
State of Minnesota

Minnesota Department of Agriculture

AFFIRMATIVE ACTION PLAN

2008 – 2010

Minnesota Department of Agriculture
625 Robert Street North
St. Paul, MN 55155-2538

In accordance with the Americans with Disabilities Act, an alternative form of communication is available upon request. TDD: 1-800-627-3529

An Equal Opportunity Employer and Provider

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Statement of Commitment

The Minnesota Department of Agriculture (MDA) is committed to Minnesota's statewide affirmative action efforts and equal employment opportunity policies. I affirm my personal and official support of these policies which provide that:

- Discrimination against employees, applicants, or eligibles 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 will not be tolerated;
- The Department of Agriculture is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- The Department of Agriculture will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce;
- The Department of Agriculture is committed to the retention of all qualified, talented employees, including protected group employees.

It is the policy of the Department of Agriculture to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve the Department of Agriculture. We strive to provide equal employment opportunities and the best possible service to the citizens of Minnesota.

Date

Commissioner

Affirmative Action Designee and ADA Coordinator Designee Duties & Communication of Affirmative Action Plan

Sherry Thomas-Berry will act as the Department of Agriculture's Affirmative Action designee. The designee will be responsible for completing the biennial Affirmative Action Plan as well as directing and implementing the agency's Affirmative Action Program. The designee will also be responsible for ensuring that the agency's affirmative action plan is communicated to internal and external persons through job postings, internal and external websites, and recruitment efforts. The designee will report directly to the Department of Agriculture's Affirmative Action Officer, Russ Havir. Russ Havir can be reached at 651/201-6584 or at Russ.Havir@state.mn.us. The Affirmative Action Officer will report directly to Gene Hugoson, Commissioner, who shall administer the agency's affirmative action program in compliance with existing laws, federal regulations, and state rules. He will be accountable for affirmative action compliance to Governor Pawlenty and to the Commissioner of the Department of Employee Relations.

The Affirmative Action Plan will be accessible to Department of Agriculture employees at <http://www.mda.state.mn.us/uddernet/> and to external interested parties at <http://www.mda.state.mn.us/>. Anyone interested in reviewing the Department of Agriculture's affirmative action plan or who has concerns about affirmative action or equal opportunity, may request a copy of the plan from Sherry Thomas-Berry at 651/201-6513 or Sherry.Thomas-Berry@state.mn.us. A copy of the plan is also available for viewing in the Human Resources and Diversity Division waiting area located in the Freeman Office Building, 625 Robert Street North, St. Paul, MN 55155-2538, 5th Floor, Pod B.

Anthony Becker will act as the department's ADA Coordinator designee. He will be responsible for enabling qualified individuals with a disability to perform the essential functions of a job and to ensure that these individuals receive equal benefits and privileges of employment. He will also be responsible for responding to requests for reasonable accommodations and for maintaining the ADA Policy. The ADA Coordinator will report directly to the Affirmative Action Officer. Anthony Becker can be reached at 651/201-6640 or Anthony.Becker@state.mn.us.

Harassment/Discrimination Policy

Statement of Policy

It is the policy of the Department of Agriculture 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 Sherry Thomas-Berry, the Affirmative Action Officer designee. 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 Finance and Employee Relations for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

Definitions

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

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

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (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 decision 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 Department of Agriculture's Affirmative Action Officer designee. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

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

Procedure

Any employee, applicant, or eligible of the Department of Agriculture who believes 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 our affirmative action plan.

Internal Harassment/Discrimination Complaint Procedure

The Department of Agriculture has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

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

Who May File

Any employee, applicant, or eligible of the Department of Agriculture who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. 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.

The Complaint Procedure

The internal complaint procedure provides a method for resolving complaints involving violations of the Department of Agriculture's nondiscrimination policy within the agency. Employees, applicants, and eligibles are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The Affirmative Action Officer designee may contact the Office of Diversity and Equal Opportunity if s/he wants information about filing a complaint.

