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State of Minnesota

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# **Department of Public Safety**

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## **Affirmative Action Plan**

**2012– 2014**

Minnesota Department of Public Safety  
445 Minnesota Street  
St. Paul, MN 55101

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**Department of Public Safety**  
**2012– 2014 Affirmative Action Plan**

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**Table of Contents:**

I. EXECUTIVE SUMMARY..... 4

II. STATEMENT OF COMMITMENT ..... 5

III. PERSONS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN ..... 6

**A. Commissioner..... 6**

**B. Director of Internal Affairs/Affirmative Action ..... 6**

**C. Human Resources Director..... 7**

**D. Managers and Supervisors..... 7**

**E. All Employees..... 8**

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN ..... 9

**A. Internal Methods of Communication..... 9**

**B. External Methods of Communication..... 9**

V. PROHIBITION OF HARASSMENT/DISCRIMINATION ..... 10

    Discrimination/Discriminatory Harassment Policy ..... 11

    General Harassment/Inappropriate Workplace Conduct Policy ..... 16

    Investigation and Resolution of Employee Misconduct Policy ..... 20

    Employee Conduct Policy ..... 29

    Complaint Form..... 37

VI. REASONABLE ACCOMMODATION POLICY ..... 38

    Reasonable Accommodation Request Form ..... 42

VII. EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES ..... 44

VIII. GOALS AND TIMETABLES ..... 60

IX. AFFIRMATIVE ACTION PROGRAM OBJECTIVES ..... 67

X. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS ..... 69

**A. Pre-Employment Review Procedure/Monitoring the Hiring Process ..... 69**

**B. Pre-Review Procedure for Layoff Decisions..... 72**

**C. Other Methods of Program Evaluation ..... 72**

XI. RECRUITMENT PLAN ..... 73

<b>A. Advertising Sources</b> .....	<b>73</b>
<b>B. Job and Community Fairs</b> .....	<b>73</b>
<b>C. College and University Recruitment Events</b> .....	<b>74</b>
<b>D. Recruitment for Persons with Disabilities</b> .....	<b>74</b>
<b>E. Relationship Building and Outreach</b> .....	<b>74</b>
<b>F. Internships</b> .....	<b>75</b>
<b>G. Supported Employment (M.S. 43A.191, Subd. 2(d))</b> .....	<b>76</b>
<b>XII. RETENTION PLAN</b> .....	<b>77</b>
<b>A. Person Responsible for Agency’s Retention Program/Activities</b> .....	<b>77</b>
<b>B. Separation and Retention Analysis by Protected Groups</b> .....	<b>77</b>
<b>C. Methods of Retention of Protected Groups</b> .....	<b>78</b>
Policy 4091 Exit Interview .....	80

**I. EXECUTIVE SUMMARY**

Department of Public Safety  
Affirmative Action Plan 2012-2014

Review revealed underutilization of the following protected group(s) in the following goal units:

GOAL UNITS	PROTECTED GROUPS		
	Women	Minorities Persons of Color	Persons With Disabilities
Officials/Administrators		X	
Professionals	X		X
Technicians, Paraprofessionals	X		X
Protected Services: Sworn	X	X	X
Protected Serv: Non-sworn			
Office/Clerical			X
Service Maintenance			

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of the Department of Public Safety's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's internal and external websites and maintained in Internal Affairs/Affirmative Action.

This affirmative action plan meets the applicable laws and rules governing affirmative action, and contains the goals and timetables as well as reasonable and sufficiently assertive methods for achieving them. This affirmative action plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure.

  
 Affirmative Action Officer  
 Director, Internal Affairs/Affirmative Action

 Phone number

 Date

This affirmative action 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.

  
 Commissioner, Department of Public Safety

 Date

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## II. STATEMENT OF COMMITMENT

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The Department of Public Safety 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 applicants or employees 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.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce;
- This agency is committed to the retention all qualified, talented employees, including protected group employees.

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



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Commissioner

July 9, 2012

Date

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

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#### **A. Commissioner**

1. Responsibilities and Duties:
  - a. To designate the Department's Director of Internal Affairs/Affirmative Action who serves as the Department's Affirmative Action Officer and the ADA Coordinator.
  - b. To approve and sign the Department's Affirmative Action Plan and all other policies relating to Affirmative Action, discrimination and harassment.
  - c. To require the inclusion of affirmative action objectives in the performance evaluations of each Assistant Commissioner and division director.
  - d. To take action, if needed, on complaints of discrimination.
  - e. To ensure final determinations on employee complaints of discrimination.
2. Accountability:
  - a. The Commissioner shall be accountable directly to the Governor and indirectly to the Commissioner of Minnesota Management and Budget.

#### **B. Director of Internal Affairs/Affirmative Action**

1. Responsibilities and Duties:
  - a. To develop, implement and monitor the Department's affirmative action programs.
  - b. To serve as the Department's ADA Coordinator, and respond to reasonable accommodation requests.
  - c. To review and recommend changes in policies, procedures and programs to ensure affirmative action is enforced throughout the Department and compliant with state and federal laws.
  - d. To work closely with the Department's recruiters to ensure protected group persons are sought for any openings within the Department, especially in the areas where disparities exist.
  - e. To work with units to establish written goals, objectives and strategies for affirmative action in each unit.
  - f. To investigate and mediate formal and informal complaints alleging conduct in violation of the Department's policies against discrimination and harassment.
  - g. To conduct and facilitate affirmative action training seminars, orientation programs and other agency programs and seminars.
  - h. To submit affirmative action reports, as required, and coordinate communication involving affirmative action and equal opportunity.

- i. To identify and eliminate barriers to equal employment opportunities within the Department.
  - j. To monitor and enforce the Department's Pre-Hire Review procedure with respect to all appointments before hiring decisions are authorized.
  - k. To serve as a liaison between the Department and Minnesota Management and Budget.
2. Accountability:
  - a. The Director of Internal Affairs/Affirmative Action is accountable to the Commissioner.

### **C. Human Resources Director**

1. Responsibilities and Duties:
  - a. To oversee Human Resources practices to ensure employees and applicants are provided equal opportunity without regard to protected characteristics.
  - b. To review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationships to job performance.
  - c. To maintain records that will enable the analysis of all portions of the selection process.
  - d. To oversee all openings in each division and section and publicize both competitive and promotional examinations throughout the Department.
  - e. To maintain retirement-eligible information and communicate it to division directors to ensure appropriate succession and workforce planning.
  - f. To assist management and supervisors to determine appropriate action on sustained complaints of departmental policies including complaints of discrimination and harassment.
2. Accountability:
  - a. The Director of Human Resources is Accountable to the Commissioner.

### **D. Managers and Supervisors**

1. Responsibilities and Duties:
  - a. To communicate the policy and spirit of the Affirmative Action Plan to employees under their supervision. The Director of Internal Affairs/Affirmative Action will be available to assist them, if necessary.
  - b. To select candidates for new positions or promotional opportunities on the basis of training, experience, the Department's affirmative action goals and in accordance with the Department's Pre-Hire Review procedure.
  - c. To submit to the Director of Internal Affairs/Affirmative Action, written documentation of the reason(s) for non-selection of a protected group candidate for a position where a disparity exists.

- d. To comply with the Department's complaint resolution procedure, as outlined in this Plan.
- 2. Accountability:
  - a. Managers and supervisors are evaluated on their performance with respect to the results of their implementation and enforcement of affirmative action in their respective divisions. Supervisors are accountable to their manager. Managers are accountable directly or indirectly to an Assistant or Deputy Commissioner.

## **E. All Employees**

- 1. Responsibilities and Duties:
  - a. To conduct themselves with dignity and respect to others.
  - b. To create and maintain a work environment free from discrimination and harassment.
  - c. To not engage in nor tolerate abuse or violence in the work place and to create and maintain a work environment free from fear and violence. Those employees who engage in such conduct will be subject to disciplinary action, up to and including termination of employment.
- 2. Accountability:
  - a. All employees of the Department will be evaluated on their performance with respect to the results of their adherence to and application of the relevant aspects of the Department's Affirmative Action Plan. Any employee who engages in discrimination or harassment in the workplace will be subject to disciplinary action, up to and including termination of employment. Employees are accountable directly to their supervisor.

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## **IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN**

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### **A. Internal Methods of Communication**

The Director of Internal Affairs/Affirmative Action will distribute the Affirmative Action Plan to the Human Resources Office and the Division Directors with directions detailing their responsibility to support and implement the plan. Each Division Director is responsible to ensure that employees know where they can view the Plan or obtain a copy of it. Copies in alternative formats will be made available upon request.

The Affirmative Action Plan will be made available on the Department's intranet for access by employees.

The Commissioner's Statement of Commitment will be sent to all employees via e-mail, with directions for supervisors to make the information available to staff without e-mail access. The e-mail will also notify employees of the completion of the 2012-2014 Affirmative Action Plan along with directions as to where to view the Plan and how to obtain a copy of it.

A copy of the Affirmative Action Plan will be available in Internal Affairs/Affirmative Action.

Any employee seeking a copy of the Plan may contact the Director of Internal Affairs/Affirmative Action for a paper copy or will be referred to the Plan's electronic locations.

### **B. External Methods of Communication**

The Department of Public Safety has the statement "an equal opportunity employer" on agency letterhead and other outgoing correspondence.

The Affirmative Action Plan will be made available on the Department's internet website accessible to the public. Copies in alternative formats will be made available upon request.

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## **V. PROHIBITION OF HARASSMENT/DISCRIMINATION**

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The Minnesota Department of Public Safety has policies to ensure that the Department's practices are free from discrimination, including sexual harassment and harassment based upon protected class status by providing a process through which complaints of discrimination and/or discriminatory harassment will be promptly, thoroughly, and respectfully handled and investigated. The Department seeks to maintain a positive working environment free from inappropriate, offensive, or bullying behavior by providing a process through which complaints will be promptly, thoroughly, and respectfully handled and investigated.

The following relevant policies are attached:

DPS Administrative Policy No. 1502-Discrimination, Discriminatory Harassment;

DPS Administrative Policy No. 1501-General Harassment;

DPS Administrative Policy No. 1002-Investigation and Resolution of Employee Misconduct;  
and

DPS Administrative Policy No. 4063- Employee Conduct

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## **Discrimination/Discriminatory Harassment Policy**

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**Policy:** Discrimination/Discriminatory Harassment  
**Number:** 1502  
**Applicability:** Department-wide  
**Maintained by:** Internal Affairs/Affirmative Action  
**Originated:** 11/21/94  
**Effective:** 2/3/11

### **Definitions**

#### Discrimination-

Discrimination is any conduct that adversely impacts the employment, work environment or provision of service to an individual based on the individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, age, disability, or membership or activity in a local commission.

#### Discriminatory harassment-

Discriminatory harassment is any behavior based on a protected class characteristic that unreasonably creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, derogatory comments, slurs, or jokes; or displaying objects, cartoons, or pictures of a derogatory or discriminatory nature.

#### Sexual harassment-

Sexual harassment is any sexually oriented conduct, whether it is intended or not, that is unwelcome and:

- 1) has the effect of creating a workplace that is hostile, offensive or humiliating,
- 2) submission to sexual conduct is made a term or condition of the individual's employment, or
- 3) unreasonably interferes with the individual's work performance.

Sexual harassment can occur between individuals of the opposite sex or same sex. Sexual harassment may include, but is not limited to, unwelcome sexual advances, sexually motivated physical conduct or other unwelcome verbal or physical conduct. Sexual behavior that does not rise to the level of illegal sexual harassment but that is inappropriate, disruptive, or creates a hostile work environment may also result in disciplinary action by the Department of Public Safety.

#### Employee-

Employee means all Department of Public Safety employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers. While not employees, this policy also applies to volunteers and contractors.

#### Protected class-

Protected class characteristics in Minnesota are an individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, age, disability, or membership or activity in a local commission.

Reprisal-

Reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy.

## **Purpose**

The purpose of this policy is to ensure that the Minnesota Department of Public Safety's practices are free from discrimination, including sexual harassment and harassment based upon protected class status by providing a process through which complaints of discrimination and/or discriminatory harassment will be promptly, thoroughly, and respectfully handled and investigated.

## **Policy Statements**

- It is the policy of the Minnesota Department of Public Safety that all its employees are able to work in an environment free from discrimination and discriminatory harassment.  
The Department will not tolerate discrimination or discriminatory harassment among its employees and will take appropriate corrective action against employees who violate this policy.
- Discrimination and discriminatory harassment are prohibited by state and federal law. The Department may take corrective actions when inappropriate behavior or actions occur, even if they are not so serious as to be unlawful.
- This policy prohibits discrimination or discriminatory harassment by any employee, volunteer, or contractor of the Minnesota Department of Public Safety. This policy also applies to the handling of complaints against Department of Public Safety employees, volunteers, or contractors alleged to have engaged in discrimination or harassment against a member of the public. This policy applies both to conduct that occurs in the workplace and to conduct that occurs at any location that has a reasonable nexus to the workplace.
- All employees are expected to conduct themselves with dignity and respect for others.
- Employees are responsible for creating and maintaining an environment free from discrimination or discriminatory harassment.
- Employees are encouraged to report possible violations of this policy as soon as possible.
- Employees who engage in discrimination or discriminatory harassment in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.

