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# **AFFIRMATIVE ACTION PLAN**

Public Employees Retirement Association  
60 Empire Drive  
St. Paul, MN 55103

July 2006

**Affirmative Action Plan  
Transmittal Form  
Fiscal Year 2007  
For the  
Public Employees Retirement Association**

1. Our current review of the goal units listed below revealed underutilization of the following protected groups.

<b>Goal Units</b>	<b>Women</b>	<b>Minorities</b>	<b>Disabled</b>
Officials and Administrators		X	X
Professionals		X	X
Technicians			
Paraprofessionals			
Office/Clerical			

2. Affirmative Action plan is available in the break room, Human Resources Office/Executive Division and every employee has a copy in the Personnel Policy Manual they receive at orientation so that they are aware of the Public Employees Retirement Associations' commitments in affirmative action for the year.
3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure and the Public Employees Retirement Associations' goals for the fiscal year.

\_\_\_\_\_  
Affirmative Action Officer

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

## INTRODUCTION

Equal employment opportunity is the law. It is mandated by federal, state, and local legislation and executive orders as well as by definitive court decisions. The policy of the Public Employees Retirement Association is to promote and provide equal employment opportunity and affirmative action throughout the agency. This Affirmative Action Plan outlines the programs through which this agency's policy will be implemented.

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

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

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

## OBJECTIVES

1. To provide equal employment opportunity to all persons without regard to race, creed, color, sex, sexual orientation, religion, national origin, age, marital status, disability, reliance on public assistance, or political opinions or affiliations, except where a bona fide occupational qualification exists.
2. To comply with the Statewide Affirmative Action Program.

## STATEMENT OF COMMITMENT

The Public Employees Retirement Association (PERA) is committed to the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action Program for its employees and the public it serves. I affirm my personal and official support of these policies that provide:

- That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, disability, marital status or status with regard to public assistance, membership or activity in a local commission.
- That PERA will further strive to ensure equal access and opportunity in the services it provides to its members and the public.
- That PERA will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce including the retaining of these individuals.

I will be held accountable for ensuring that Affirmative Action Programs are implemented. Managers and supervisors will also be held accountable for ensuring that affirmative action programs are working and being promoted within their specific work areas.

In order to administer the plan most effectively, I have delegated this responsibility to the Affirmative Action Designee, Terri Elizondo, Human Resources Coordinator. This person will act as the agency's Affirmative Action Officer, and is responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the agency's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues may contact our Affirmative Action Officer. A copy of the Plan will be located in the Personnel/Executive area.

I urge all staff to abide by the agency's Affirmative Action Program as it is outlined in the Public Employees Retirement Association's Affirmative Action Plan.

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Mary Most Vanek  
Executive Director

Date

# OUTLINE OF RESPONSIBILITIES

## 1. Executive Director of PERA: Mary Most Vanek

The Executive Director of PERA is responsible for the agency's Affirmative Action Program and the agency's compliance with state and federal laws, rules, and regulations. S/he is directly accountable to the Governor and indirectly to the Commissioner of Employee Relations and the Director of the Office of Diversity and Equal Opportunity for affirmative action matters.

Duties:

- To designate the agency's Affirmative Action Officer and monitor progress of the Plan by providing AAO guidance and support.
- To ensure that the agency's management staff is informed of their individual job responsibilities for the agency's Affirmative Action Program.
- To issue a written statement annually affirming commitment to the State's Affirmative Action Program and to the implementation of the agency's Affirmative Action Plan.
- To establish policy and to modify it along with any written procedures or physical accommodations as may be needed to facilitate effective affirmative action.
- To ensure that the agency is acting affirmatively in the hiring and retention of protected group members.
- To ensure that complaints of discrimination are thoroughly investigated and resolved in a fair and equitable manner.

## 2. Agency Affirmative Action Officer: Terri Elizondo

The agency's Affirmative Action Officer is responsible for the implementation, direction and maintenance of the agency's Affirmative Action Program. The Affirmative Action Officer reports directly to the Executive Director of PERA.

Duties:

- To coordinate and to monitor the day-to-day activities of the agency's Affirmative Action Program.

- To disseminate relevant affirmative action information to appropriate staff and ensure that all staff are informed about the Plan and their responsibilities by posting and by dissemination to all employees.
- To meet all affirmative action reporting requirements.
- To document the reasons behind turnover among the protected group members to determine if there are factors involved which inhibit the retention of protected group members.
- To inform agency managers and supervisors of their affirmative action responsibilities when vacancies occur in areas where affirmative action goals are not being met, and to review with the Executive Director the appropriateness of any supervisor's decision not to hire a protected group candidate if the goal for the occupational category has not been met.
- Investigates complaints of discrimination.