Filing Procedures

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation(s) may involve discriminatory harassment. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.

2. The Affirmative Action Officer designee 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 designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
 - A. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee will inform the complainant, in writing, within ten (10) working days.
 - B. If the complaint is related to discrimination, the Affirmative Action Officer designee will, within ten (10) working days, contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer designee shall notify the complainants and respondents that s/he has completed the investigation. The Affirmative Action Officer 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 complainants and the respondents dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaint is filed. The complainants 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 a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainants and respondents. 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., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.
 - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

**Minnesota Department of Agriculture
 625 Robert Street North
 St. Paul, MN 55155-2538
 651/201-6023**

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of 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 and designee, the complainant, the respondent, and appropriate personnel.

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager
Respondent (Person Who Harassed/Discriminated Against You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone ()
Agency	Division	Manager

The Complaint	
Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:

Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

Information on Witnesses Who Can Support Your Case

Name	Work Address	Work Telephone
1.		()
2.		()
3.		()

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

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

Complainant Signature	Date

Affirmative Action Officer Signature	Date

Utilization Analysis for the MN Department of Agriculture

Protected Group: Women

EEO Job Group	A. Total Number in Group	B. Total Number of Women in Group	C. % Women in the Group	D. Availability % (from Census Tables)	E. Availability Number	F. Number Underutilized
Officials & Administrators	26	5	19.23%	37.8%	10	5
Professionals	290	112	38.62%	53.8%	156	44
Technicians	35	13	37.14%	63.1%	22	9
Paraprofessionals	7	4	57.14%	64.4%	5	1
Office/Clerical	43	39	90.70%	67.7%	29	0
Services Maintenance	83	35	42.17%	43.6%	36	1

Protected Group: Minorities

EEO Job Group	A. Total Number in Group	B. Total Number of Minorities in Group	C. % Minorities in the Group	D. Availability % (from Census Tables)	E. Availability Number	F. Number Underutilized
Officials & Administrators	26	0	0%	5.1%	1	1
Professionals	290	21	7.24%	8%	23	2
Technicians	35	5	14.29%	6.8%	2	0
Paraprofessionals	7	0	0%	6.3%	0	0
Office/Clerical	43	4	9.3%	8.2%	4	0
Services Maintenance	83	3	3.61%	14.3%	12	9

Protected Group: People with a Disability

EEO Job Group	A. Total Number in Group	B. Total Number of Disabled in Group	C. % Disabled in the Group	D. Availability % (from Census Tables)	E. Availability Number	F. Number Underutilized
Officials & Administrators	26	3	11.54%	11.31%	3	0
Professionals	290	10	3.45%	10.88%	32	22
Technicians	35	1	2.86%	11.52%	4	3
Paraprofessionals	7	0	0%	10.86%	1	1
Office/Clerical	43	2	4.65%	11.56%	5	3
Services Maintenance	83	0	0%	11.37%	9	9

Column Instructions for the Utilization Analysis

A = Total number of employees in the job group

B = Total number of protected group in the job group

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

D = Availability % (from the Census data)

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

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

*The 2 factor analysis was considered, but the 1 factor analysis was used and 100% weight was given to external availability.

Goals and Timetables for the MN Department of Agriculture

EEO Job Group	/Women			/Minorities			/Disabled		
	Number Under-utilized	Goal	Timetable	Number Under-Utilized	Goal	Timetable	Number Under -utilized	Goal	Timetable
Officials & Administrators	5	2	2008 - 2010 AAP	1	1	2008 - 2010 AAP	0	0	2008 - 2010 AAP
Professionals	44	10	2008 - 2010 AAP	2	2	2008 - 2010 AAP	22	4	2008 - 2010 AAP
Technicians	9	2	2008 - 2010 AAP	0	0	2008 - 2010 AAP	3	1	2008 - 2010 AAP
Para-Professionals	1	1	2008 - 2010 AAP	0	0	2008 - 2010 AAP	1	1	2008 - 2010 AAP
Office/Clerical	0	0	2008 - 2010 AAP	0	0	2008 - 2010 AAP	3	2	2008 - 2010 AAP
Service Maintenance	1	1	2008 - 2010 AAP	9	3	2008 - 2010 AAP	9	3	2008 - 2010 AAP