- The Department will not tolerate any reprisal. Such retaliatory action constitutes a separate violation of the Discrimination/Discriminatory Harassment policy and may result in discipline up to and including termination of employment.

## **Responsibilities**

### **ALL EMPLOYEES, VOLUNTEERS, AND CONTRACTORS**

- Are responsible for seeking assistance about how this, or any other policy, applies to them
- Are responsible for personal conduct in a manner consistent with the spirit and intent of this policy

### **MANAGERS AND SUPERVISORS**

- Must seek clarification if there are questions about this policy
- Department administrators, managers, and supervisors are responsible for implementing and enforcing this policy and for enforcing all discrimination and sexual harassment articles in collective bargaining agreements
- Managers and supervisors have a special responsibility to report allegations of discrimination or harassment. Supervisors shall immediately report any allegation of discrimination or harassment to the Department of Public Safety Director of Internal Affairs/Affirmative Action

### **DIRECTOR OF INTERNAL AFFAIRS/ AFFIRMATIVE ACTION**

- Any claims of discrimination or discriminatory harassment or inappropriate behavior under this policy will be investigated by investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis
- The Director of Internal Affairs/Affirmative Action will monitor the progress of each investigation
- The Director of Internal Affairs/Affirmative Action shall report annually to the Commissioner and all Division Directors the number of complaints filed under this policy

## **PROCEDURES TO FILE AN INTERNAL COMPLAINT**

The following internal complaint procedure is intended to help the Department and its employees resolve concerns or complaints of sexual harassment and other types of discrimination and discriminatory harassment:

1. Employees, volunteers, or contractors who believe they have been harassed or otherwise discriminated against in the work place, or who have witnessed such behavior among other employees or other covered individuals, are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly. If managers or supervisors learn through an exit interview or other means that an employee, volunteer, or contractor has left the department because of alleged harassment or discrimination, the Division Director or Director of Human Resources will notify the Director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the Division Director or Director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the Director of Internal Affairs/Affirmative Action.
2. Employees, volunteers, and contractors are encouraged to file their concerns and complaints in writing using any format including the Formal Complaint of Alleged Employee Misconduct form. However, oral complaints will be accepted and processed as well. Complaints may be filed with the employee's supervisor, the Director of Internal Affairs/Affirmative Action or the Director of Human Resources, or anyone in a supervisory or management position in the Department of Public Safety. If the complaint involves the employee's immediate supervisor, the complaint may be filed with any other supervisor or manager in the Department of Public Safety or the Directors of Internal Affairs/Affirmative Action or Human Resources.
3. The person who receives the concern or complaint will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the DPS Complaint Intake form may be used.
4. The Director of Internal Affairs/Affirmative Action will direct and review the investigation. Whenever possible, the investigation will be completed within 60 days. If the investigation cannot be completed within 60 days, the Director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.
5. The Director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The Director of Human Resources and appropriate Division Director will consult to determine appropriate corrective action and notify the subject of the complaint.
6. Any corrective action decision or recommendation will be made by the division director in consultation with the Director of Human Resources and/or the Labor Relations Manager.

7. The Director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.
8. The Director of Internal Affairs/Affirmative Action shall provide the Commissioner of the Minnesota Management and Budget Office with a summary of the investigation as required under Minnesota Administrative Rule 3905.0500 and Minnesota Statute § 43A.04.

Employees, volunteers, and contractors are encouraged to use this procedure, but may also pursue information and/or remedies available through the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, or the courts. Employees are advised to check with these agencies to determine the existence of time limitations for the filing of complaints. Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

### **Other applicable policies, authority, or resources**

- The Civil Rights Act of 1964; 42 U.S.C. 2000
- The Americans with Disabilities Act of 1990; 42 U.S.C. 12131
- The Age Discrimination in Employment Act of 1975; 42 U.S.C. 6101
- Minnesota Human Rights Act, Minn. Stat. Ch. 363A
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1501, General Harassment/Inappropriate Workplace Conduct
- Department of Public Safety Complaint Intake Form
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Applicable collective bargaining agreements and plans

Date this policy was last  
revised: 4/1/05

Approved for implementation  
and distribution: Mary Ellison, 2/3/11

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## General Harassment/Inappropriate Workplace Conduct Policy

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**Policy:** General Harassment/Inappropriate Workplace Conduct  
**Number:** 1501  
**Applicability:** Department-wide  
**Maintained by:** Internal Affairs/Affirmative Action  
**Originated:** 2/1/93  
**Effective:** 2/3/11

### Definitions

Inappropriate behavior-

Inappropriate behavior includes any hostile, abusive, degrading, intimidating, offensive, exploitative, or physical conduct. Inappropriate workplace behavior may include, but is not limited to, rudeness, exclusionary behavior, inappropriate joking, name calling, belittling, disrespectful, or profane language, or comments or actions that are perceived as threatening.

Bullying-

Bullying is frequent, persistent, and unreasonable behavior that demeans, intimidates, and humiliates employees, either as individuals or groups. Bullying may include, but is not limited to, hostile glares and other non-verbal behaviors, use of put-downs, exclusion and “the silent treatment,” and false accusations of mistakes and errors.

**Note:** Inappropriate behavior and/or bullying *does not* include actions taken by a supervisor that are within the scope of the supervisor’s responsibilities and would be considered reasonable and appropriate actions.

Employee-

Employee means all Department of Public Safety employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers.

Other covered individuals-

All individuals, such as volunteers and contractors, working in the Department of Public Safety workplace.

Reprisal-

Reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy.

### Purpose

The purpose of this policy is to ensure that the Minnesota Department of Public Safety is a positive working environment free from inappropriate, offensive, or bullying behavior by providing a process through which complaints will be promptly, thoroughly, and respectfully handled and investigated.

## **Policy Statements**

- It is the policy of the Minnesota Department of Public Safety that all its employees are able to work in a professional, respectful, and productive environment. The Department will not tolerate inappropriate or offensive behavior or bullying among its employees and will take appropriate corrective action against employees who violate this policy.
- Though not prohibited by law, some behaviors are simply unacceptable for the workplace and will be treated as such.
- This policy prohibits inappropriate workplace behavior by any employee, volunteer, or contractor of the Minnesota Department of Public Safety. This policy also prohibits inappropriate behavior by Department of Public Safety employees, volunteers, or contractors toward a member of the public.
- All employees are expected to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from inappropriate or offensive behavior and bullying.
- Employees are encouraged to report possible violations of this policy as soon as possible.
- Employees who engage in inappropriate behavior in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

## **Responsibilities**

### **ALL EMPLOYEES, VOLUNTEERS, AND CONTRACTORS**

- Are responsible for seeking assistance about how this, or any other policy, applies to them
- Are responsible for personal conduct in a manner consistent with the spirit and intent of this policy

### **MANAGERS AND SUPERVISORS**

- Must seek clarification if there are questions about this policy
- Department administrators, managers, and supervisors are responsible for implementing and enforcing this policy and for enforcing all articles relating to inappropriate workplace behavior in collective bargaining agreements
- Managers and supervisors have a special responsibility to report allegations of inappropriate behavior; supervisors shall immediately report any allegation of prohibited conduct to the Department of Public Safety Director of Internal Affairs/Affirmative Action

## **DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION**

- Any claims of inappropriate behavior under this policy will be investigated by investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis
- The Director of Internal Affairs/Affirmative Action will monitor the progress of each investigation
- The Director of Internal Affairs/Affirmative Action shall report annually to the Commissioner and all Division Directors the number of complaints filed under this policy

## **PROCEDURES TO FILE AN INTERNAL COMPLAINT**

The following internal complaint procedure is intended to help the department and its employees resolve concerns or complaints about inappropriate workplace behavior:

1. Employees, volunteers, or contractors who believe they have been treated inappropriately in the workplace, or who have witnessed such behavior among other employees or covered individuals, are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly. If managers or supervisors learn through an exit interview or other means that an employee, volunteer, or contractor has left the department because of inappropriate treatment, the Division Director or Director of Human Resources will notify the Director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the Division Director or Director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the Director of Internal Affairs/Affirmative Action.
2. Individuals are encouraged to file their concerns and complaints in writing using the Formal Complaint of Employee Misconduct Form. However, oral complaints will be accepted and processed as well. Complaints may be filed with the employee's supervisor, the Director of Internal Affairs/Affirmative Action or the Director of Human Resources, or anyone in a supervisory or management position in the Department of Public Safety. If the complaint involves the employee's immediate supervisor, the complaint may be filed with any other supervisor or manager in the Department of Public Safety or the Directors of Internal Affairs/Affirmative Action or Human Resources.
3. The person who receives the concern or complaint will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the Complaint Intake Form may be used.
4. The Director of Internal Affairs/Affirmative Action will direct and review the investigation. The investigation shall be conducted within 60 days. If the investigation cannot be completed within 60 days, the Director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.

5. The Director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The Director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.
6. Any corrective action decision or recommendation will be made by the division director in consultation with the Director of Human Resources and/ or the Labor Relations Manager.
7. The Director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.

Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

### **Other applicable policies, authority, or resources**

- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1502, Discrimination/Discriminatory Harassment
- Department of Public Safety Complaint Intake Form
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Applicable collective bargaining agreements and plans

Date this policy was last  
revised: 4/1/05

Approved for implementation  
and distribution: Mary Ellison, 2/3/11

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## **Investigation and Resolution of Employee Misconduct Policy**

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**Policy:** Investigation and Resolution of Employee Misconduct  
**Number:** 1002  
**Applicability:** Department-wide  
**Maintained by:** Internal Affairs/Affirmative Action  
**Originated:** 12/30/1998  
**Effective:** 6/12/12

### **Definitions**

#### **Administrative Inquiry-**

An administrative inquiry is conducted by Internal Affairs/Affirmative Action when an issue is raised by an employee or citizen involving the application of existing policies, procedures and/or work rules. It may also be used for allegations of serious misconduct where the facts are vague and an inquiry is needed to determine whether the alleged actions occurred before the initiation of an investigation using the formal process.

#### **Case Manager-**

The case manager is an Internal Affairs investigator assigned to monitor and to assist division supervisors in conducting an employee misconduct investigation.

#### **Complainant-**

The complainant is a person who files a complaint alleging misconduct by a department employee or other covered individuals

#### **Discontinued-**

An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

#### **Employee-**

Employee means all Department of Public Safety employees including full-time, part-time, temporary, intermittent, seasonal, or emergency workers, interns and student workers.

#### **Exonerated-**

An employee or other covered individual will be exonerated of the allegations of employee misconduct when the investigation supports a finding that the alleged actions did not occur, the employee or other covered individual named in the complaint was not involved in the acts giving rise to the alleged misconduct allegation, or the alleged acts occurred and were in accordance with policy and otherwise appropriate.

#### **Formal Process-**

The formal process is used when an employee or citizen requests that the complaint be provided to Internal Affairs/Affirmative Action for investigation, or the person submits a Formal Complaint of Alleged Employee or other covered individual Misconduct directly to

Internal Affairs/Affirmative Action. All complaints made under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment must use the formal process.

**Informal Process-**

The informal process is used when an employee or citizen brings allegations of employee misconduct to the direction of a supervisor or to another, including Internal Affairs/Affirmative Action, and requests the supervisor to handle the matter as a performance matter which does not involve a signed complaint. This process cannot be used for allegations which fall under the purview of Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment.

**Insubordination-**

The intentional refusal of an employee or other covered individual to follow the reasonable and appropriate direction or lawful order of a supervisor acting within the scope of their position.

**Internal Affairs/Affirmative Action-**

IA/AA, sometimes referred to as IAD, is the department's internal investigative unit, under the direction of the Director of Internal Affairs/Affirmative Action, who is the department's Affirmative Action Officer and Americans with Disabilities Act Coordinator and reports to the Commissioner.

**Licensed Peace Officer-**

Any employee of the department who has the powers of arrest pursuant to Minn. Stat. § 626.843, subd. 1 (c).

**Misconduct-**

Misconduct includes actions which violate departmental or divisional policies and are considered performance matters, or actions and behaviors which reflect negatively upon the department, the employee's or other covered individual's ability to perform necessary job duties.

**Not Sustained-**

The recommended conclusion of an investigation will be "not sustained" when the investigation cannot determine whether the alleged actions occurred or not.

**Other Covered Individuals-**

All individuals, such as volunteers, contractors or grantees working in or on behalf of the Department of Public Safety, are covered individuals under this policy.

**Performance Matter-**

Work performance that fails to meet the standards established by the responsible division or department. Examples include, but are not limited to: excessive errors, substandard production rates, tardiness, absenteeism, and sick leave abuse.