### 3. Managers and Supervisors

The agency's managers and supervisory staff are responsible for ensuring that their unit/division is operated in compliance with the agency's Affirmative Action Plan. They will be held accountable by the Executive Director for this responsibility.

Duties:

- To assist the agency's Affirmative Action Officer, who is representing their agency in identifying and resolving problems and eliminating barriers, which inhibit equal employment opportunities.
- To hire and promote qualified protected group members in cases where an affirmative action goal has not been met, or to submit written rationale to the Affirmative Action Officer before an offer to hire is made when there is a disparity in a protected group class for which they are hiring. This rationale shall be submitted prior to making an employment offer and shall specify reasons why they have chosen the candidate over the other applicant(s).
- To communicate relevant aspects of the agency's Affirmative Action Plan, as well as any other affirmative action information to assigned staff.
- To ensure that the managers and supervisors fulfill their individual job responsibilities as required under this program.

- To periodically review his/her own recruiting, hiring, promotion and training practices in order to improve productivity, make the work culture more conducive to diverse employees, and to guide new employees toward promotional opportunities.
- To attend Affirmative action related training sessions.

#### **4. Human Resources**

The agency's Human Resources staff is responsible for ensuring that all personnel activities are conducted in a non-discriminatory manner and are in compliance with PERA's Affirmative Action Plan. Accountability will be monitored by both the Commissioner of Employee Relations and the Executive Director of PERA. Both the Commissioner of Employee Relations and the Executive Director will hold the Human Resources staff accountable. Duties:

- To accurately report information to the Department of Employee Relations concerning an employee's sex, race, and disability, if any.
- To maintain records of personnel activities as indicated on the page titled "Monitoring the Hiring Process" and to submit appropriate reports as requested, to the Department of Employee Relations' Office of Diversity and Equal Opportunity Division.
- To identify and resolve problems that inhibit equal employment opportunities.
- To provide guidance in the development and utilization of selection criteria to ensure, to the extent possible, that it is objective, standardized, and job related.
- To ensure that all job opportunity and training notices are properly posted and/or made available to all staff.
- To notify the agency's Affirmative Action Officer of the existence of protected group members on a certification list, if a disparity exists in the occupational category for which there is a vacancy, so that the Affirmative Action Officer can proceed to follow the prescribed pre-employment review procedures. (See section entitled "Pre-Hire Reviews.")

## COMMUNICATION/DISSEMINATION OF INFORMATION

The following means of communication will be used to internally and externally disseminate equal employment opportunity/affirmative action information.

- The Executive Director will annually reaffirm to all staff his/her official commitment to the State's Affirmative Action Program and the PERA's Affirmative Action Plan by sending a statement to each employee.
- During an employee's orientation session, new employees will be informed of the agency's Affirmative Action Plan, the name of their agency Affirmative Action Officer, and will be given the Affirmative Action Plan which includes the Executive Director's statement of Commitment in the Personnel Policy Manual to read.
- The following items will be posted in the lunchroom on the main agency bulletin board: "Affirmative Action Plan" and the "Statement of Commitment."
- All job postings, both internal and external, will include the statement: "Equal Opportunity Employer".



# HARRASSMENT/DISCRIMINATION POLICY

## **Statement of Policy**

It is the policy of the Public Employees Retirement Association to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment should file a complaint internally with the Public Employees Retirement Association's Affirmative Action Officer, Terri Elizondo. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the Office of Diversity and Equal Opportunity at the Minnesota Department of Employee Relations for information regarding the filing of a complaint. An unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

1. Notifying all employees, and orienting each new employee who is hired, of this policy; and
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Anyone filing a complaint or serving as a witness under this procedure shall do so without fear of coercion, reprisal, or intimidation. Retaliation, including inaccurate performance appraisal, denial of transfer, implied or overt actions or threats of actions against the employee who complains of or reports of harassment, will not be tolerated.

The Public Employees Retirement Association, or any employee of this agency, may not intentionally engage in any reprisal against any person because that person opposed a practice forbidden by the Minnesota Human Rights Act or because that person has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing. A reprisal also includes, but is not limited to, any form of intimidation, retaliation or harassment. A reprisal includes refusal to hire an individual; departing from any customary employment practice; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security or other employment status; or informing another employer that the individual has opposed a practice forbidden by the Minnesota Human Rights Act or has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing.

## **Definitions**

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

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

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Public Employees Retirement Association's Affirmative Action Officer. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer and all employees are expected to address or report any suspected harassment or retaliation.

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

### **Procedure**

Any employee, applicant, or eligible of the Public Employees Retirement Association who believe that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in the Public Employees Retirement Association's Affirmative Action Plan.