Analysis:

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Officials & Administrators	Women	5	2	Potential retirements	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Officials and Administrators job group by five women. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements. We do not anticipate being able meet the actual number of underutilized women, however we will make a good faith effort to recruit and hire two women. We will use the recruitment plan cited in our Affirmative Action Plan.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Officials & Administrators	Minorities	1	1	Potential retirements	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Officials and Administrators job group by one minority. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements. We will make a good faith effort to recruit and hire the number underutilized. We will use the recruitment plan cited in our Affirmative Action Plan.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Officials & Administrators	People with a Disability	0	0	Potential retirements	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is not underutilized in the Officials and Administrators job group for people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements. We will strive to continue to meet or exceed our current numbers.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Professionals	Women	44	10	Retirement and new growth	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is underutilized in the Professional job group by 44 women. Based on our analysis of the conditions in the agency, we expect this job group to change due to retirements. We also expect this job group to remain stable or grow slightly in the next two years. We do not anticipate enough growth in the agency to meet the actual number of underutilized women in the professional job group, however we will make a good faith effort to recruit and hire ten women. We will use the recruitment plan cited in our Affirmative Action Plan.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Professionals	Minorities	2	2	Retirement and new growth	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is underutilized in the Professional job group by two minorities. Based on our analysis of the conditions in the agency, we expect this job group to change due to retirements. We also expect this job group to remain stable or grow slightly in the next two years. We anticipate enough growth in the agency to meet the number of underutilized minorities in the professional job group. We will use the recruitment plan cited in our Affirmative Action Plan.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Professionals	People with a Disability	22	04	Retirement and new growth	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is underutilized in the Professional job group by 22 people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change due to retirements. We also expect this job group to remain stable or grow slightly in the next two years. We do not anticipate enough growth in the agency to meet the actual number of underutilized people with a disability in the professional job group, however we will make a good faith effort to recruit and hire four people with a disability. We will use the recruitment plan cited in our Affirmative Action Plan.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Technicians	Women	9	2	Retirement and possible decline in job group	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is underutilized in the Technicians job group by nine women. Based on our analysis of the conditions in the agency, we do not expect this job group to grow in the next two years. If anything, there is the possibility of this job group declining due potential retirements and changes in job duties and requirements. We do not anticipate being able to meet the actual number of underutilized women in the technician's job group, however we will make a good faith effort to recruit and hire two women. We will use the recruitment plan cited in our Affirmative Action Plan.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Technicians	Minorities	0	0	Retirement and possible decline in job group	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is not underutilized in the Technicians job group for minorities. Based on our analysis of the conditions in the agency, we do not expect this job group to grow in the next two years. If anything, there is the possibility of this job group declining due potential retirements and changes in job duties and requirements. We will strive to continue to meet or exceed our current numbers.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Technicians	People with a Disability	3	1	Retirement and possible decline in job group	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is underutilized in the Technicians job group by three people with a disability. Based on our analysis of the conditions in the agency, we do not expect this job group to grow in the next two years. If anything, there is the possibility of this job group declining due potential retirements and changes in job duties and requirements. We do not anticipate being able to meet the actual number of underutilized people with a disability in the technician's job group, however we will make a good faith effort to recruit and hire one person with a disability. We will use the recruitment plan cited in our Affirmative Action Plan.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Paraprofessionals	Women	1	1	Job group will likely change	2008-2010 AAP	See AAP, Recruitment Section
<p>According to the utilization analysis, our agency's workforce is underutilized in the Paraprofessionals job group by one woman. Based on our analysis of the conditions in the agency, we do expect this job group to change in the next two years; however the type of change is hard to gauge. Our agency employs mostly Student Workers in this job group and Student Workers are only allowed to be employed for three years and most work six months or less. We will make a good faith effort to recruit the number underutilized. We will use the recruitment plan cited in our Affirmative Action Plan.</p>						