#### Poor Public Relations-

Conduct by an employee or other covered individual toward a customer or citizen that was indifferent, rude, unprofessional, hostile, or otherwise likely to create a negative opinion of the department, its programs or its employees.

#### Serious Misconduct -

Serious misconduct includes but is not limited to the following:

- Any criminal offense other than petty misdemeanor traffic offenses;
- Actions covered under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment;
- Conduct which violates a person's civil rights or otherwise violates civil laws
- Conduct which violates applicable state, departmental or divisional policies and would not be considered a performance matter.

#### Subject-

The subject of an investigation is the person who is alleged to have engaged in the acts or behaviors being complained about.

#### Sustained-

The recommended conclusion of an investigation will be "sustained" when the investigation supports a finding that the employee or other covered individual engaged in the alleged actions.

### **Purpose**

The purpose of this policy is to ensure the public's confidence in the work performed by Department of Public Safety employees, contractors, grantees or other covered individuals. The Department strives for continuous quality performance of such individuals by providing a process through which complaints will be promptly, objectively, thoroughly and respectfully handled and investigated. This policy is designed to facilitate effective administrative investigations without compromising the ability to prosecute criminal cases when appropriate.

### **Policy Statements**

- It is the policy of the Minnesota Department of Public Safety that alleged reports of misconduct or performance matters will be handled and investigated in an appropriate matter.
- Members of the public and all employees and other covered individuals are encouraged to report acts of misconduct and will be assisted in making the complaint, when asked, in a friendly and non-intimidating manner.
- All employees and other covered individuals are expected to conduct themselves in a professional manner, with dignity and respect for others, and in accordance with all applicable state, department and division policies and procedures.

- Employees and other covered individuals who engage in behavior which violates applicable state, department or division policies can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal or retaliation against a person who has filed a complaint alleging misconduct or who has participated in any such investigation. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

## **Responsibilities**

### **ALL EMPLOYEES, VOLUNTEERS, CONTRACTORS, GRANTEES AND OTHER COVERED INDIVIDUALS WILL:**

- Seek assistance about how this or any other policy applies to them.
- Perform job responsibilities in a professional manner and in accordance with standards established by the department or responsible division.
- Avoid behavior that is or could be perceived as misconduct or serious misconduct.
- Comply with all applicable state, department and division policies and procedures.
- Report violations of misconduct by employees or other covered individuals in accordance with this policy.
- Assist persons asking for help to file a complaint.
- Cooperate with any internal investigation.
- Refrain from conducting any investigation into employee conduct or performance when it is not part of their regular duties and without supervisory permission.

### **DIRECTORS, MANAGERS AND SUPERVISORS WILL:**

- Ensure that employees and other covered individuals are aware of the provisions of this policy and other applicable state, department or division policies.
- Seek clarification if there are questions about this policy.
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary.
- Report allegations of employee, contractor or grantee misconduct as appropriate.
- Respond appropriately to all allegations of misconduct which are received by them.
- Investigate allegations related to performance matters, and all complaints referred to them by Internal Affairs/Affirmative Action thoroughly, objectively and timely.

### **DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION WILL:**

- Determine the appropriate method of investigation for complaints of alleged misconduct by employees and other covered individuals.
- Refer all complaints which are determined to be performance matters to the appropriate division and Human Resources for investigation.
- Assist supervisors, managers and division directors with investigations when appropriate.

- Consult with Human Resources to ensure investigations are conducted in compliance with collective bargaining agreements and plans.
- Assign an investigator for all allegations involving serious misconduct.
- Report annually to the Commissioner and all Division Directors the number of complaints filed under this policy.

### **HUMAN RESOURCES WILL:**

- Assist supervisors, managers and division directors with performance matter investigations.
- Assist supervisors and managers in developing division specific policies.
- Assist supervisors, managers and division directors regarding appropriate disciplinary action.
- Refer all complaints which are perceived to be misconduct to the Internal Affairs/Affirmative Action Division and appropriate division for investigation.

### **PROCEDURE**

Any division policy related to employee misconduct investigations will comply with this policy.

### **Acceptance of Complaints**

- A complaint may be reported to any department employee. Complaints must be accepted in any form; in writing, in person, by telephone, by email, by fax, and may be made anonymously. Anonymous complaint will be given due consideration based on the totality of the circumstances.
- The Formal Complaint of Alleged Employee Misconduct form (1002-02) may be used as a convenient means of documenting a complaint alleging employee misconduct. It will be provided to any individual wishing to make such a complaint, but it is not required to be used.
- A person receiving a complaint in any form other than writing may use the Complaint Intake form (1002-01) to assist them in documenting the complaint.
- Any employee will assist another in making a complaint, if they are asked to help. The employee will provide information about how to make a complaint even when the complaint is about them.
- Any employee receiving a complaint should forward the information to an appropriate individual who has a job responsibility to take appropriate action. For example, a supervisor or manager. However, the complaint should not be forwarded to the individual about whom the complaint is made.
- All complaints alleging conduct which is defined by this policy as serious misconduct or any complaint alleging discrimination/discriminatory harassment under DPS Policy No. 1502 will be immediately forwarded to the Director of Internal Affairs/Affirmative Action.

## **Investigation of Complaints**

- All complaints received by Internal Affairs/Affirmative Action will be reviewed and when possible will be assigned to the employee's division director or supervisor for investigation in consultation with Human Resources.
- Internal Affairs/Affirmative Action will investigate all complaints alleging serious misconduct unless the Director of Internal Affairs/Affirmative Action determines that another investigator is appropriate. When applicable, the director will assign another DPS investigator or contract with an independent investigator to complete the investigation. An Internal Affairs/Affirmative Action investigator will be assigned to case manage the investigation.
- All complaints alleging performance matters will be referred to the division director or appropriate supervisor or manager to conduct the investigation in consultation with Human Resources. Internal Affairs/Affirmative Action will only conduct investigations alleging performance matters when requested to do so by the Commissioner, Human Resources, or Division Director. Internal Affairs/Affirmative Action investigators will provide assistance to supervisors conducting their investigations when requested.
- Investigations into complaints of employee misconduct that are initiated by a department supervisor which is likely to result in the loss of compensation to the employee, either through suspension or discharge, should be forwarded to the Director of Human Resources when the allegations relate to performance matters and to the Director of Internal Affairs/Affirmative Action when the allegations relate to serious misconduct. It is important that department supervisors report the action to someone. It is the responsibility of the Directors of Human Resources and Internal Affairs/Affirmative Action to communicate and ensure the proper handling of the investigation.
- All investigations will be conducted in accordance with applicable collective bargaining agreements and plans, state and federal law including the Peace Officer Discipline Procedure Act, Minn. Stat. § 626.89.
- An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

## **Notification of Results**

- All investigations conducted or case managed by Internal Affairs/Affirmative Action will be reviewed by the Director of Internal Affairs/Affirmative Action who will make recommended findings, conclusions and other recommendations as appropriate to the appropriate Division Director.
  - Internal Affairs/Affirmative Action will notify the complainant when the investigation is complete.
  - The subject(s) of the investigation will be notified of the result of the investigation by the Division Director, or as otherwise designated by the Division Director.

- When disciplinary action is taken, the subject(s) and the appropriate collective bargaining representative will be notified of the intent to take appropriate action by the Division Director, or as otherwise designated by the Division Director.
- All investigations conducted within the division will be handled in accordance with divisional policy or as recommended by Human Resources.
  - The appropriate supervisor, or as otherwise designated by the Division Director, will notify the complainant directly when the investigation is complete. If the investigation was referred to the division by Internal Affairs/Affirmative Action, the division also must notify Internal Affairs/Affirmative Action of the conclusion and result of the investigation.
  - The subject(s) of the investigation will be notified of the result of the investigation by the appropriate supervisor, or as otherwise designated by the Division Director.
  - When disciplinary action is taken, the subject(s) and appropriate collective bargaining representative will be notified of the intent to take appropriate action by the appropriate supervisor, or as otherwise designated by the Division Director.
- All information provided to subjects and complainants will be in accordance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, the Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89, applicable collective bargaining agreements and plans and other applicable state and federal law.

### **Criminal Investigations**

- If criminal charges are made against a department employee or other covered individual, Internal Affairs/Affirmative Action is responsible for the administrative investigation. All complaints which stem from criminal charges, or allege criminal activity will be referred to Internal Affairs/Affirmative Action.
- When Internal Affairs/Affirmative Action receives information alleging criminal activity, it will bring matters to the attention of the Commissioner, Human Resources Director and the Division Director when appropriate.
- The Commissioner or appropriate Division Director will ensure that any criminal complaint is referred to the appropriate jurisdiction.
- Internal Affairs/Affirmative Action will cooperate and coordinate with the agency conducting the criminal investigation to ensure that evidence is obtained and the criminal investigation is not compromised.
- Internal Affairs/Affirmative Action may conduct its administrative investigation concurrent with the criminal investigation or once the criminal investigation is complete. Internal Affairs/Affirmative Action will determine the appropriate course of the administrative investigation so that it does not compromise any criminal investigation or prosecution.
- Internal Affairs/Affirmative Action will determine when the subject(s) will be interviewed in the administrative investigation and if the subject(s) will be compelled to participate in the interview.

- Internal Affairs/Affirmative Action will ensure the subject receives the appropriate notice consistent with state and federal law.
- Internal Affairs/Affirmative Action will maintain information received through an administrative investigation in accordance with state and federal law and in a manner which will not interfere with any criminal investigation or criminal prosecution.
- Unless court ordered, or otherwise required by federal or state law, Internal Affairs/Affirmative Action will not provide information from a compelled statement of the subject in a criminal investigation to any criminal investigator.
- If it is determined that the administrative investigation will not occur until after criminal charges are filed or the criminal case is resolved, Internal Affairs/Affirmative Action will notify the subject and the applicable collective bargaining representative of this decision unless such notification could jeopardize a criminal investigation. The complainant will be notified of this decision only after information regarding the criminal matter is public information by law.

## **DISCIPLINARY DISPOSITION**

- If the investigation supports a finding that the allegations are sustained, the Division Director will take appropriate action, which may include disciplinary action.
- If the investigation results in a finding of not sustained, the Division Director may take appropriate action, which may include disciplinary action.
- The Division Director will consult with the Director of Human Resources and the Labor Relations Manager to determine what action is appropriate.
- The investigative file will be available to and reviewed by the Division Director and the Director of Human Resources before a final decision is made.
- The Division Director in consultation with Human Resources may determine other appropriate action which is not considered disciplinary.
- The Division Director will notify Internal Affairs/Affirmative Action of any final decision regarding investigations conducted or case managed by Internal Affairs/Affirmative action, including any appropriate action taken.
- The Commissioner reserves the right to review any final decision of a Division Director to ensure that all such decisions are fair and consistent for all employees and other covered individuals throughout all divisions of the Department.

## **Other applicable policies, authority, or resources**

- All DPS policies including but not limited to:
  - DPS Policy 1501, General Harassment/Inappropriate Workplace Conduct
  - DPS Policy 1502, Discrimination/Discriminatory Harassment
  - DPS Policy 4063, Employee Conduct
  - DPS Policy 1003, Conduct Unbecoming a Peace Officer
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13

- Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89
- Best Practices For Investigations, Minn. Stat. § 43A.325
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last  
revised: 8/10/04

Approved for implementation  
and distribution: Ramona Dohman, 6/12/12

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## **Employee Conduct Policy**

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**Policy:** Employee Conduct  
**Number:** 4063  
**Applicability:** Department-wide  
**Maintained by:** Human Resources  
**Originated:** 8/1/93  
**Effective:** 12/14/10

### **Definition**

Conduct-

A person's behavior or actions.

### **Purpose**

The purpose of this policy is to ensure employees present a positive publicimage, a professional appearance, and exhibit appropriate and professional behavior while ensuring that the health and safety of other employees and the public is maintained.

### **Policy Statements**

- This policy applies to all Department of Public Safety employees, interns, student workers, and volunteers
- All examples listed in this policy are provided for purposes of illustration and do not comprise an exhaustive list
- Violation of this policy may result in disciplinary actions up to and including termination

## **Responsibilities**

### **ALL EMPLOYEES WILL:**

- Be responsible for complying with this policy
- Be responsible for seeking assistance about how this, or any other policy, applies to them or their job duties
- Act with a high level of workplace professionalism
- Be responsible for avoiding any conduct or behavior that is, or could be, perceived as inappropriate
- Maintain appropriate business relationships and will not engage in conduct or actions that interfere with the operations of the department

### **DIRECTORS, MANAGERS, AND SUPERVISORS WILL:**

- Serve as an example
- Ensure that employees are kept aware of the provisions of this policy, and any additional applicable state, department, or division policies
- Seek clarification if there are questions about this policy
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary
- Ensure that employees, interns, student workers, and volunteers adhere to this policy
- Work with HR when developing division specific policies

### **HUMAN RESOURCES WILL:**

- Work with supervisors and managers in response to incidents of misconduct under this policy
- Work with divisions to develop division specific policies

## **EMPLOYEE CONDUCT**

### **1. PROFESSIONAL CONDUCT**

Under Minnesota Statute §43A.38, Code Of Ethics For Employees In The Executive Branch, employees, interns, student workers, and volunteers have an obligation to avoid conflicts of interest and any act that gives the appearance of a conflict of interest, and must behave in an ethical and professional manner at all times.

