation has been completed.
- D. When discipline may rise to the level of a suspension or greater, the WIRC should convene within a reasonable period of time from the manager's decision to refer the investigation to WIRC.
- E. The WIRC may request the investigator and/or supervisor to attend the WIRC meeting for further clarification of the conduct, the circumstances of the behavior, employee history, etc.

- F. Investigations resulting in possible suspension or greater must be discussed with the Labor Relations Manager and the appropriate assistant or deputy commissioner prior to administration of the discipline.
- G. The appropriate WIRC manager will relay the final decision to the supervisor.
- H. HR Management will record the final decision in the Discipline/Grievance Tracking System.
- I. The manager/designee will inform the HR Director/designee of the decision regarding discipline and provide HR Management with the investigation and supporting documentation.
- J. Imposition of discipline
  1. Once the final determination of the level of discipline is communicated to the supervisor, the supervisor will prepare, if applicable, the disciplinary letter, review the letter with the manager and issue the discipline.
  2. Written disciplinary actions are placed in the employee's personnel file and may only be removed upon written request of the employee to the HR Director and in accordance with the applicable collective bargaining agreement.
  3. Oral Reprimands must be documented in the supervisory file.

**REVIEW:** Annually

**REFERENCES:** [Policy 103.300, "Anti-Discrimination and Sexual Harassment."](#)  
[Applicable collective bargaining agreements and plans.](#)  
[Minnesota Government Data Practices Act.](#)

**SUPERSESSSION:** Policy 103.225, "Employee Discipline Administration," 9/1/04.  
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** None

/s/  
Chris Bray, Assistant Commissioner  
Support Services

*Exhibit 7*

***Number of Employees Disciplined for Tardiness and Absenteeism***

July 1, 2002 – June 30, 2004

	<b>Total Employees</b>	<b>Number of Employees Disciplined for Tardiness and Absenteeism</b>	<b>Percentage of Employees Disciplined</b>
African American	92	17	18%
Caucasian	2341	112	5%
<b><i>Total</i></b>	<b><i>2433</i></b>	<b><i>129</i></b>	<b><i>5%</i></b>

*Exhibit 8*

*Facilities that Require Corrections Officers to  
Start their Shift at a Central Location*

<i>Location</i>	<i>Yes</i>	<i>No</i>
MCF-Faribault		X
MCF-Lino Lakes	X	
MCF-Moose Lake / Willow River		X
MCF-Oak Park Heights	X	
MCF-Red Wing		X
MCF-Rush City		X
MCF-St. Cloud		X
MCF-Shakopee	X	
MCF-Stillwater	X	
Thistledeew Camp		X

*Exhibit 9*  
**MCF-Lino Lakes Tardiness Discipline Data**

<b>EMPLOYEE GROUP</b>	<b>TIME PERIOD</b>	<b>INCIDENTS</b>	<b>EMPLOYEES</b>
<b>Absenteeism and Tardiness Combined</b>			
	7/1/2002 to 3/10/04		
AFRICAN AMERICANS		32	13
WHITES		125	78
<b>Totals</b>		<b>157</b>	<b>91</b>
	3/11/2004 to 9/30/05		
AFRICAN AMERICANS		46	20
WHITES		223	132
<b>Totals</b>		<b>269</b>	<b>152</b>
<b>*Total Increase between Periods</b>		<b>42%</b>	<b>40%</b>

<b>Tardiness Separated</b>			
<b>EMPLOYEE GROUP</b>	<b>TIME PERIOD</b>	<b>INCIDENTS</b>	<b>EMPLOYEES</b>
	7/1/2002 to 3/10/04		
AFRICAN AMERICANS		21	10
WHITES		91	51
<b>Totals</b>		<b>112</b>	<b>61</b>
	3/11/2004 to 9/30/05		
AFRICAN AMERICANS		30	19
WHITES		165	122
<b>Totals</b>		<b>195</b>	<b>141</b>
<b>*Total Increase between periods</b>		<b>42%</b>	<b>57%</b>