### **Maintaining Records**

The records of all reports or information provided will be maintained according to the Minnesota Government Data Privacy Act. The reports and information provided will be disseminated only if and as permitted by this Act.

### **Additional Information**

This policy and procedure does not affect or alter the rights of any employee to file a formal charge or complaint with the Federal Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, or an appropriate court, but are subject to applicable and individual time requirements.

Questions regarding this policy should be directed to the Affirmative Action Officer, the Agency Managers, Supervisors and/or the Executive Director.

# INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

The Public Employees Retirement Association (PERA) has established the following discrimination complaint procedure to be used by employees, applicants, or eligibles, who feel they have a discrimination complaint. This procedure is designed as an attempt to resolve discrimination problems internally before seeking a remedy from an outside authority. We urge all those listed to use the internal procedure before filing complaints with the Department of Human Rights or any other agency. Anyone filing a complaint or serving as a witness under this procedure shall do so without fear of coercion, reprisal, or intimidation.

## **Responsibility of Complainant**

All complainants shall respond promptly to any and all requests by the Affirmation Action Officer (AAO) for information and for access to data and records for the purpose of enabling the AAO to carry out his/her responsibilities under this complaint procedure. The failure of any complainant to comply with the requests of the AAO shall be reported to the Executive Director.

## **Who May File**

Any employee, applicant, eligible who believes that s/he has been discriminated against by reason of race, creed, color, sex, sexual orientation, age, national origin, religion, status with regard to public assistance, marital status, disability, membership or activity in a local commission, may file a complaint. Complaints will not be accepted after an individual terminates employment with the agency. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date. This complaint procedure may be used only if the same matter is not being simultaneously pursued through another grievance procedure.

## **Complaint Procedure**

1. The employee, applicant, or eligible completes the "Complaint of Harassment/Discrimination" form provided by the Affirmative Action Officer (AAO). It is encouraged that all complaints be filed within a reasonable period of time after the individual becomes aware that a situation(s) may involve discriminatory harassment. The Affirmative Action Officer will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer or other designee, if warranted, determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern.

The Affirmative Action Officer or designee shall also discuss other options for resolution.

- A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns and should be resolved by other means, the Affirmative Action Officer or designee will inform the complainant, in writing, within ten (10) working days.
  - B. If the complaint **is** related to discrimination, the Affirmative Action Officer or designee will, within ten (10) working days, contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer or designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer or designee shall notify the complainant(s) and respondent(s) that s/he has completed the investigation. The Affirmative Action Officer or designee shall then review the findings of the investigation.
- A. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
  - B. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s) and the respondent(s) dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaint is filed. The complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
6. All documentation associated with the complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
7. All data collected may at some point 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 e.g., written, recorded, filmed, or in any other form.
8. The Affirmative Action Officer shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

# COMPLAINT OF HARASSMENT/DISCRIMINATION

## Please Read Before Completion of this Form

Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 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.

### Information on the Complainant (person filing the complaint)

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

Work Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

Supervisors Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

### Information on the Primary Respondent (person against whom complaint is being filed)

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

Work Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

Supervisors Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

### Names of Secondary Respondents involved in this case:

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### Complaint

Basis of Complaint (Check all that apply.)

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

Date most recent act of harassment/discrimination occurred:

If you filed this complaint with another organization, please state the name of that organization:

Describe how you believe that you have been harassed/discriminated against: please provide names, dates, places and all other pertinent information. Use a separate sheet of paper if needed and attach to this form.

**Information on Witnesses Who May Support Your Case:**

- | Name:    | Work Address/Phone #: |
|----------|-----------------------|
| 1. _____ | _____                 |
| 2. _____ | _____                 |
| 3. _____ | _____                 |

(Attach additional Sheets if necessary.)

*This complaint is being filed on my honest belief that I have been harassed/discriminated against. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief. Should any further information relevant to this complaint be later made known to me, I will immediately forward it to the person receiving this complaint form.*

**Complainant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Receiver:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# GOALS AND TIMETABLES

When a disparity exists between the percentage of protected group members within an agency's work force and the availability of protected group applicants in the relevant labor area, state law requires that goals be established for employing members of the underutilized protected groups, along with reasonable time frames for the achievement of these goals.

Affirmative Action goals must not be confused with quotas. Quotas are rigid and inflexible - they are a minimum that must be met. Goals, on the other hand, are reasonable, flexible, and attainable standards against which affirmative action programs can be measured.