The Department of Public Safety may reassign an employee or change their duties to avoid a conflict; and/or require the employee to stop an activity that conflicts with their work within the terms and conditions as outlined in the appropriate collective bargaining agreement or compensation plan.

Employees, interns, student workers, and volunteers must be aware that their conduct, actions, or behaviors are judged by the public.

### **Respectful Treatment of Others**

It is the Minnesota Department of Public Safety's intention to provide a respectful work environment for all of its employees.

Employees will act professionally, courteously, respectfully, and cooperatively with all internal and external customers and co-workers at all times. While it may be difficult to deal with people who are impatient or discourteous, employees will be expected to do so in a professional manner.

Employees will be understanding, respond with a positive, pleasant tone, and a willingness to help. Employees will avoid hostile or sarcastic confrontations. Employees will:

- Act professionally in all forms of communication, regardless of the situation or the means of communication
- Not engage in any conduct that constitutes discrimination or harassment of any type

### **Use of State Property**

In general, state telephones, fax machines, office equipment or machines, and computers are for official business only. There are exceptions which allow limited personal use; personal use that meets the following criteria is acceptable:

- Must not result in any additional costs such as loss of time or resources
- Must not interfere with productivity
- Must not interfere with any department or division business activity
- Must not cause the department or its information systems and resources unacceptable risk or liability
- Must not violate other provisions of this or any other department or state policy
- Must not use resources for activities related to an authorized user's non-department employment

State telephones and fax machines will not be used to make personal long distance calls. The use of a state, department, or division owned or leased vehicle for personal use or gain is strictly prohibited.

### **Gifts**

A gift can be described as money, goods, services, entertainment, favors, or any other item of value received from an external source in connection with, or because of, an employee's employment with the department or the state. The acceptance of a gift must be in compliance with Minnesota Statute §43A.38 Code of Ethics for Employees in the Executive Branch and the department's Gift Acceptance Policy, 3044.

### **Bribery Attempts**

Employees must be alert to solicitations and are not allowed to directly or indirectly accept offers of money or items of value in exchange for performing or not performing your job duties. If you believe you were offered a bribe, immediately report the circumstances to your supervisor. Cooperate fully with any investigation that may follow.

## **Rewards**

Employees are prohibited from accepting loyalty points or customer rewards. Employees may not accept frequent flyer miles for their personal use; additional details can be found in the department's Travel Policy, 3060.

## **Soliciting for Charitable Causes**

Minnesota Management and Budget (MMB) has an established procedure for employees' charitable contributions via the state sponsored organization known as The Combined Charities Campaign; this is the only statewide organization authorized by MMB.

- Employees **may not** solicit contributions, fundraise, or conduct raffles for any charitable cause during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks to solicit for a charitable cause
- Employees **may** occasionally solicit for a charitable cause in a non-work area such as a division lunch or break area (i.e.: sign-up sheets, order forms, or brochures)

## **Soliciting for Private Business or Gain**

- Employees **may not** conduct private business, sell, buy, or attempt to sell or buy any commercial products or services during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks for private business or gain
- An employee or group of employees **may not** bring in outside vendors or entities to solicit for private business or gain
- Employees **may not** solicit for private business or gain in a non-work area such as a division lunch or break area

## **Employee Groups**

Employee-operated, non-profit committees or clubs which are sponsored and maintained solely by employees of the department may, at the discretion of their division director, use the department's resources and work areas to provide information about their group's activities.

## **2. PERSONAL APPEARANCE OF EMPLOYEES**

Employees of the Department of Public Safety are to present a positive public image and a professional appearance while ensuring that the health and safety of other employees and the public is maintained.

An employee's behavior, appearance, clothing, and accessories should always be appropriate for their specific duties, work environment, and the nature of their interaction with customers.

If an employee questions the appropriateness of a fashion choice, they should not wear it to work. If an employee's attire is inappropriate or disruptive to co-workers, customers, job performance, or work environment they may be asked to go home to change, using their own vacation leave or leave without pay to cover the absence.

### **Personal Hygiene and Grooming**

Not all employees have face to face contact with the public, however they do interact with co-workers, supervisors, and internal customers; therefore these general requirements apply to everyone:

- Be clean and well groomed; including hair, teeth, hands, fingernails, and be free of body odors
- Cover tattoos that contain obscenity, sexually suggestive language, or demean any person or group
- Wear clean clothing that is in good repair; free of rips and odors
- Outer wear must cover underwear
- Don't wear clothing that is provocative, see-through, reveals cleavage excessively, shows bare midriffs, or bare backsides
- Wear clothing and accessories that are appropriate to the specific work environment, duties, and contact with customers
- Wear clothing that fits properly so it does not cause a safety hazard
- Don't wear backless, strapless, halter, tube dresses or tops
- Don't wear clothing that interferes with job performance or expectations
- Don't wear clothing containing the logos of establishments where alcoholic beverages are the primary beverage, or clothing that promotes drugs or drug use, or tobacco use
- Don't wear clothing that contains obscenity, sexually suggestive, violent language, or demeans any person or group
- Don't wear beach flip flops or rubber shower thongs
- Do wear shoes at all times
- Don't wear sweat suits or workout attire

Blue jeans and shorts are not acceptable attire for daily wear unless the employee's work assignment necessitates their wear and it has been approved by the Division Director. Division Directors may use their discretion in determining if blue jeans or shorts are appropriate.

With the exception of uniformed personnel and at the discretion of the division director, the department generally allows business casual dress on Fridays which may include jeans. Casual dress does not mean that the above personal hygiene and grooming requirements can be ignored.

In addition to the personal hygiene and grooming requirements as outlined above, the department's uniformed personnel will maintain a professional image and will:

- Wear the complete on-duty uniform during those work periods designated by the division director
- Keep the uniform clean, maintained, and well pressed at all times with patches, shield, or other identifying insignia properly placed
- Restrict uniform use to periods of duty and while traveling to and from such duty
- Follow all division directives concerning uniforms

### **Fragrance**

For some persons with allergies or other specific medical conditions, serious medical emergencies can result when they are exposed to certain chemicals or scents.

Employees with an allergy or a condition that will create a medical emergency if exposed to or subjected to prolonged exposure of a chemical or scent should consult their supervisor and the Americans with Disabilities Act (ADA) Coordinator. The department's ADA Coordinator is the Director of Internal Affairs/Affirmative Action.

- Employees will refrain from wearing excessive amounts of personal hygiene products, body sprays, lotions, hair sprays, perfumes, or colognes in the workplace or at other work-related events
- Employees will refrain from using any scented items such as sprays, potpourri, magazine fragrance samples, room deodorizers, or air fresheners in the workplace

Employees wearing a chemical or scent that is disruptive to co-workers, customers, job performance, or work environment may be asked to go home to remove the chemical or scent, using their own vacation leave or leave without pay to cover the absence. Employees using a strong chemical or scent in the workplace will be asked to discontinue the use and remove the source from the workplace.

### **Tobacco Use**

All interior Public Safety offices in state or privately owned or leased buildings are designated as tobacco-use free. Employees may only use approved meal and break periods in which to smoke or use smokeless tobacco products. Employees should respect fellow employees and the public when using and disposing of smoking and smokeless materials. Refer to the department's Tobacco Use Policy, 4105 and individual division work rules or policies for further information.

**Alcohol or Drug Use**

Employees shall not work under the influence of alcohol, a controlled substance, or any other drug which affects his or her job performance, alertness, coordination, reaction, response, judgment, decision making, or safety. Additional requirements are identified in the department's Alcohol and Drug Use by State Employees Policy, 4068.

For their safety, if an employee experiences an unexpected serious or adverse reaction to a prescribed drug, they should notify their supervisor immediately.

Employees who have an odor that appears to be that of alcohol on their breath or person, may be asked to leave the premises using their own vacation leave or leave without pay to cover the absence. Supervisors will ensure that appropriate transportation needs are met.

Absences from work due to the instances as listed above, may be considered unexcused and will subject the employee to discipline and or leave without pay.

Due to the nature of certain undercover assignments, the department's law enforcement personnel may be excluded from this Alcohol or Drug Use section of the policy; law enforcement personnel should refer to their individual division work rules or policies for further information.

**Safety**

All department issued safety or protective equipment or clothing will be worn or used as required, or as appropriate according to division policies or procedures.

Employees will comply with the safety and security requirements of the building or location where the employee is working.

## **Other applicable policies, authority, or resources**

- Minn. Stat. §43A.38, Code of Ethics for Employees in the Executive Branch
- Minnesota Management and Budget Financial Reporting Policies, 0102-01 and 0103-01
- DPS Policy 1002, Investigation & Resolution of Reports of Employee Misconduct
- DPS Policy 1003, Conduct Unbecoming a Peace Officer
- DPS Policy 1004, Personal Threats to Harm
- DPS Policy 1501, General Harassment
- DPS Policy 1502, Illegal Discrimination/Sexual Harassment
- DPS Policy 1510, Zero Tolerance of Violence
- DPS Policy 3044, Gift Acceptance
- DPS Policy 3510, Ethical Practices and Conflict of Interest
- DPS Policy 3545, Telecommunication Devices
- DPS Policy 4066, Political Activities of Employees
- DPS Policy 4068, Alcohol and Other Drug Use by State Employees
- DPS Policy 5100, Acceptable Use of Department Computers, Electronic Equipment, Information Systems and Resources
- DPS Policy 5105, Wireless LAN (WLAN) Security Policy
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last  
revised: 8/24/10

Approved for implementation  
and distribution: Michael Campion 12/10/10

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**Complaint Form**

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STATE OF MINNESOTA  
Department of Public Safety

FORMAL COMPLAINT OF ALLEGED EMPLOYEE MISCONDUCT

The information you provide may become part of an administrative investigation conducted at the direction of the Minnesota Department of Public Safety Internal Affairs/Affirmative Action and may be classified as private or confidential data under Minnesota State Statute Chapter 13. The information you supply may also be used in a grievance hearing, arbitration or other appeal procedure and it may become necessary for you to testify at these hearings. Your contact information is requested so that you can be contacted to provide additional information. You are not legally required to supply the data, however if you do not provide it, it may impact the ability to fully investigate your concerns. The information will be made available only to those with a legitimate business need to know the information and to those authorized by state and federal law.

Name of complainant: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

E-mail address: \_\_\_\_\_

Provide as much information as possible:

Name of employee(s) involved \_\_\_\_\_

(If no name is available, any other identifying information, i.e. badge number, description of employee)

Date and time of incident: \_\_\_\_\_

Location: \_\_\_\_\_

Description of Incident (include additional pages as necessary):

Names of possible witnesses and contact information, including email and cell phone if possible:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The information I have provided is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date

Return the completed form to:  
Minnesota Department of Public Safety  
Internal Affairs/Affirmative Action  
445 Minnesota Street, Suite #530  
St. Paul, Minnesota 55101-55

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## VI. REASONABLE ACCOMMODATION POLICY

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<b>MINNESOTA DEPARTMENT OF PUBLIC SAFETY</b>	<b>ADMINISTRATIVE POLICY</b> <b>NO.</b> 1511 <b>SUBJECT</b> Reasonable Accommodation
<b>DIVISION/STAFF OFFICE RESPONSIBLE</b> Office of the Commissioner	[Signed] <b>APPROVED BY COMMISSIONER</b>
<b>DATE POLICY ESTABLISHED/REVISED</b> 08/14/1998; 06/02/2003	<b>INTENDED AUDIENCE:</b> All managers and supervisors, all HR employers and division personnel expeditors

### POLICY

The Department of Public Safety is committed to the fair and equal employment of people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Department of Public Safety to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the agency. 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

- ADA Coordinator                      ♦ A representative from the DPS Office of Human Resources who has been given the responsibility to perform as such.
- 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.
- Major Life Activities                 ♦ Seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working.
- Reasonable Accommodation       ♦ Any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

## PROCEDURES

Reasonable accommodation applies to three aspects of employment:

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

### **Request for Reasonable Accommodations for Job Applicants**

1. The job applicant shall inform the hiring manager/supervisor of the need for an accommodation. The hiring manager/supervisor will contact the ADA Coordinator and obtain the necessary forms and information for the job applicant to request a reasonable accommodation.
  
2. The DPS HR Office in cooperation with the Division Manager will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

### **Request Reasonable Accommodations for Employees**

1. The Department of Public Safety will inform all employees that this accommodation policy can be made available in accessible formats.
  
2. The employee shall inform their manager/supervisor of their need for an accommodation and the manager/supervisor shall discuss alternatives with them.
  
3. The Manager/Supervisor **must** inform the ADA Coordinator of the request and with assistance from the Manager/Supervisor, if needed; the employee shall fill out and submit a Request for Accommodation form and an Authorization for Release of Medical Information form to the ADA Coordinator.
  