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Paraprofessionals	Minorities	0	0	Job group will likely change	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is not **underutilized** in the Paraprofessionals job group. Based on our analysis of the conditions in the agency, we do expect this job group to change in the next two years; however the type of change is hard to gauge. Our agency employs mostly Student Workers in this job group and Student Workers are only allowed to be employed for three years and most work six months or less. We will strive to continue to meet or exceed our current numbers.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Paraprofessionals	People with a Disability	1	1	Job group will likely change	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Paraprofessionals job group by one person with a disability. Based on our analysis of the conditions in the agency, we do expect this job group to change in the next two years; however the type of change is hard to gauge. Our agency employs mostly Student Workers in this job group and Student Workers are only allowed to be employed for three years and most work six months or less. We do anticipate enough change in the agency to meet the number of underutilized people with a disability in the Paraprofessional's job group. We will use the recruitment plan cited in our Affirmative Action Plan.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Office/Clerical	Women	0	0	Potential retirements and change	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **not underutilized** in the Office/Clerical job group for women. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements and staff movement. The trend seems to indicate that the number of people employed in this job group is decreasing. We will strive to continue to meet our goals.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Office/Clerical	Minorities	0	0	Potential retirements and change	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **not underutilized** in the Office/Clerical job group for minorities. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements and staff movement. The trend seems to indicate that the number of people employed in this job group is decreasing. We will strive to continue to meet our goals.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Office/Clerical	People with a disability	3	2	Potential retirements and change	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Office/Clerical job group for people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements and staff movement. The trend seems to indicate that the number of people employed in this job group is decreasing. We do not anticipate being able to meet the actual number of underutilized people with a disability in the Office/Clerical job group, however we will make a good faith effort to recruit and hire two people with a disability. We will use the recruitment plan cited in our Affirmative Action Plan.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Service Maintenance	Women	1	1	Changing workforce	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Service Maintenance job group by one woman. Based on our analysis of the conditions in the agency, we expect this job group to change, most specifically in the Ag Tech job classification. A majority of our workforce in the Service Maintenance job group is temporary or intermittent so the workforce is constantly changing and revolving. We do anticipate being able meet our goal of underutilized women and we will make a good faith effort to recruit and hire women in this job group. We will use the recruitment plan cited in our Affirmative Action Plan.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Service Maintenance	Minorities	9	3	Changing workforce	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Service Maintenance job group by nine minorities. Based on our analysis of the conditions in the agency, we expect this job group to change, most specifically in the Ag Tech job classification. A majority of our workforce in the Service Maintenance job group is temporary or intermittent so the workforce is constantly changing and revolving. In addition, a number of the Ag Tech positions are located in very rural areas of Minnesota, where the workforce may not be very diverse. We do not anticipate being able meet our goal of underutilized minorities, but we will make a good faith effort to recruit and hire three minorities in this job group. We will use the recruitment plan cited in our Affirmative Action Plan.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Service Maintenance	People with a Disability	9	3	Changing workforce	2008-2010 AAP	See AAP, Recruitment Section

According to the utilization analysis, our agency's workforce is **underutilized** in the Service Maintenance job group by nine people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change, most specifically in the Ag Tech job classification. A majority of our workforce in the Service Maintenance job group is temporary or intermittent so the workforce is constantly changing and revolving. We do not anticipate being able meet our goal of underutilized people with a disability, but we will make a good faith effort to recruit and hire three people with a disability in this job group. We will use the recruitment plan cited in our Affirmative Action Plan.

Program and Program Objectives

After evaluation of our 2006 to 2008 goals in comparison to the 2008 to 2010 goals, we have determined the following:

- Although we did not meet all of our goals for recruiting and hiring women, we did improve by:
 1. Increasing the number of women in the Officials and Administrators job group and decreasing the underutilization.
 2. Increasing the number of women in the Professional job group and decreasing the underutilization.
 3. Increasing the number of women in the Technicians and Service Maintenance job groups.