## How Goals and Timetables are Established

The Office of Diversity and Equal Opportunity of the Department of Employee Relations has instructed agencies on how to use labor force statistics from census data to determine the agency underutilization and then develop appropriate goals and timetables. This involves a comparison of the agency's internal workforce and positions with the availability of protected group workers with qualifications in the relevant geographic area and labor market. Goals are based on the 2000 census data and a factor analysis using the relevant information regarding the workforce participation.

Our hiring goals are based on job groups in the following categories: Office/Clerical, Paraprofessionals, Technicians, Professionals, Officials and Administrators. The goals reflect our current staff composition in relation to the workforce available in St. Paul/Minneapolis, Ramsey County and St. Louis County or the State of Minnesota based on 2000 census data availability charts.

Analysis of availability and utilization indicates that protected group members are underutilized in our agency as follows:

<u>Job Category</u>	<u>Protected Group</u>	<u>Goal</u>	<u>Underutilization</u>
<b>Professionals</b>	Disabled Minorities		See next paragraph
<b>Officials/Administrators</b>	Disabled Minorities		

We currently have three openings in the Information Services Division which we hope to fill in the next few months. It is hopeful that we could possibly meet the goals in either of these areas where we are underutilized in the professional job category while filling these positions. In the officials/administrators area we may be filling a supervisory position within

the next six months and again if it is filled we can hope that we may be able to meet the goal of one of the protected groups where we are underutilized when we fill it.

Many times when filling positions at these levels especially in the information technology area we find that we do not receive persons applying for these positions within the protected classes that are underutilized. As a small agency that counts on the recruiting practices that are primarily done through the Department of Employee Relations (DOER), we rely on DOER to provide us with a sufficient number of qualified candidates in the protected classes through the Resumix database where we do our searches.

In recognition of the limited openings we expect and with underutilization in the areas of Officials/Administrators (Minorities & Disabled), Professionals (Minorities & Disabled) our goal will be to try to resolve disparities in these areas in the next 3-5 years. If additional openings should occur in any of the job groups, and particularly in those with disparities, an effort will be made to fill the positions with protected group members.

# PROGRAM OBJECTIVES

1. To provide equal employment opportunities to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, membership or activity in a local commission or age.

## Action Steps:

- The AAO will maintain and provide current information pertaining to disparities to department supervisors and managers as they are hiring;
- For all hires in which a disparity exists, HR/AAO will thoroughly conduct a pre-hire review prior to the interview process;
- The HR Office will maintain files with documentation on affirmative and justified hires as well as missed opportunities.

2. The Affirmative Action Officer will make every effort to keep abreast of EEOC guidance, new policies and procedures and trends within the field in order to effectively implement affirmative action at the agency.

## Action Steps:

- Regularly visit the EEOC/DOJ/Department of Human Rights etc. websites to research policy change;
- Regularly attend AA/ADA/Distance Learning Sessions at the Department of Employee Relations or other resources when applicable;
- Review informational materials (i.e. discriminatory harassment; discrimination, sexual harassment, affirmative action and Americans with Disabilities Act) to ensure currency;
- Contact DOER, Office of Diversity and Equal Opportunity with any questions or concerns pertaining to any of the above topics.

3. The Public Employees Retirement Association will educate all managers and supervisors about their affirmative action responsibilities.

## Action Steps:

- Conduct periodic training sessions for managers and supervisors – at least one every two years;
- Inform all managers and supervisors of external training opportunities pertaining to affirmative action/equal opportunity and Americans with Disabilities Act;
- Ensure that all managers and supervisors have attended CORE training, which includes affirmative action, American with Disabilities Act and discrimination/discriminatory harassment training.

4. The Affirmative Action Officer will keep the agency employees informed, updated and aware of Affirmative Action and Equal Opportunity policies, new training and events.

Action Steps:

- Post AA plan in a visible location within the agency;
- Provide information meetings/training sessions to update agency managers, supervisors and employees on current affirmative action policies and procedures;
- Distribute a copy of the Statement of Commitment issued by the Executive Director.

5. All employees will complete Discrimination/Discriminatory Harassment training.

Action Steps:

- Offer periodic discrimination/discriminatory harassment training; at least once every two years.
- Meet with new employees individually to discuss harassment/discrimination policy and give them the AA Plan with the Personnel Policy manual to read;
- Arrange for outside presenters/experts in the field to present at the agency.

As we move into the next period we will continue to add new initiatives in this area.

## PRE-HIRE REVIEW PROCESS

PERA is an Equal Opportunity Employer. The agency's Affirmative Action Plan states that it is a policy of the agency to:

- Provide equal opportunity to all persons without regard to race, creed, color, sex, sexual orientation, religion, national origin, age, marital status, and disability, status with regard to public assistance, membership or activity in a local commission.
- Comply with the Statewide Affirmative Action Program. As stated in the State of *Minnesota's Equal Employment Opportunity Policy*:

The State of Minnesota will implement and maintain a program of affirmative action to eliminate internal barriers to equal employment opportunity and to provide for the employment and advancement of qualified disabled persons, minorities, and women, in accordance with their occurrence in the labor work force.