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 Department of Public Safety is free to choose among equally effective accommodations and may choose the one that is less

expensive or easier to provide or deny the request if it is deemed unreasonable.

5. The ADA Coordinator may request documentation from the employee's health care provider to support the request. A cover letter to their physician, an ADA Information from Physician form (with the essential functions of the position) and the Employee's Authorization for Release of Medical Information will be given to the employee to take to their physician. This information must be returned to the ADA Coordinator by the employee upon its completion. Any medical documentation will 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.

6. The DPS Human Resources Office will work with the employee and the manager/supervisor to obtain technical assistance, as needed.

7. The DPS Human Resources Office will provide a decision to the manager/supervisor and the employee within a reasonable amount of time upon receipt of the necessary information requested.

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.

## **FUNDING OF REASONABLE ACCOMMODATIONS**

Funding must be approved by the Department of Public Safety for accommodations that do not cause an undue hardship (M.S. 43A.191(c)). 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 Department of Public Safety. The availability of funds varies with each agency. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the Agency Head. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors will be considered:

- the size of the agency's budget;
- the nature and cost of the accommodation;
- the ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- documented good faith effort to explore a less restrictive or less expensive alternative.

## **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 they may file a complaint internally through the agency's complaint procedure with the Diversity Office.

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## Reasonable Accommodation Request Form

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### DPS Employee Request for Reasonable Accommodation

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

Supervisor Name: \_\_\_\_\_ Division: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

This information will be used by the Department of Public Safety's ADA Coordinator, the Office of Human Resources any other person, including the agency's legal counsel, who is authorized by the Department of Public Safety to handle medical information for American's with Disabilities Act and/or the Minnesota Human Rights Act purposes and, any information concerning your physical or mental condition, that are necessary to determine compliance with the American's 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, the Department cannot 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  
devices

\_\_\_\_\_ Job Restructuring

\_\_\_\_\_ Part time or modified work schedule  
devices

\_\_\_\_\_ Modification to a rule, policy or practice

\_\_\_\_\_ Modification of equipment or

\_\_\_\_\_ Qualified reader or interpreter

\_\_\_\_\_ Acquisition of equipment or

\_\_\_\_\_ 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: \_\_\_\_\_

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## **VII. EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES**

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The Minnesota Department of Public Safety has detailed weather emergency and evacuation plans and procedures in place to ensure the safety of employees in the event of such an emergency. The National Oceanic Atmospheric Administration Weather Radio Station is monitored on a daily basis by the Department's Safety Director, front desk staff and Town Square Security. Should severe weather watches or warnings be issued, the Department's front desk staff and Town Square Security notify all staff by PA announcement.

The following plans and procedures are attached:

- DPS Town Square Facility Emergency Plan
- DPS Town Square Building Evacuation Team
- Town Square Floor Wardens
- Floor Warden Duties
- Mobility Impaired Emergency Exit Plan



An annual fire drill will be held in the month of October in conjunction with Fire Prevention Week in the state of Minnesota.

The Department of Public Safety will seek advice on fire safety and our fire evacuation procedures from our State Fire Marshall Division and the St. Paul Fire Department. We will ask both the organizations to critique our annual fire drill and we will comply with any comments or suggestions offered to us and our employer.

Portable hand held radios have been purchased for Floor Wardens, First Responders and Town Square Security to coordinate the evacuation, the “all clear” and the return to the building.

See attached Map which delineates fire evacuation refuge zones.

No employee is permitted to re-enter the building until the “all clear” is given by the Incident Commander and Floor Wardens direct the employees back into the building.

Critical Facility Operations:                    The Safety Director, Facilities Staff and the front desk receptionist are authorized to remain in the facility if their operations are needed. No other employees are authorized to be in the building during a fire alarm activation.

Floor Wardens:

Employees designated as Floor Wardens will assist with the Fire Evacuation. Floor Wardens will lead their groups out of the building to the designated outdoor staging area that they are assigned to. Floor Wardens will report to the Checkpoint Leader that their specific group is out of the building. The employees who serve as Floor Wardens are selected and trained in the complete workplace layout and the various escape routes from the workplace. All trained Floor Warden personnel are made aware of employees with disabilities who need assistance. A “Floor Buddy” will assist the employee with limited mobility with exiting the building. Floor Wardens are trained to avoid hazardous areas of the building. Prior to leaving, Floor Wardens check meeting rooms, storage rooms and other enclosed spaces in the workplace for employees who may be trapped or unable to evacuate the area. A copy of the Floor Wardens Roster is enclosed and updated annually.

First Responder Team members will be alerted by radio and activated during a fire alarm and or fire drill. The First Responder Team will stand by for a medical emergency (an example would be smoke inhalation), assist employees with limited mobility, assist customers, visitors and students in the large training room and provide rescue duties in case of an emergency requiring rescue.

Facilities Management team members are responsible for setting up four external checkpoints outdoors on all four corners of the Town Square Building. Facilities staff will activate their portable radios and coordinate the evacuation of the building with Floor Wardens. Facilities

staff will receive updates from the Incident Commander regarding the situation. Facilities Management staff will receive and pass along the “all clear” message and assist in returning employees to the building. Facilities Management team members will be responsible for traffic as employees cross streets enroute to their designated staging areas. High Visibility Vests will be provided to designate staff as Checkpoint Leaders.

## **Medical Emergency:**

**Notify First Responder Team at 201-7000 or 293-1676**

**Dial 9-911 for St. Paul Fire Department Paramedics**

Give building address and suite number, exact location, symptoms, etc.

Stay on the line if possible

Send someone to guide the emergency teams to your location

### First Aid Only

For minor injury where first aid kit and first aid supplies are needed, call 201-7000 or 293-1676 and ask for the DPS First Responder Team.

The Department of Public Safety Town Square location maintains a 14 member volunteer emergency medical first responder team. Designated First Responders are able to provide medical assistance within their capabilities to employees requiring such services during an emergency or non emergency situation. First Responder Team members are trained to the EMT or 40 hour First Responder level.

A Building Access Team is also a part of the DPS First Responder Team. Building Access Team members are CPR and AED trained. The Building Access Team meets the Saint Paul Fire Department Ambulance Paramedics and guides them into the Town Square Building during a Medical Emergency.

The DPS Safety Director will be designated as the Supervisor of the DPS First Responder Team.

First Responders will also assist during fire evacuation and severe weather emergencies with duties assigned by the DPS Safety Director.

## **Severe Weather:**

The Safety Director, DPS Front Desk Staff and Town Square Security will monitor the NOAA Weather Radio and Scanner on a daily basis.

If a severe weather watch or warning or a tornado watch or warning is issued for Ramsey County, an alert tone will be received by the weather radios at Town Square.

DPS front desk staff and town square security will be responsible for notifying Floor Wardens by e-mail and by PA announcement. The Safety Director, Fire and Building Evacuation

Team and First Responders will be paged by the front desk staff advising them of the situation.

A severe weather watch or tornado watch will not require a move to shelter.

A severe weather warning or tornado warning will require all employees to move to their designated shelter area away from windows. Floor Wardens will be responsible for moving employees, customers and visitors away from windows and into the designated shelter area in their area of control.

Vacate all areas near windows.

Close doors.

Wait for “all clear” from Security and Floor Wardens.

### **Terroristic Threats:**

#### **Take all threats seriously**

#### **For personal threats and bomb threats:**

Report them to your supervisor and Town Square Security at 293-1676. Notify DPS front desk and Facilities Team at 201-7000. Security will contact the St. Paul Police Department and begin their internal procedures to deal with the threat. Do not discuss the threat with anybody until you are debriefed by Security and/or the St. Paul Police Department. If the threat was received by phone, after hanging up, immediately dial \*57 to trace the origination point of the call.

**Bomb Threats** will require a brief search of your work area for unusual or unfamiliar packages. Do not touch, move or open suspicious items. Report any suspicious items to Town Square Security Officers at 293-1676. Evacuation may be ordered on a limited basis. Evacuation may be ordered by face-to-face contact with area supervisors and/or by e-mail. In most cases, the fire alarm system will not be used unless a large scale risk is determined to be present. Interior sheltering may be considered along with evacuation.

### **Power Outage:**

Notify DPS front desk at 201-7000.

DPS Front Desk will notify Security and Building Maintenance.

Town Square Facilities Maintenance staff will attend to the power outage problem.

If flashlights are needed. DPS First Responder Team can be paged for flashlights.

## **Elevator Emergency:**

Notify DPS Front Desk at 201-7000

DPS Front Desk will notify Security, Maintenance and First Responders .

## **Building Evacuation Roles and Responsibilities:**

Security Manager: Serves as overall Incident Commander

Security Officers: Respond to emergency scene

Security Dispatcher: Relays information via Town Square Low Power Radio System and Security Radio System

DPS Safety Director: Serves as DPS Incident Commander and establishes joint Incident Command with Security IC.

DPS Checkpoint Leaders: There are five Checkpoint Leaders. During a Building Evacuation Incident, Checkpoint Leaders establish a Checkpoint Position outside of the Town Square Building. Checkpoint Leaders receive accountability information from Floor Wardens. Checkpoint Leaders are issued portable radios. Checkpoint Leaders relay information from Floor Wardens to the Incident Commander. Checkpoint Leaders make sure that all employees and customers stay outdoors and do not return to the building during a fire evacuation. Checkpoint Leaders relay information from the Incident Commander to the Floor Wardens outside of the building. Checkpoint Leaders are responsible for relocating employees if advised to relocate by the Incident Commander. The “all clear” will be relayed by the Incident Commander to the Checkpoint Leaders when it is safe to return to the building. Checkpoint Leaders are responsible for relaying the “all clear” to Floor Wardens. Checkpoint Leaders will relay any emergency information to the Incident Commander.

DPS First Responder Team Members: The DPS First Responder Team is the medical response team for the building.

DPS Floor Wardens: Floor Wardens are responsible for evacuation of DPS employees and customers within their assigned areas of responsibility. Floor Wardens will ensure a safe and orderly evacuation. Floor Wardens will report to their assigned Checkpoint Leader once Floor Wardens and employees reach their assigned staging area outside of the building. Floor Wardens will advise Checkpoint Leader that their specific work group has exited the building. Floor Wardens will relay information from Checkpoint Leader to employees. Floor Wardens will receive the “all clear” from the Checkpoint Leader and relay the “all clear” to employees. Floor Wardens will assist employees with the safe return back into the building.

DPS Supervisors: Support and assist Floor Wardens in their duties. Initiate emergency operations shutdown and lockup procedures. Ensure the safe and orderly evacuation of DPS employees and DPS customers.

DPS Employees: Follow emergency building evacuation directions given by Floor Wardens and Supervisors.

St. Paul Fire Department: Fire suppression and rescue duties. Fire Chief or Fire Officer will respond to Security Desk and establish a command post at the Security Desk. The command post may need to be relocated as conditions warrant.

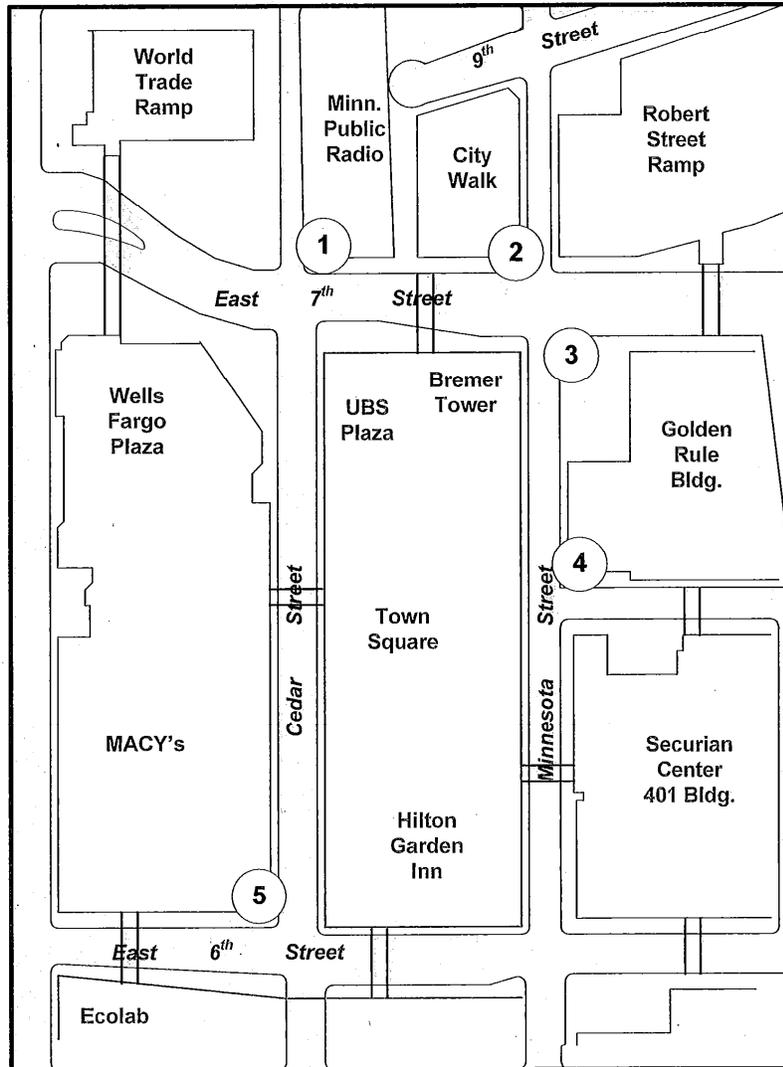
Town Square Facilities and Management Staff: HVAC Control. Other Facilities duties assigned by Incident Commander.