- The number of underutilized minorities did not see significant change:
 1. The underutilization of minorities in the Officials and Administrators and Professionals job groups did not change.
 2. The number of minorities in the Service Maintenance job group decreased, however this job group is often temporary or intermittent in nature and the workforce is constantly changing. Many of the positions are located in rural areas of the state that may not be very diverse.
 3. The Para-Professionals job group no longer has an underutilization for minorities, however this job group typically consists of temporary student workers who work for the agency on a short term basis. The make-up of this job group will always fluxuate.
 4. There continues to be no underutilization for the Technicians and Office/Clerical job groups.

- The number of underutilized people with a disability did not change significantly for most job groups:
 1. The underutilization for the Technicians, Para-Professionals and Office Clerical job groups did not change.
 2. There continues to be no underutilization for the Officials and Administrators job group.
 3. The underutilization for the Professional job group increased. This problem appears to be two-fold. There was a decrease in the number of persons with a disability working for the department even though there was an increase in the number of people hired into the professional job group.
 4. There was also an increase in the underutilization in the Service Maintenance job group, however this job group is often temporary or intermittent in nature and the workforce is constantly changing. It is likely that these numbers will fluxuate every two years as the Affirmative Action Plan is updated.

5. Work has been done with the State Recruiter for people with disabilities over the past couple of years. Although there was no successful placements, a working relationship has been established in the hopes of successful placements in the future.

As the department experiences increased turn-over in the future with the “baby boomers” retiring, it will provide the department with an increased opportunity to diversify its workforce. The Department of Agriculture will strive to reach the goals outlined in this plan by:

1. Expanding our recruitment efforts. These efforts are currently underway and include:
 - The development of a questionnaire to be given to hiring supervisors when a position is to be filled. This questionnaire will provide hiring supervisors with different recruitment methods that may be sought.
 - The development of a one question document to be given to every candidate interviewed for a position with the department. The question will ask the candidate, “How did you hear about this job?”. The responses will be given to the Affirmative Action Officer designee and monitored to see what recruitment methods seem to work the best.
 - Target certain career fairs, but in particular career fairs at universities that have agricultural and biological sciences majors (i.e. the North Dakota State University Agriculture Career Fair).
 - The creation of a document that outlines all of the different benefits available to state employees. This document can be handed out at employment interviews, to the general public and may be used at career fairs.
 - The utilization of the section “What is Great About this Job” for positions advertised on the Department of Finance and Employee Relations website.
 - Continuing to work with the State’s recruiter for people with a disability and exploring other community organizations who work with disabled persons.

Methods of Auditing, Evaluating, Reporting Program Success

The Human Resources and Diversity Division completes the Monitoring the Hiring Process (MHP) form for each vacancy where there is an underutilization for a protected group in an Equal Employment Opportunity (EEO) Job Category, with the exception of temporary Ag Techs and temporary Plant Industry Inspector 1's (Gypsy Moth Lead Workers).

The MHP form must identify the underutilized protected group members for the vacancy, the recruitment methods used, the recruitment costs, who was involved in the recruitment process, the total number of people in the applicant pool, number of qualified protected group members in the applicant pool, and whether or not the appointment is affirmative or non-affirmative. If the appointment is non-affirmative, the appointment is either justified (requiring further documentation), or not-justified, thus leading to a missed opportunity. The MHP form must be signed off on by a member of the Human Resources Division as well as the Affirmative Action Officer Designee or Affirmative Action Officer.

Each reporting period, the last business day of March, June, September and December, (Rule 3905.0700 subpart 1), the Affirmative Action Officer Designee submits a Quarterly Report to the Department of Employee Relations (DOER) on the agency's efforts to meet affirmative action goals and the resulting progress. The report details and totals all Unlimited, Classified hires filled through the Multi-Source process (list) and the Non-Competitive, Qualifying (non-list) hires in a job group where a disparity exists. The hires are separated into the following areas: affirmative appointments, non-affirmative appointments, justified appointments and non-justified appointments. The Quarterly Report must be approved by the Personnel Officer and Affirmative Action Officer prior to submittal to DOER.