State rules governing the Statewide Affirmative Action Program specify that a procedure must be developed in each agency which "requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals".

### **POLICY**

For job classifications in which there are disparities, the Affirmative Action Officer (AAO) will review and monitor the hiring process.

No offer for employment shall be made until the agency's Affirmative Action Officer has reviewed the supervisor's rationale for his/her selection and are sufficiently satisfied with the rationale for eliminating all other applicants in the pool. The Executive Director can act on these decisions in the absence of the Affirmative Action Officer.

## PRE-HIRE REVIEW PROCEDURE

When a vacancy occurs in a category which has unmet affirmative action goals, the following procedures shall be followed:\*

<u>Responsibility</u>	<u>Action</u>
Affirmative Action Officer (AAO)	Notifies supervisor if there is a disparity for one or more protected group(s). The Affirmative Action Officer shall also advise supervisor of his/her affirmative action responsibility and of the procedure below.
Supervisor/Manager	Notifies the Affirmative Action Officer, in writing, of the selection process used and the reason why a specific candidate was selected for a position for which a disparity exists. No offer of employment will be made until after the Affirmative Action Officer (AAO) reviews the rationale for the selection.
AAO	The AAO reviews the rationale and then denies or approves the justification, then notifies the supervisor of the decision.

\*Exception to the above procedure: In cases of promotion, when the union contract specifies seniority as the determining factor, rationale statements are not required.

### ADDITIONAL INFORMATION

Questions regarding this policy should be directed to the agency's Affirmative Action Officer.

EFFECTIVE DATE: Immediately

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Mary Most Vanek

# Auditing, Evaluating and Reporting

OBJECTIVE: To ensure that hiring and retention procedures support PERA's commitment to hire affirmatively in a work environment void of discrimination.

## Record Keeping

- The Affirmative Action Officer shall maintain records reflecting hires, turnovers, and any complaints regarding such activity.

## Evaluation

- The Affirmative Action Officer shall evaluate the Affirmative Action Plan by:
  1. Reviewing quarterly statistics reflecting current complement based on protected groups.  
**Progress:** Quarterly reviews show that we have basically maintained our complement of protected group employees. We have only lost one new employee that was non-certified in a protected class – this was after long deliberation and we worked with several special people to try to make it work out.
  2. Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic, sex and disability status.  
**Progress:** Review of all disciplinary actions show that they have been fair and equitable. There have been none that appear to be discriminatory in nature.
  3. Reviewing recruitment sources and strategies used, and the result used to help fill specific vacancies for which there was underutilization.  
**Progress:** We will attempt to do more by trying to post job notices that may draw job candidates from the underutilized areas. The information technology areas are the difficult areas for us, so this may be helpful for us.
  4. Reviewing formal discrimination complaints filed in the past quarter.  
**Progress:** We have only had one formal complaint in the last two years, and we had someone from another state organization come in and do the investigation to make sure there were no improprieties. The investigation was done successfully and all parties were satisfied with the outcome.
  5. Reviewing training provided to employees for upward mobility impact.  
**Progress:** We are making a greater effort here to especially address succession planning.
  6. The Affirmative Action Officer and the Executive Director will review all layoff decisions to determine their effect on agency affirmative action goals and timetables.

**Progress:** We have been very fortunate to not be in a position to have to layoff staff due to budget cuts. But should we be faced with a layoff we would certainly take a look at how this would affect our affirmative action goals and timetables as we approached any layoff decisions and notifications.



# WEATHER EMERGENCIES

When weather conditions become hazardous for travel, it may be necessary for the state to declare a weather emergency and close state offices. The Commissioner of the Department of Employee Relations (DOER) declares weather emergencies, which determine whether state employees must report to work. As a general rule, considerations for an emergency include road maintenance, transit operations, additional weather conditions, and other concerns such as power or heating systems. Decisions are made in conjunction with the Minnesota Department of Public Safety's Division of Emergency Management. After a decision has been made to close state offices, designated staff members at state agencies are notified, as is the news media (including WCCO-Radio, WCCO-TV, KARE-TV, KSTP-TV and the Associated Press). Weather emergency announcements specify the time of the emergency and the geographic areas involved. Details of weather emergencies, state office closures and other information pertinent to weather conditions may be found on the Weather Emergencies section of the DOER Home Page at [www.doer.state.mn.us/weather](http://www.doer.state.mn.us/weather).