State Fire Marshall's Office: Support and consultation as needed. May respond to Command Post at Security Desk.

Public Information Officer: The DPS Communications Director will serve as DPS PIO for any Town Square fire/building evacuation incident.

7-2012

**DEPARTMENT OF PUBLIC SAFETY FIRE EVACUATION STAGING AREAS**



Check Point #1  
 DVS Drivers Compliance  
 DVS Dealers/Prorate  
 DVS Front Counter  
 DVS Fines/Investigations  
 Human Resources  
 Traffic Safety

Check Point #2  
 DVS Title/Registration  
 OTSS/MNLARS  
 DVS Data Imaging  
 DVS Admin/Records

Check Point #3  
 Public Info Center  
 State Patrol  
 Emer Commun Networks  
 Mailroom  
 Cashiers  
 Fiscal/Admin  
 Fire Marshal/Pipeline Safety

Check Point #4  
 Communications  
 Internal Affairs (5<sup>th</sup> Floor)  
 Commissioners Office (10<sup>th</sup> Flr)  
 Justice Programs (23<sup>rd</sup> Floor)

Check Point #5  
 Homeland Security & Emerg. Mngmnt.  
 Alcohol and Gambling Enforcement

# **DPS Town Square Building Evacuation Team, 9/9/2011**

(FW) denotes also a Floor Warden

**Incident Commander: Peter Acosta – TSQ Security Mgr.**

**DPS Liaison Team: Jerry Rosendahl  
Bob Dahm  
Pat Sheehan  
Becki White**

**DPS Checkpoint Leader: Jason Amborn  
Backup: Checkpoint #3**

**Checkpoint 1: Jeff Fuller (FW)  
Backups: Rayah Barton (FW)  
Kay Hamann (FW)**

**Checkpoint 2: Keith Rauen  
Backups: Kevin Palmquist  
Cynthia Palmer-Rangitsh**

**Checkpoint 3: Pete Rowan  
Backups: Jon Nisja  
Samantha Thomas (FW)  
Sean Mangan (FW)**

**Checkpoint 4: Nick Freeman  
Backups: Front Desk Staff:  
Kay Hamann, Jenny Bakalich,  
Vernitta Hambrick,  
Connie Mattson, Div backup**

**Checkpoint 5: Brad Peters  
Backups: Annette Wuertz  
Al Erickson (FW)  
Tracy Krempel (FW)**

**Mobility Impaired Group Leaders: Skyway – TSQ Security  
Street – Sandra Wintz  
Nathan Lind  
Concourse – Jon Sorlie  
Nathan Lind**

**\*\*\*\* Note: All radios should be set to Channel 1 \*\*\*\***

## **Town Square Floor Wardens 9/9/2011**

® Denotes radio holder

**Alcohol & Gambling (#3)** – Al Erickson ®, Tracy Krempel

**Communications (#22)** – Desiree Quinn, Kristine Chapman

**DVS Admin / Records (#11)** – Tom Nash, Cynthia Palmer-Rangitsch ®

**Cashiers (#16)** –Chris Henke, Sharyl Miller

**Data Imaging (#10)** – Jeanne Malack, Karen Regan, Jim Miller

**Dealers / Prorate (#6)** – Lisa Kelley, Tim Thompson, Jay Vang

**Driver Compliance (#4)** –Debra Mazurkiewicz, Linda Degidio, Lori Gunderson

**Fines / Investigation (#5)** – Jeff Fuller, Pat Donnell

**Front Counter (#7)** – Gil Platt ®, Mindy Croft ®, Phil Luna

**Mail Room (#17)** – Kathy Haapala, Nancy Hood, Jill Blaisdell

**Public Info Center (#14)** - Dan Stluka, Tami Stockero, Marie Hanna

**Title & Reg (#12)** – Rayah Barton ®, Tom Schouweiler

**Emergency Communications Network (#18)**– Carol Schmidt, Mary Kay Frisch

**Fire Marshal/Pipeline (#20, 21)** –Dave Stegura, Sean Mangan ®

**Fiscal & Admin Services (#19)** – Rita Wurm ®, Gaylene Langer, Rita Strafelda

**Homeland Security (Skyway #1)** – Kammy Huneke, Kathy Gaida

**Homeland Security (Street #2)** – Noah Kafumbe, Theresa Prouty, Barb Fonkert  
SEOC – Karise Goelz, Mark Kam

**Human Resources (#8)** –Mike Hutchings, Patricia Bennett

**Mobility Impaired (#27)** – Skyway – TSQ Security ®

Street - Sandra Wintz ®, Nathan Lind ®

Concourse – Jon Sorlie ®, Nathan Lind®

Buddies – assigned by Floor Wardens

**OTSS/MNLARS (#13)** – Michelle Lanigan, Marc Klein, Patty Hunter

**State Patrol (#15)** – Samantha Thomas ®, Kristen Ware

**Traffic Safety (#9)** – Bob Hoemke, Donna Malon

**5<sup>th</sup> Flr – IA (#24)** – Angela Geraghty ®, Cassandra O’Hern

**10<sup>th</sup> Flr – Commissioner (#25)** – Nancy Reissner, Tamara Bohmert ®

**23<sup>rd</sup> Flr – OJP (#26)** – Rita Joyce, Danette Buskovick, Cathy O’Bryan ®

## Floor Warden Duties

Things to do before a building evacuation takes place:

- Familiarize yourself with all the possible emergency exits in your area
- Work with supervisors to make sure that all the employees in your area of responsibility are aware of the following items:
  1. Where the closest emergency exits are located
  2. Where to go to find their designated building evacuation staging area
  3. Do not close any office door – let the floor wardens do that so they know the space has been checked
  4. Once you have exited the building go to the nearest crosswalk in order to cross the street and get to your staging area
  5. Once in your staging area – keep in a group so that additional evacuation updates can be disseminated quickly and effectively
  6. Do not return to the building until the “All Clear” is announced
  7. Upon returning to the building report any problems to your floor warden
- Be aware of any employee in your area who is mobility impaired. Assign a “buddy” to assist that person during a building evacuation. Be sure the employee and the buddy know that they do not initially leave the building, but should report to the designated Mobility Impaired Staging area for your floor.

Things to remember during a building evacuation:

- Ensure to the best of your ability that all staff and visitors in your assigned area are proceeding to the nearest exit(s)
- Check to see that any employees with mobility disabilities and buddies are proceeding to their designated staging area
- Keeping personal safety in mind, make one sweep through your area to ensure that no one is left behind
- Do not forget to check conference rooms, work rooms, storerooms and rest rooms in your designated area
- Close the door as you check a room so your co-wardens know it has been checked
- Do not prop any doors open that have automatic closers
- Once the space is clear, proceed to the nearest safe exit and go directly to your assigned checkpoint to report the status of your area
- Use the full name of your section when reporting to a checkpoint. Ex. “Public Information Center” not “PIC”
- Remain near the checkpoint to assist as needed until the “All Clear” is given
- Provide assistance as needed for a safe return back into the building

Things to do after a building evacuation is safely over:

- Collect any reports of problems or unsafe situations that occurred during the evacuation

- Report these findings to the Safety/Facility personnel for correction

At all times – remember to STAY CALM

## **Mobility Impaired Emergency Exit Plan as of 10/6/2006**

### **Plan A:**

Floor warden(s) check the assigned area and insure that Mobility Impaired Group is accounted for.

Individuals with limited mobility leave their work stations and wait for the group under the skylight.

Once all the individuals with mobility disabilities are accounted for, the group moves together to the glass elevator exit.

Group takes glass elevator to Street Level.

Group exits building via drive thru or cedar street doors. Floor Warden decides based on crowd and circumstances.

Floor warden leads group to assigned rally point on Cedar Street.

Floor warden should recruit add'l buddies at rally point if needed.

Floor warden reports exiting status to Check Point #1.

Check Point #1 reports floor warden's info to Fire Command.

Floor warden remains near the Check Point person for updates.

### **Plan B: (if glass elevator is not an option)**

Floor warden determines who can and cannot take the escalator to Street Level.

Floor warden assigns a buddy(s) to the employee(s) who are unable to use escalator.

Floor warden sends non escalator employee(s) and buddy(s) to dock with instructions to remain there for pickup by Fire Dept.

Floor warden leads remaining group up escalator to Street Level.

Group exits building via drive thru or Cedar Street doors. Floor warden decides based on crowd and circumstances.

Floor warden leads group to assigned rally point on Cedar Street.

Floor warden should recruit add'l buddies at rally point if needed.

Floor warden reports exiting status to Check Point #1 including the names of the employees waiting on the dock.

Check Point #1 reports floor warden's info to Fire Command.

Fire Command reports to St Paul Fire Dept and assistance to the dock will be immediately dispatched.

Floor warden remains near the Check Point person for updates.

### **Plan C: (If waiting on dock is not an option)**

Employees sent to dock area must head to one of two building freight elevators. The closest one is about 100 feet east of the dock. This elevator requires a DPS access card to operate.

The other one is about 600 feet from the dock in the south west corner of the Concourse.

Take one of these freight elevators to Street Level.

Go to nearest emergency exit on Street Level.

Report to the nearest Check Point.

Check Point reports info to Fire Command.

Fire Command reports to St Paul Fire Dept.

Check Point #1 should be monitoring all radio communication and reports new info to floor warden.

Employee(s) and buddy remain near check point for updates.