Layoffs:

All layoffs are reviewed to determine their impact on the department's affirmative action goals and timetables. The review will look into the impact of bumping, claiming and permanent layoffs in the hopes of mitigating any negative effects on the agency's Affirmative Action Plan.

Pre-interview Review Process:

Step	Responsibility	Action
1	Affirmative Action Officer/Designee	Discuss specific actions to meet Affirmative Action goals.
2	Affirmative Action Officer/Designee, Human Resources staff	Review selection criteria, interview questions and interview rating scale.
3	Affirmative Action Officer/Designee, Human Resources staff	Inform the hiring supervisor that if a non-protected group member is to be selected, then written justification must be completed that explains how the person selected was substantially more qualified than other candidates.
4	Affirmative Action Officer	Inform the Commissioner's Office of appropriateness of selecting a candidate other than a protected group member where a disparity exists.
5	Affirmative Action Officer Designee/Human Resources staff	Complete the Monitoring the Hiring Process forms and quarterly reports.

Weather Emergencies and Evacuation

Action to take at work (during business hours):

Notice of weather-related threats; e.g., tornadoes, severe storms or blizzards, will usually be initiated by the National Weather Service (NWS). Both the NWS and local radio broadcasts are monitored by Capitol Complex Security and the Building Emergency Coordinators. In the event the building becomes endangered by a storm, the Building Emergency Coordinator will issue relocation orders through the front desk security guards via the building PA system.

When the relocation order is given, the Division Monitors will:

- Direct employees and any visitors to move away from windows and move to the assigned safe areas on first floor. If no safe area has been assigned, move to the center of the building.
- Remind individuals assigned as Evacuation Assistants and mobility impaired employees to meet in their pre-determined area and relocate to their pre-assigned safe area.

Once relocated, the Division Monitor will:

- Conduct a head count, ***if requested by the Building Emergency Coordinator***, and resolve the where-abouts of all employees assigned to your division and report the status of your division to the Building Emergency Coordinator.
- Keep employees informed on the status of the emergency.
- Announce the "All Clear", when authorized by the Building Emergency Coordinator.

Action to take at home (during Non-business hours):

In the case of severe weather emergencies, all employees are asked to monitor local radio and television stations. The closure of state offices will be announced by the Department of Finance and Employee Relations on the radio prior to shift start times. In addition, the information will also be posted on the Department of Finance and Employee Relations home page under the "Featured Links" section. Closure after the start of the shift will be announced by the Building Emergency Coordinator or Capitol Security. Supervisors should ensure that their hearing impaired employees are made aware of the closure of state offices (e.g., ensure that employees have made arrangements with their Evacuation Assistants, supervisors, relatives or friends to be contacted through the use of the Minnesota Relay Service or some other means).

Procedures for Mobility Impaired Employees

Employees with temporary or permanent mobility impairments, or those who feel they would be unable to evacuate the building in a timely manner due to a personal health condition, may choose to select two Evacuation Assistants to provide aid during an emergency.

Mobility impaired employees and their Evacuation Assistants should form a plan to meet in a specific area of the workplace for all emergencies to eliminate lost time spent looking for each other before actually evacuating the area. Near, but not inside the central stairwells would be a good area to meet.

Once at the predetermined location (central stairwell) the Evacuation Assistant(s) will assist the mobility impaired employee in evacuating the building.

If safe to do so, the Evacuation Assistant will remain with the mobility impaired employee if they are unable to evacuate.

The Evacuation Assistant will then instruct a fellow employee (Floor Warden, Division Monitor, or another Evacuation Assistant) to leave and report to the Building Emergency Coordinator or Building Security Guard the location of the mobility impaired employee and remaining Evacuation Assistant.