Evacuation awareness shall be the responsibility of every department head to ensure that employees under their supervision know how to get out of the building in the event of a fire or to a safe location in the event of a civil defense weather warning alarm. Fire drills will be held at least once each year as directed by the Facilities Manager.

## EVACUATION IN THE EVENT OF A TORNADO Or Other SEVERE WEATHER

**Proceed out the same exits as you would in the event of a fire. (See below)**

- Employees who exit down through the **east stairwell** are to go down as far as possible and stay in the stairwell.
- Employees who exit from the **west stairwell** of the building are to take the stairs down to first floor, then congregate in the hall where the fitness center is located.
- Employees exiting through the **southwest stairwell** should congregate in the hall where the fitness center is located also.

Everyone except those in the east stairwell should get as far down the stairwells as possible, preferably into the halls. Some Secretary of State staff gather under the stairwell and everyone else should gather in the hallway space. There is plenty of room and there aren't any windows. Do not return until you have been given the all clear.

# EVACUATION IN THE EVENT OF A FIRE

When the fire alarm sounds, you are to evacuate immediately using the exit listed below based on your actual whereabouts at the time of the alarm. Supervisors must thoroughly check their departments and surrounding areas before leaving.

**IMPORTANT:** You should always feel an unopened door for heat before opening it and do not use the elevators. If an exit is blocked, use an alternate route. Designated helpers will help those in need of assistance. For evacuation of those persons in need of help, disabled or in wheelchairs you will proceed to use the elevators.

## LOCATION/STAFF:

- ▶ Benefit Payments
- ▶ Benefits Manager
- ▶ Benefit Payments Supervisor
- ▶ Receptionists
- ▶ Conference Room Occupants-Tim (Allen)
- ▶ Education Staff
- ▶ Benefit Information
- ▶ Phone Center – Lori D. (Allen)
- ▶ Caseworkers
- ▶ Claim Processors

- ▶ Information Services Staff
- ▶ Computer Room – Dick (Bob J.)
- ▶ Document Services
- ▶ File Room – Wendy (Cheryl)
- ▶ Mail Room – Wendy (Cheryl)
- ▶ Contribution Support
- ▶ Employer Services
- ▶ AIM Manager
- ▶ AIM Information Officer
- ▶ AIM Research Analyst
- ▶ Finance
- ▶ Executive
- ▶ Breakroom – Barb (Jan)
- ▶ Blue Conference Room – Dave D. (Terri)
- ▶ Research Library – Gary (Jim)
- ▶ Restrooms-Men's – Dick (Dean)

## EXIT THROUGH:

Main office lobby entrance down through East stairwell out the Main front door. \*

Pension Services (East) entrance down through East stairwell out the Main front door. \*

\*If Main door is blocked, exit through the north door in parking lot link. (Door is on left just before door to the ramp.)

AIM & IS (West) entrance down through Northwest stairwell right out the North emergency exit.

Down through Southwest stairwell, left & then right out the Southwest emergency exit, which is in back of the dock area. Then move to the front of the dock and across the street.

Down the Northwest stairwell exit and

-Women's Terri (Karen S.) right out the North emergency exit.

All staff must proceed across the street (Empire Drive) to the Royalston parking lots and each person is to inform his/her immediate supervisor of safe evacuation. Upon the arrival of the fire department, supervisors/managers must inform them if any staff members cannot be accounted for. No one is to re-enter the premises until the fire fighters give us an "all-clear."

## **REASONABLE ACCOMMODATION POLICY**

The Americans with Disabilities Act (ADA) is the Bill of Rights for individuals with disabilities. The ADA has five titles, two of which directly affect governmental entities. Title I prohibits discrimination in all aspects of employment, and Title II prohibits discrimination in providing public services, programs and activities. Both titles require a public entity to make reasonable accommodations and/or modifications for persons with disabilities to allow them to participate fully in public employment and public services.

**ADA Coordinator:** Terri Elizondo, Ph: 651.201.2642; Fax: 651.296.8392

### **Policy**

The Public Employees Retirement Association is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many persons with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Public Employees Retirement Association to reasonably accommodate qualified persons with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified persons 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.

### **Definitions**

Disability: 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.

Reasonable Accommodation: A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified person with a disability to enjoy an equal employment opportunity.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- a. To assure equal opportunity in the employment process;
- b. To enable a qualified individual with a disability to perform the essential functions of a job; and
- c. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

## **Procedure – Current Employees and Employees Seeking Promotion**

1. The Public Employees Retirement Association will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA Coordinator, Terri Elizondo, of the need for an accommodation.
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless necessary or the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
  - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  - b. Determine the precise job-related limitation.
  - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
  - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Public Employees Retirement Association is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.
8. Reasonable accommodation will include arrangements by PERA in advance with individuals who need or request assistance with communication of closures (supervisor will notify hard of hearing individuals or use MN relay, for example) and evacuation.