**Time Periods**

**7/1/2002 to 3/10/04**

**Prior to implementation of shift briefing at single reporting site for uniform staff.**

**3/11/2004 to 9/30/05**

**After implementation of shift briefing at single reporting site for uniform staff.**

*Exhibit 10*

**Minnesota Department of Corrections**

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<b>Division Directive:</b>	<b>103.035</b>	<b>Title:</b>	<b>Tardiness and Failure to Report to Work</b>
<b>Issue Date:</b>	<b>12/6/05</b>		
<b>Effective Date:</b>	<b>1/3/06</b>		

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**AUTHORITY:** [Minn. Stat. § 43A.38](#)

**PURPOSE:** To provide guidelines for addressing employee tardiness and occurrences of failing to report to work.

**APPLICABILITY:** Staff at all adult and juvenile correctional facilities

**DIRECTIVE:** Punctuality and attendance of employees is essential, particularly in facilities that operate 24 hours a day. Tardiness and occurrences of failing to report to work as scheduled are detrimental to facility operations, impact operational safety and security and as a result will subject employees to corrective action and progressive discipline.

**DEFINITIONS:**

Administrative Team - warden/superintendent, corrections facility operations director/assistant superintendent, corrections facility administration director/juvenile program director, industry director, human resources (HR) director/designee, and other executive team members as deemed appropriate by the appointing authority.

No Call/No Show – failing to call in within the first 15 minutes of the start of an assigned shift, failing to call in and reporting to work more than 15 minutes after the start of an assigned shift, or failing to report for an assigned shift.

Tardy – calling in before the start of an assigned shift and reporting that he/she will be in to work but will be late, calling in within the first 15 minutes of the start of a shift and reporting that he/she will be in to work but will be late, or coming to work after the designated start of an assigned shift yet reporting to duty within the first 15 minutes of the start of his/her shift.

Staff – all department employees working at an adult or juvenile correctional facility excluding newly hired employees on probation and employees serving discretionary probationary periods.

**PROCEDURES:**

A. Attendance Expectations

In all situations, management has the right to expect employees to notify the watch commander or their immediate supervisor, as applicable, if the employee is going to be late coming to work. And management has the right to expect employees to give a reason why the employee will not be reporting on time.

1. All employees are expected to report promptly at the start of their scheduled work time. Exceptions include pre-approved schedule changes or other work related obligations.
2. Management has the right to initiate the necessary action required to determine why an employee reported to work late or not at all.

B. Tardiness

1. Authorized Tardy – Unforeseen Emergencies
  - a) If an employee is tardy, the employee will have three calendar days to provide his/her supervisor with additional information and/or documentation regarding the absence if the employee would like the tardy to be considered an unforeseen emergency.
  - b) If the tardy is determined by the supervisor, in conjunction with the Administrative Team, to be an authorized absence due to an unforeseen emergency, the employee will be allowed to use appropriate accrued leave or compensatory time, if available, for the absence.
  - c) If approval is not given for the tardy to be considered an unforeseen emergency or documentation is not provided, the employee will receive “no pay” for the duration of the tardy.

2. Unauthorized Tardy
  - a) An employee, who does not have the tardy incident excused as an unforeseen emergency, will receive “no pay” for all time not worked in excess of five minutes. Absences of less than five minutes will be paid.
  - b) **Any incident of tardiness, unless determined to be an authorized absence, will result in the administration of corrective action or discipline as listed below. The following is a guideline for action to be taken in the event of tardiness:**

1 <sup>st</sup> Incident -	No action – unchallenged
2 <sup>nd</sup> Incident -	Supervisory Conference (documented)
3 <sup>rd</sup> Incident -	Oral Reprimand
4 <sup>th</sup> Incident -	Written Reprimand
5 <sup>th</sup> Incident -	One Day Suspension
6 <sup>th</sup> Incident -	Three Day Suspension
7 <sup>th</sup> Incident -	Five Day Suspension
8 <sup>th</sup> Incident -	Discharge
  - c) For each three month period of no incidents of tardiness, the level of corrective or disciplinary action taken will drop to the next lower level in the progression.  
Example: An employee is tardy on:  
 March 10 - No action  
 March 15 - Supervisory Conference  
 March 21 - Oral Reprimand  
  
 The employee does not have another incident of being tardy until July 2 (more than three months have passed since the March 21 incident.) The action imposed for the July 2 incident of being tardy would be a supervisory conference.