# MINNESOTA DEPARTMENT OF PUBLIC SAFETY

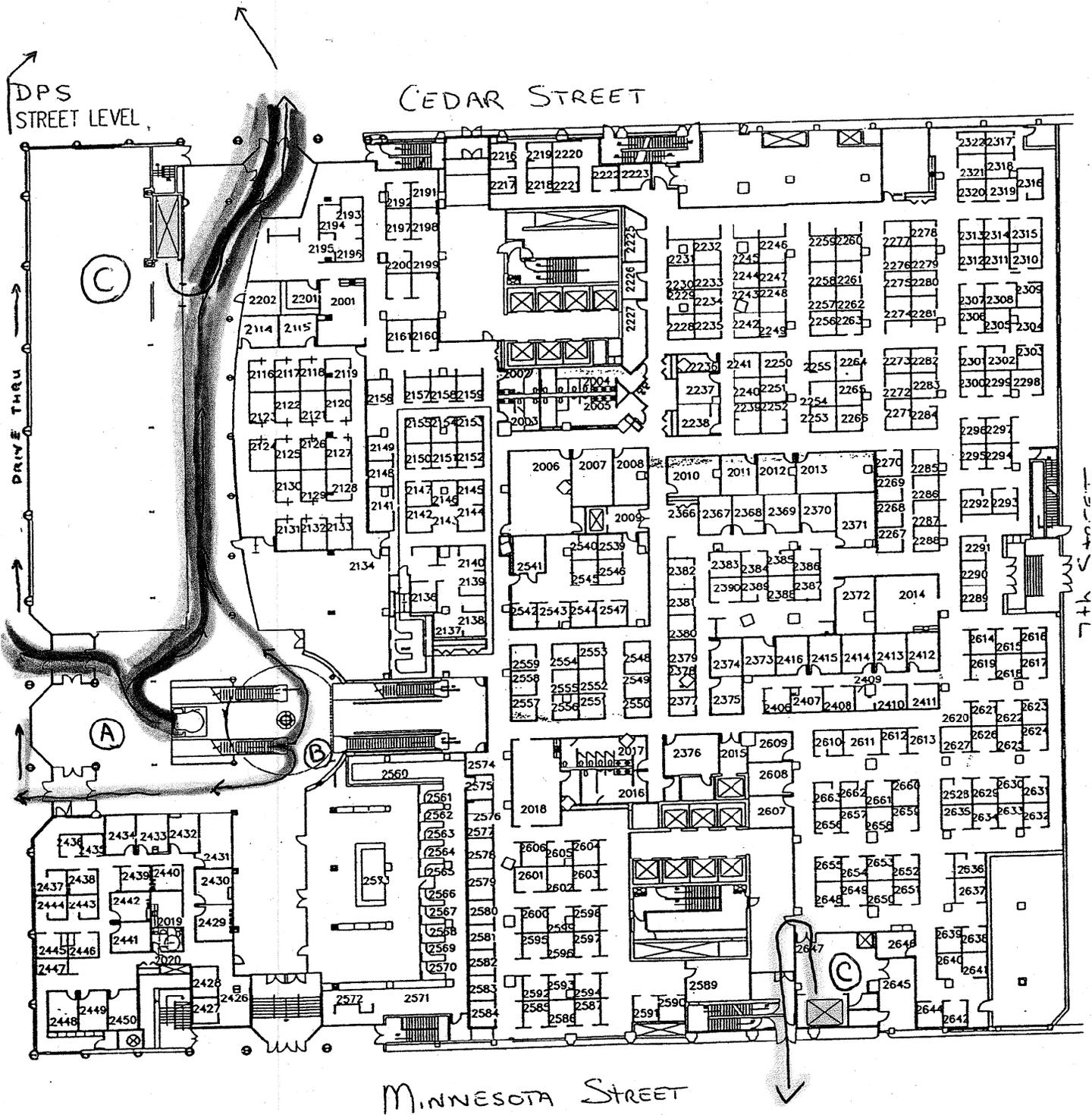
MOBILITY IMPAIRED  
EMERGENCY EXIT PLAN

OCT  
2005



RALLY  
POINT

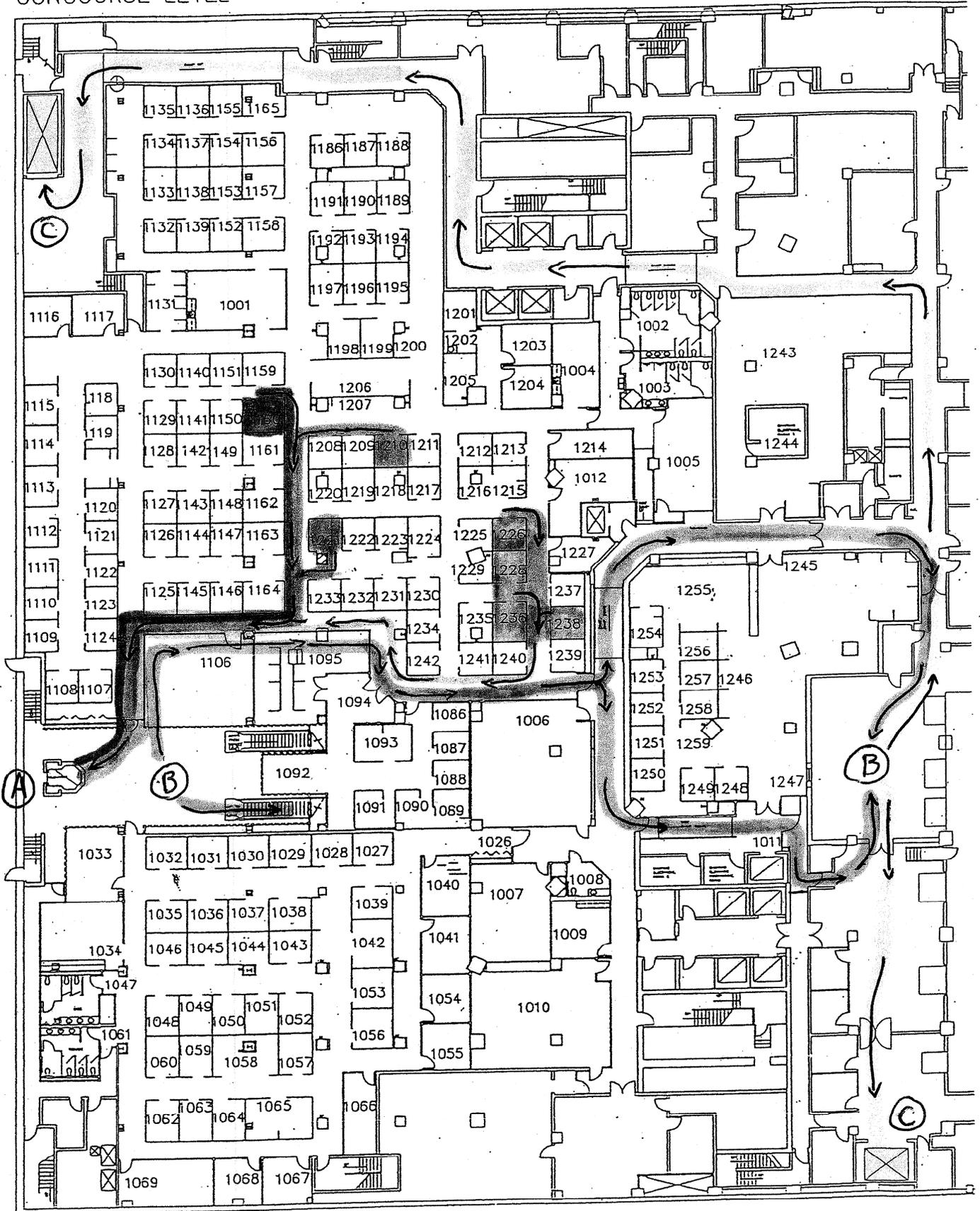
CHECK POINT  
#1



# EMERGENCY EXIT PLAN

OCT  
2005

CONCOURSE LEVEL



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## VIII. GOALS AND TIMETABLES

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### Women

EEO Job Group	Number Underutilized	Goal	Timetable
Officials/Administrators	0		
Professionals	10	4	2012-2014
Technicians (Includes Paraprofessionals)	10	2	2012-2014
Protective Services: Sworn	64	5	2012-2014
Protective Services: Non-Sworn	0		
Office/Clerical	0		
Service Maintenance	0		

**Minorities**

EEO Job Group	Number Underutilized	Goal	Timetable
Officials/Administrators	1	1	2012-2014
Professionals	0		
Technicians (Includes Paraprofessionals)	0		
Protective Services: Sworn	15	5	2012-2014
Protective Services: Non-Sworn	0		
Office/Clerical	0		
Service Maintenance	0		

**People with a Disability**

EEO Job Group	Number Underutilized	Goal	Timetable
Officials/Administrators	0		
Professionals	4	2	2012-2014
Technicians (Includes Paraprofessionals)	10	2	2012-2014
Protective Services: Sworn	30	1	2012-2014
Protective Services: Non-Sworn	0		
Office/Clerical	13	3	2012-2014
Service Maintenance	0		

## **Analysis**

An analysis of the Department's hiring over the past two years indicates that a substantial number of positions are filled by both internal and external applicants. The Department first completed the utilization analysis using the 2000 census data. Because the census data is now out of date, the Department also conducted a two-factor analysis utilizing both internal data and the external census data. A comparison between these two methods demonstrated that the two-factor analysis appears more representative of the Department's applicant pool. The internal and external hiring information unfortunately is not detailed information. However it still appears more accurate than the general 2000 census data.

An analysis of the EEO job groups indicates that most of the feeder groups are within the same EEO job group. For example, most Trooper positions are initially hired from an external applicant pool. There are some that come from internal feeder groups such as the Technicians job group but the number is so small as not to be significant. However, all promotions within the sworn positions up to the rank of Major are all internal applicants. This occurs all within the same EEO job group. Other positions were analyzed with a similar result. While the initial hire may be external, all other movements appear to be internal. Therefore, using worksheets from the Minnesota Department of Human Rights, a weighted percentage was assigned to internal and external availability.

The Department's appointments of non-academic unlimited employees in FY2012 report provided by Minnesota Management and Budget that was used for the two-factor analysis does not break down the Protective Service job group by Sworn and Non-Sworn. However, the U.S. Census does separate this information by Sworn and Non-Sworn and the availability percentages for women and minorities vary significantly between Sworn and Non-Sworn jobs. Because the two-factor analysis requires an external availability percentage to complete the analysis, the Department averaged the U.S. Census percentages between Sworn and Non-Sworn for women and minorities respectively, and used the average percentage as the external availability to conduct the two-factor analysis. To ensure that these figures had merit, they were compared with the census data as well as other information. For example, in the 2010-2012 Affirmative Action Plan, the Department explained that using EEO Residence Data Results for Minnesota by Census Occupation Code "Police Officers," the availability percentage for minorities was 7.5%. Using the two-factor analysis for the Protective Services EEO category resulted in a 7.42%. These figures are sufficiently similar that it validates the two-factor methodology used by the Department.

When 2010 census data becomes available, the Department will reanalyze the data to determine that the most representative figures are being used. In addition, the Department will continue to work with Minnesota Management and Budget (MMB) to develop accurate data for the internal availability information.

**Women**

According to the utilization analysis, our agency's workforce is underutilized in the Professionals job group by ten women, in the Technicians job group by ten women and in the Protective Services, Sworn job group by sixty-four women. Based on our analysis of the conditions in the agency, we do not expect these job groups to grow significantly in the next two years. We anticipate hires in these job groups will be for replacement purposes only. As openings occur, we will make a good faith effort to recruit and hire four women in the Professionals job group, two women in the Technicians job group and five women in the Protective Services, Sworn job group in the next two years. We will use the recruitment plan cited in our Affirmative Action Plan to accomplish this goal.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Professionals	Women	10	4	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section
Technicians	Women	10	2	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section
Protective Services: Sworn	Women	64	5	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section

**Minorities**

According to the utilization analysis, our agency's workforce is underutilized in the Officials and Administrators job group by one minority individual and fifteen minority individuals in the Protective Services, Sworn job group. Based on our analysis of the conditions in the agency, we do not expect these job groups to grow in the next two years. We anticipate hires in these job groups will be for replacement purposes only. As openings occur, we will make a good faith effort to recruit and hire one minority individual in the Officials and Administrator's job group and five minority individuals in the Protective Services, Sworn job group in the next two years. We will use the recruitment plan cited in our Affirmative Action Plan to accomplish this goal.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Officials & Administrators	Minorities	1	1	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section
Protective Services, Sworn	Minorities	15	5	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section

### Persons with a Disability

According to the utilization analysis, our agency’s workforce is underutilized in the Professionals job group by four individuals with a disability, in the Technicians job group by ten individuals with a disability, in the Protective Services, Sworn job group by thirty individuals with a disability and in the Office/Clerical job group by thirteen individuals with a disability. Based on our analysis of the conditions in the agency, we do not expect these job groups to grow in the next two years. We anticipate hires in these job groups will be for replacement purposes only. As openings occur, we will make a good faith effort to recruit and hire two individuals with a disability in the Professionals job group, two individuals with a disability in the Technicians job group, and three individuals with a disability in the Office/Clerical job group in the next two years. Given the job requirements of the Protective Services, Sworn job group, it is extremely difficult to recruit and hire individuals with a disability. As such, a goal of one has been established at this time. We will use the recruitment plan cited in our Affirmative Action Plan to accomplish this goal.

Job Group	Protected Group	Number Underutilized	Goal	Agency Considerations	Timetable	Methods
Professionals	Persons with a Disability	4	2	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section
Technicians	Persons with a Disability	10	2	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section
Protective Services, Sworn	Persons with a Disability	30	1	Essential Functions of the Position, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section
Office/Clerical	Persons with a Disability	13	3	Growth and Expansion, DPS Workforce Plan	2012-2014	See AAP, Recruitment Section

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## **IX. AFFIRMATIVE ACTION PROGRAM OBJECTIVES**

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1. Continue to provide education to Department supervisors and managers about Affirmative Action and their responsibilities in implementing the Affirmative Action Plan.
2. Make training available to all new employees about respectful communication and each employee's responsibility to ensure a workplace free from discrimination, harassment, fear and violence.
3. Provide training to all employees about the complaint and investigation procedures.
4. Provide training to all employees in topics including respectful communication, cultural awareness, and effective communication strategies with limited-English speaking or deaf or hard of hearing customers.
5. Continue the active participation of the Director of Internal Affairs/Affirmative Action as a member of the Alliance for Cooperation and Collaboration in Employment and State Services (ACCESS), a coalition of Affirmative Action Officers and Human Resource Directors throughout the State to share, discuss, establish and implement the best practices in diversity, equal opportunity and affirmative action efforts.
6. Require supervisors to discuss an employee's career targets and goals and document them as part of their annual performance evaluations. This is used to determine specific development and training opportunities to enhance the employee's development and skills to increase retention and promotional development.
7. Participation by the Minnesota Department of Public Safety in career fairs and community events such as those identified in Section XII to demonstrate its commitment to diversity recruitment and hiring, recruit potential applicants and promote public safety education.
8. Support the Minnesota State Patrol's recruitment efforts which focus on recruiting women and people of color to pursue careers in law enforcement and employment with the State Patrol. These efforts include visits to schools, colleges, community organizations, job fairs and military career fairs.
9. Partner with community organizations to demonstrate the Department's commitment to diversity recruitment, to enhance community relationships and increase the number of qualified diverse applicants.
10. Create and support pre-law enforcement opportunities (high school academy, student worker, public safety officer, internships) to encourage students to pursue law enforcement and criminal justice careers and provide work opportunities to students interested in law enforcement.