## **Procedure – Job Applicants**

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator, Terri Elizondo, will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

## **Policy for Funding Accommodations**

Funding must be approved by the Public Employees Retirement Association for accommodations that do not cause an undue hardship (M. S. 43A.191 (c)).

### **Definition**

Undue Hardship: An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Public Employees Retirement Association.

### **Procedure for Determining Undue Hardship**

1. The employee/applicant will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review undue hardships by considering:
  - a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
  - b. The impact of the accommodation on the nature or operation of the Public Employees Retirement Association.
3. The ADA Coordinator will provide a decision to the employee/applicant.

### **Appeals**

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then s/he may file a complaint internally through the agency's complaint procedure as outlined in this plan.

# Employee Request for Reasonable Accommodation

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

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

## Please Read Before Completion of Form

This information will be used by the Public Employees Retirement Association 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 I refuse to provide it, my 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 your are requesting:

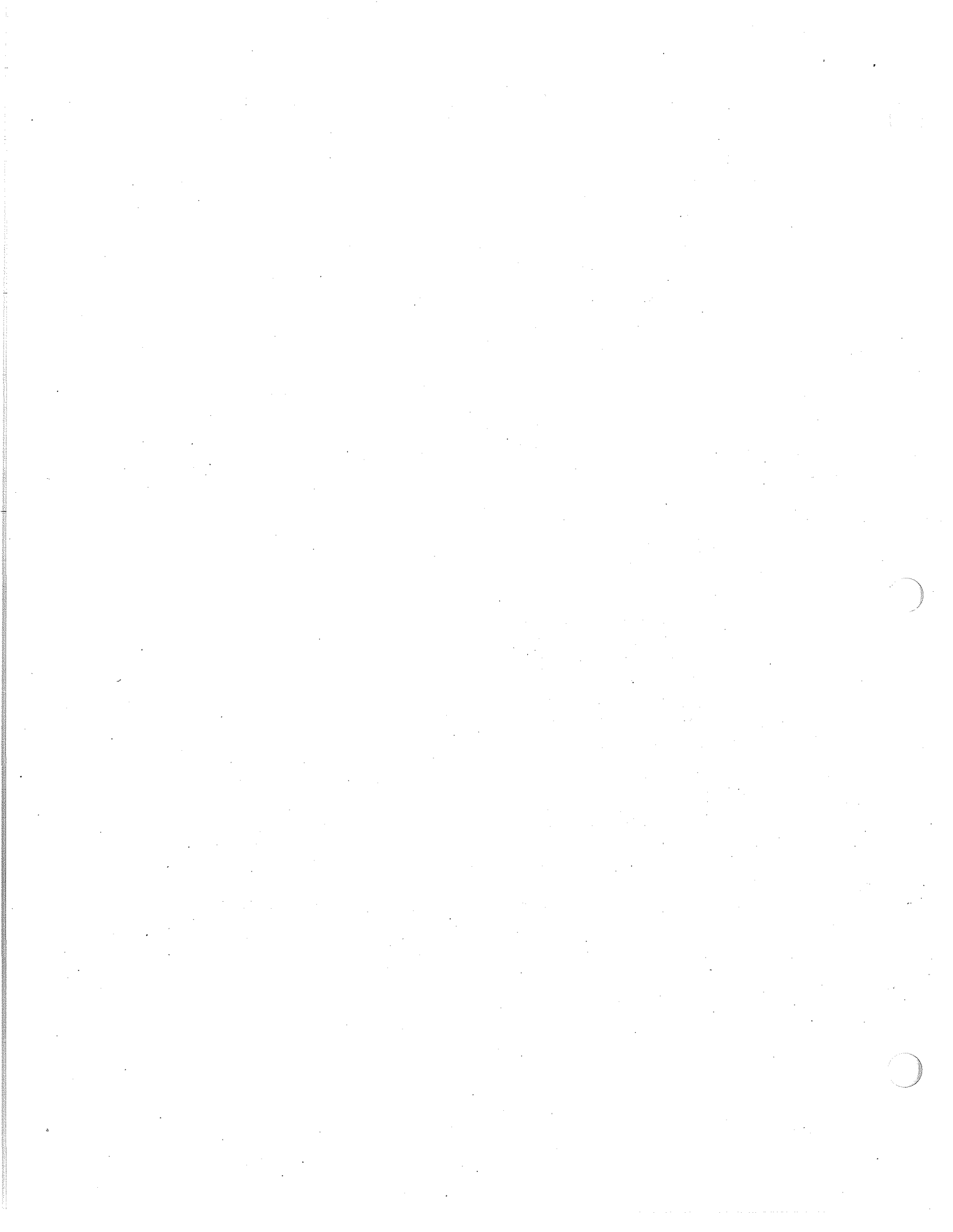
- Making facilities readily accessible
- Modification of equipment devices
- Job restructuring
- Part time or modified work schedule
- Modification to a rule, policy or practice
- Qualified reader or interpreter
- Acquisition of equipment or devices
- Other (specify): \_\_\_\_\_