C. No Call/No Show

1. Authorized No Call/No Show – Unforeseen Emergencies
  - a) If an employee is a no call/no show for a shift, the employee will have three calendar days following his/her return to work to provide his/her supervisor with additional information and/or documentation regarding the absence if he/she would like the absence to be considered an unforeseen emergency.
  - b) If the no show/no call is determined by the supervisor, in conjunction with the Administrative Team, to be an authorized absence due to an unforeseen emergency, the employee will be allowed to use appropriate accrued leave or compensatory time, if available, for the absence.
  - c) If approval is not given for the no call/no show to be considered an unforeseen emergency or documentation is not provided, the employee will receive “no pay” for the duration of the no call/no show.
2. Unauthorized No Call/No Show
  - a) An employee, who does not have the no call/no show excused as an unforeseen emergency, will receive “no pay” for all time not worked.
  - b) **Any incident of an employee being a no call/no show for work, unless determined to be an authorized absence, will result in the administration of corrective action or discipline as listed below. The following is a guideline for action to be taken in the event of tardiness:**

1 <sup>st</sup> Incident -	Supervisory Conference (documented)
2 <sup>nd</sup> Incident -	Oral Reprimand
3 <sup>rd</sup> Incident -	Written Reprimand
4 <sup>th</sup> Incident -	One Day Suspension
5 <sup>th</sup> Incident -	Three Day Suspension

6<sup>th</sup> Incident - Five Day Suspension  
7<sup>th</sup> Incident - Discharge

- c) There is no “decay” factor applicable to incidents of no call/no show. Such incidents will be considered and treated progressively based on the appropriate bargaining unit contract language.
- d) Three consecutive days of an employee failing to report to work, with no supervisory contact and no subsequent documentation warranting an authorized absence due to unforeseen circumstances, will be considered job abandonment and treated as a voluntary resignation of employment.

D. Consideration of Other Disciplinary Actions

All other discipline currently in an employee’s file is considered when determining the level of corrective or disciplinary action to be administered for attendance problems. The presence of such discipline could result in a higher level of corrective or disciplinary action being imposed than covered in the guidelines in this directive.

E. Contract Provisions

- 1. Disciplinary actions are added or removed from employee personnel files based on the applicable contract or plan language and established timeframes and procedures.
- 2. As applicable, appropriate contract provisions will provide guidance regarding how hours of work are set and these guidelines are applied.

**REVIEW:** Annually

**REFERENCES:** [Policy 103.220, “Personal Conduct of Employees”](#)

**SUPERSESSSION:** All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** None

/s/  
Erik Skon, Assistant Commissioner  
Facilities Division

**Exhibit 11**  
**Staff Composition & Turnover**  
**by Race**  
**FY03 and FY04**

		American Indian	Asian/ Pacific Islander	Black	Hispanic	Not Indicated	White
	Total # of Staff on 7/5/02	61	23	111	46	20	3455
<b>FY03</b> 7/1/02 - 6/30/03	Total # of Separations	6	3	29	2	3	315
		9.84%	13.04%	26.13%	4.35%	15.00%	9.12%

		American Indian	Asian/ Pacific Islander	Black	Hispanic	Not Indicated	White
	Total # of Staff on 7/14/03	55	30	123	51	22	3438
<b>FY04</b> 7/1/03 - 6/30/04	Total # of Separations	8	6	28	5	6	305
		14.55%	20.00%	22.76%	9.80%	27.27%	8.87%

		American Indian	Asian/ Pacific Islander	Black	Hispanic	Not Indicated	White
	Total # of Staff on 7/9/04	54	35	110	49	32	3452
<b>FY05</b> 7/1/04 - 6/30/05	Total # of Separations	5	5	23	6	5	316
		9.26%	14.29%	20.91%	12.24%	15.63%	9.15%