These individuals will remain at this location until their rescue is assisted by St. Paul Fire Department personnel. If, due to building conditions, they are unable to remain at this location, they will relocate to an area behind doors (an office or conference room), and will call 9-911 to advise them of their relocation.

If the mobility impaired employee is in another area of the building, or one or both of the Evacuation Assistants is not available to help, the mobility impaired employee will ask for assistance from other individuals evacuating the building.

Americans with Disabilities Act (ADA) Coordinator

Anthony Becker will act as the department's ADA Coordinator designee. He will be responsible for enabling qualified individuals with a disability to perform the essential functions of a job and to ensure that these individuals receive equal benefits and privileges of employment. He will also be responsible for responding to requests for reasonable accommodations and for maintaining the ADA Policy. The ADA Coordinator will report directly to the Affirmative Action Officer. Anthony Becker can be reached at 651/201-6640 or Anthony.Becker@state.mn.us.

Reasonable Accommodation Policy

Policy

The Minnesota Department of Agriculture (MDA) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the MDA to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

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 individual 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 MDA 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 designee of the need for an accommodation.
3. The ADA Coordinator designee 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 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 MDA 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 designee 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 designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure - Job Applicants

1. The job applicant shall inform the ADA Coordinator designee of the need for an accommodation. The ADA Coordinator designee will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator designee 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 MDA 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 MDA.

Procedure for Determining Undue Hardship

1. The employee will meet with the ADA Coordinator designee to discuss the requested accommodation.
2. The ADA Coordinator designee 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 MDA.
3. The ADA Coordinator designee will provide a decision to the employee.

Appeals

Employees or applicants who are dissatisfied with the decisions 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 they 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: _____,

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

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

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

3. Type of accommodation you are requesting?

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

Please describe in detail the accommodation you are requesting:

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

5. Additional Comments:

_____ Signature of Employee _____ Date

Reasonable Accommodation Agreement

Employee Name: _____ Job Title: _____,

Division: _____ Supervisor: _____,

Limitation(s) identified:

Date of request for a Reasonable Accommodation:

The nature of the accommodation request:

Accommodation(s) to be made:

Future review date, if any:

Signatures	Date
Employee:	
Supervisor:	
ADA Coordinator:	

Retention Plan

Sherry Thomas-Berry, Personnel Officer Senior and Russ Havir, Human Resource and Diversity Director, from the Human Resources and Diversity Division will be responsible for the MDA's retention program and activities.

Contact Information:

Sherry Thomas-Berry, 651-201-6513 or Sherry.Thomas-Berry@state.mn.us

Russ Havir, 651-201-6584 or Russ.Havir@state.mn.us

Department of Agriculture's Separation Summary:

Fiscal Year 2007	Dismissal or Non-Certification	Resignation	Retirement	Layoff	Total Separations
Agency Totals	5	14	10	11	40

The MDA had a very low turn-over rate for protected group members. The largest area of turn-over was employee resignations, followed by layoff. We expect to see large numbers of retirements in the coming years as the "baby boomers" retire. The dismissal/non-certification rate improved compared with that of the 2006-2008 Affirmative Action Plan.

The MDA will continue to coach supervisors on how to work with new employees to ensure that they are successful in their positions and pass their probationary period. Recommendations to supervisors include, but are not limited to:

- additional training
- weekly progress meetings
- additional performance evaluations
- individual development plans
- mentoring
- Employee Assistance Program (EAP) recommendation (if appropriate)
- extension of probationary period

The MDA will also work to retain employees who have passed their probationary period in an attempt to decrease the dismissal rate. Recommendations to supervisors may include, but are not limited to:

- additional training
- coaching,
- weekly progress meetings
- altered work schedule (where appropriate)
- EAP recommendation (where appropriate)
- individual development plans
- additional performance evaluations
- reassignment

The Minnesota Department of Agriculture will strive to create an environment that promotes the retention of a diverse workforce. The MDA is committed to Minnesota's affirmative action efforts and equal employment opportunity.