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: \_\_\_\_\_





# RECRUITMENT PLAN

During the past year, the Public Employees Retirement Association (PERA) has advertised agency positions open for application on a competitive basis on the Department of Employee Relations (DOER) Website and PERA's website. In addition, PERA advertised some of the harder to fill (IT) positions in the Minneapolis Star and Tribune at a cost of \$1,280 and on the Internet using job posting bulletin boards.

Temporary positions were filled by word of mouth or by college students. These recruiting processes have resulted in an acceptable number of qualified applicants, but have not eliminated our disparities.

PERA has not been involved in any job fairs. We do not have the staff for them and when we have used them in the past we did not find them to be beneficial for our use.

During the upcoming year PERA will be hiring three (3) Information Technology positions for which we are looking for a high degree of technical knowledge in the programming and database administrator areas. We will use the same methods as in the past to recruit for these positions, e.g. DOER, the Internet, and newspaper advertising. In addition, we may be hiring a supervisory position. If we do proceed in filling this position, we will follow all contractual language and open it up competitively if possible. This would give us a good opportunity to try to recruit in the areas where we have disparities.

The use of an Intern Program has been discussed and PERA would like to try to incorporate this in the next two years. We are once again in the midst of reorganization. Once we have accomplished reorganization we would like to take on this program, we will follow the methods described in the Internship Administrative Procedure e.g. posting opportunities on bulletin boards at colleges and universities; use the internet to contact diversity program coordinators at colleges and universities, to find potential candidates that fit our needs.

In an effort to increase recruitment of persons with disabilities, PERA will check with the State ADA Coordinator and/or advertise positions in Access Press, a statewide newspaper. All job postings now include a statement that PERA is an Equal Opportunity Employer.

PERA will seek opportunities to hire Supported Work Employees through an assessment of vacant positions and determination of positions appropriate for Supported Employment Workers. See the Reasonable Accommodation Policy – which is part of this plan - for further information.

PERA is complying with the requirements of the Americans with Disabilities Act (ADA) in our recruitment activities by making materials available in alternative formats (when requested) and all meeting locations accessible.

The Affirmative Action Officer, Terri Elizondo, will be responsible for the implementation of this plan. In addition, she will continue to work with supervisors to review/analyze the current exit interview process offering all members of protected groups an opportunity to state any issues they may have encountered or that they think we should consider in the hiring/retention process.

# RETENTION PLAN

The Public Employees Retirement Association endeavors to create an atmosphere that promotes the retention of a diverse workforce. Terri Elizondo, Affirmative Action Officer, and Mary Most Vanek, Executive Director of PERA, are responsible for the agency's retention activities.

## Retention Report

PERA's turnover rate is approximately 7% each year or 14% in the two year period of our permanent staff.

### Permanent Employees Leaving

77% White (10)  
15.4% African American (2)  
7.6% Asian/Pacific Islander (1)

### Breakdown:

1 Female Official/Administrator  
1 Male Official/Administrator  
1 Female Professional  
5 Male Professionals  
1 Female Technician  
2 Female Office/Clerical  
2 Male Office/Clerical

### Reasons for Leaving:

7 Resignations  
    1 Self employment  
    6 Private Sector Employments  
1 Disability Retirement  
2 Retirements  
1 Death  
1 Dismissal – Disciplinary Action  
1 Non-certification

Of these separations there was some impact on our protected group members since three of them were in the minority category and five of them were women.

Even though we use the pre-hire review process we are still underutilized in the professional and officials/administrators groups for minorities and persons with disabilities.

We have set goals and timelines to try to realistically work on these areas over the next two years. We feel there is some possibility to meet that with the hiring in the information technology positions.

Responsibilities of AAO and Executive Director:

1. Review each separation to determine impact on protected group members.
2. Maintain reports and findings.
3. Analyze reasons for separation to determine if there are patterns developing that would indicate any form of discrimination, harassment, layoff, or violations of the AA Plan/Policy, etc.
4. Discuss issues with the Executive Director, Managers & Supervisors.
5. Establish programs, which may be of assistance/aid in retaining, protected group members. e.g. training, mentoring, or individual development plans, etc. when necessary.