11. Support and evaluate the State Patrol's efforts to increase diversity in its applicant pool by using the Law Enforcement Training Opportunity (L.E.T.O.) now referred to as the pre-academy process to provide educational training sufficient to meet Peace Officers' Standards and Training ("P.O.S.T") licensing requirements.
12. Evaluate the Department's selection processes to identify and reduce barriers for women, minorities and people with disabilities.
13. Where a disparity exists, review the selection process and approve the hiring decision, before an offer is made. Ensure appropriate justifications for all non-affirmative hires.
14. Support and evaluate the accessibility of the Department's website and its content.
15. Notify all Division Directors and the Commissioner of the results of quarterly hiring efforts identifying the number of justified hires or missed opportunities.
16. Analyze trends in harassment and discrimination complaints and provide applicable training to address any trends.

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## **X. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS**

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

The Department of Public Safety is committed to maintaining a successful affirmative action program. To evaluate the program, the Director of Internal Affairs/Affirmative Action monitors all the Unlimited Classified hires and the Non-Competitive Qualifying hires in job groups where a disparity exists using the State of Minnesota Monitoring the Hiring Process form. The Director notifies the Division Directors about their hiring practices as it relates to protected group applicants quarterly. This information is compiled by division for each Division Director to use to evaluate their hiring.

The Director of Internal Affairs/Affirmative Action reviews all hiring recommendations for vacancies filled from an eligible list containing interested protected group members. Hiring supervisors are informed that they are filling a vacancy in a position for which affirmative action goals have not been met. Hiring supervisors are notified that there are protected group members on the eligible list and that they must have approval from the Internal Affairs/Affirmative Action Director prior to making an offer of employment. If, after interviews, the supervisor recommends hiring a non-protected group applicant, the supervisor must provide a written justification for not selecting the protected group individual. The Internal Affairs/Affirmative Action Director reviews the rationale, the position description, the posted job qualifications, the protected group member's application, and any other relevant documentation to determine whether to approve the recommendation. The Director of Human Resources and the Director of Internal Affairs/Affirmative Action work together to ensure that no offer of employment is given without the necessary approval.

The following procedure is attached:  
Pre-Hire Review Procedure

## **Pre-Hire Review Procedure**

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.”

This procedure must be followed when there is an underutilization in the job class and your preferred candidate is not a protected group member (e.g. female, minority, or person with a disability) that would address the underutilization and there are protected group applicants who met the minimum qualifications.

Before an offer of employment is made, the hiring supervisor must submit written justification and receive approval from the Affirmative Action Officer to proceed with the hiring process.

### **PROCESS**

1. The Office of Human Resources will:
  - a. Notify the hiring supervisor that there is an underutilization and that affirmative action goals have not been met for one or more protected group(s) and that member(s) of those group(s) are on the eligible list.
  - b. Advise the hiring supervisor that they must obtain approval from the Affirmative Action Officer if they do not select a protected group applicant and there are protected group candidates in the applicant pool.
2. Hiring Supervisor will:
  - a. Determine who to interview based on objective criteria including the minimum and preferred qualifications posted for the position.
  - b. Not interview any applicants who do not meet the minimum qualifications posted for the position.
  - c. Provide a written rationale based on knowledge, skills, and abilities required for the position as provided in the job posting if the hiring supervisor decides not to offer the position to a protected group applicant.
  - d. Communicate the interview process and selection decision and rationale to their supervisor.
  - e. Complete the hiring justification form and send it to the Affirmative Action Officer.

### **INFORMATION REQUIRED**

1. Human Resources will provide the hiring supervisor and the Affirmative Action Officer with the applicant list and specific instructions on the hiring obligations including applicable affirmative action responsibilities.
2. Human Resources will provide the hiring justification form to the hiring supervisor. It must be completed by the hiring supervisor and provided to the Affirmative Action Officer. This information should also include all individual interview scores and any additional ratings for those interviewed including any minimum passing score.
3. When necessary, the Affirmative Action Officer may require the following additional information:
  - a. Resumes for the protected group applicants and the preferred candidate.

- b. Copy of the interview questions, additional exercises and answers for the protected group applicants and the preferred candidate.

**DECISION**

- 1. The Affirmative Action Officer will:
  - a. Review the rationale submitted by the hiring supervisor and approve or disapprove the request to move forward in the hiring process with the selected candidate.
  - b. Analyze the documentation to determine if the proposed hire will be considered a non-affirmative justified hire or if it will result in a missed opportunity.
    - i. If necessary, meet with the hiring supervisor and/or their supervisor regarding the hiring decision.
  - c. Inform the hiring supervisor and Human Resources of the final decisions to proceed with the hiring process.
  - d. Discuss with the hiring supervisor the implications of bypassing applicants who fill an underutilization.
  - e. Inform the Commissioner and all Division Directors on a quarterly basis of the hiring decisions including any missed opportunities.

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

The Director of Internal Affairs/Affirmative Action reviews the annual Separation Summary and reports to Division Directors the results of this report. This report is used to determine whether there is any disparity between protected group and non-protected group employees with respect to separation. This includes the effects of layoffs. There were no layoffs in the Department in fiscal years 2011-2012. Layoff decisions are based on budgetary or work reductions. The Human Resources Office records and reports all layoff separations. The impact of layoffs is determined by seniority as required under the applicable collective bargaining agreements. The Director of Internal Affairs/Affirmative Action is consulted to determine any impact on the Department's affirmative action goals.

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

1. Over the past few years, the Minnesota State Patrol has made significant progress towards increasing the diversity within the pool of applicants for new trooper positions. The State Patrol annually establishes direct minority recruitment strategies. The State Patrol keeps records of the protected group applicants and how they perform during the selection process. This information is analyzed to determine whether any barriers exist in the selection and hiring process.
2. Harassment and discrimination complaint data is tracked and analyzed to determine trends which need to be addressed. In addition, this quantitative data is a means of determining the success of the agency's programs.
3. Quarterly hiring data is analyzed and presented to each Division Director and the Commissioner's Office. Trends are analyzed to determine training needs or identification of any barriers which may exist in the selection and hiring process.

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## **XI. RECRUITMENT PLAN**

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

Listed below are various recruitment methods or strategies utilized by this agency during the past year.

### **A. Advertising Sources**

Advertising outlets with a large diverse leadership or clientele are targeted. Recruitment sources used to attract qualified applicants during the previous year were:

- Minnesota Management & Budget (MMB) website
- Minnesotaworks.net
- Monster.com
- Careerbuilder.com
- Dice.com
- Rochester Post bulletin newspaper
- Corrections.com
- Copcareer.com
- Execsearches.com
- College and University websites
- Career centers
- Recruitment events
- Job fairs
- Diversity websites
- Diversity Newspapers (Hmong Times, African News, Asian Pages, MN Spokesman Recorder, etc.)
- Community Organizations
- High School/College Partnership Programs (LETO)
- Professional Organizations
- Agency Employees
- Direct Email (names in recruitment database)
- Presentations
- P.O.S.T. Website,
- Social Networking (LinkedIn, Facebook, Twitter, minnesotajobnetwork.com).

### **B. Job and Community Fairs**

It is our intent to attend as many career fairs as possible, focusing on those that have a high number of potential diverse candidates. The Minnesota State Patrol attended 51 job fairs and community events in the last reporting year. In addition, the Department of Public Safety attended the Get Jobs Job Fair at Eagan Civic Center sponsored by DEED and the Veteran's Job Fair at Earle Browne Center. Agency staff have served as mock interviewers at these events.

In addition, the Department has a presence at many community events, often represented by the State Patrol. The following is an example of some of the events.

- Boy Scout State Jamboree
- Somali Summit event St. Paul
- Minnesota Youth Leadership Academy
- LEO Award Ceremony
- Tuskegee Airman Community outreach (Rise Above)
- Selby Avenue Jazz Fest
- CLUES Community Expo
- KAREN Youth presentation x 2
- St. Thomas University Students of Color Symposium
- HIRED Career Fair, targets urban career change persons
- Freedom House Diversity Summit
- MEP 10<sup>th</sup> grade students, St. Paul Central
- LaborCare Health Fair
- Pine County Safety Days
- Congressman Ellison Neighborhood Job Fair x 2
- St. Paul Housing Career Fair
- Summer Education Teacher Training, presentation to teachers for CLEs
- Touch a Truck, St. Paul inner city youth event
- North Star Council Boy Scouts, ZULU District (Afro Centric scouting)
- Rondo Days
- Cinco de Mayo
- Minnesota Department of Veteran Affairs

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

Besides efforts to make appearances at all of the Minnesota certified law enforcement training colleges, Department personnel attend college fairs at those schools that do not have a specific law enforcement program. Because of the nontraditional Trooper hiring opportunity, visits at these schools allow the agency to meet a more diverse group of potential candidates. In addition, the Department attended the following college and university events:

- Government/Public Sector Fair at University of Minnesota
- University of Minnesota Job Fair

### **D. Recruitment for Persons with Disabilities**

Division Directors are informed that hiring individuals with disabilities is encouraged and they are provided resources such as the Department of Employment and Economic Development (DEED). Hiring supervisors are encouraged to consider persons with disabilities for each of their vacant positions. The Department posts its positions with [Minnesotaworks.net](http://Minnesotaworks.net) and works directly with DEED.

### **E. Relationship Building and Outreach**

State Patrol recruiters have attended schools in the Hmong, Somali, Hispanic and Native American communities as well as career fairs in urban high schools. In addition, Department personnel have attended community events such as the Hmong Resource

Fair, Cinco de Mayo, Somali Community Coyle Center, CLUES, and events at White Earth Tribal College.

Many of the Department's divisions attend school and community events promoting public safety. These opportunities develop relationships and outreach efforts. The State Patrol has focused significantly on its diversity recruitment efforts. Minnesota requires specific peace officer education and skills training for peace officer licensure. Typically, this is obtained through a law enforcement college degree. An analysis conducted of those currently in college programs determined that there was not a sufficient number of racial diversity and women in this traditional pool of applicants to significantly increase the number of diverse hires in the trooper ranks. As a result, DPS partnered with Minnesota State Colleges and Universities (MnSCU) to create the Law Enforcement Training Opportunity (LETO) program, currently called the "Pre Academy," whereby the State Patrol provides the required education and skills training to any qualified applicant with a two or four-year college degree, regardless of the degree. The State Patrol has graduated two LETO schools and is currently hiring for the third. The State Patrol has partnered with private and public entities to obtain individuals to serve on the interview panel for selection of troopers. In order to increase diversity of the panel members as well as to have community participation, one member of each panel is a member of the community. This is a substantial time commitment generally requiring 3-5 days.

The State Patrol also participates in the Minnesota Youth Leadership Academy, a partnership with community organizations and other law enforcement agencies to provide mentoring and career opportunities for black or African American male youth. The State Patrol has created a similar program for young women. They also sponsor a summer camp for youth.

DPS utilizes informal recruitment opportunities such as community events to promote public awareness of various public safety issues and participates at public safety oriented conferences. These serve as recruiting opportunities for the agency.

The Department has individuals who participate in numerous networking groups including:

- Twin City Diversity Round Table
- Law Enforcement Opportunity (LEO) group
- Diversity Discussion Group St. Paul

## **F. Internships**

The majority of internships in the Department of Public Safety occur in the Bureau of Criminal Apprehension (BCA) and the State Patrol. Colleges and Universities and the agency website are the primary resources used to recruit for these positions.

The BCA utilizes its website to provide detailed information to the public regarding its internship program. Students are required to submit a State of Minnesota internship application; a cover letter outlining career goals, areas of interest and activities; college transcripts; and verification from a college advisor that internship is being taken for credit. Students are given some flexibility in scheduling to accommodate class or outside

work schedules. In 2011 the Bureau of Criminal Apprehension had 5 interns in the Laboratory and 20 interns in the Investigations Unit. To date in 2012 there have been 6 interns in the Laboratory and 17 interns in the Investigations Unit.

State Patrol internships are reserved for those who are in certified Minnesota law enforcement training. Diverse candidates are targeted at these institutions as potential State Patrol interns. In 2011 the State Patrol had 6 interns and has had 7 interns to date in 2012. Other divisions also utilize interns on a more limited basis.

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

This agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to people with disabilities to recruit for these positions. There are service worker positions utilized at the BCA.

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## **XII. RETENTION PLAN**

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### **A. Person Responsible for Agency's Retention Program/Activities**

Rachel Bangasser, Personnel Director 2, is responsible for the Department of Public Safety's Retention Program/Activities.

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

The Director of Internal Affairs/Affirmative Action analyzes the annual separation data to determine whether gender, ethnicity or disability status appeared to play a role in the separation of employees. This information is also analyzed for workforce planning purposes. While statistics cannot determine the reasons for a particular action, if the numbers reflect unexpected results, it is a starting point to gather more information regarding a particular set of separations. This analysis focuses on dismissal or non-certification, resignation and retirement as reasons for separation. There were no layoffs in fiscal year 2011 or 2012.

In addition to considering gender, ethnicity and disability status, the EEO work group was also considered to analyze the data. This is an important consideration to determine whether a particular work group is prone to increased separation based on gender, ethnicity or disability status. In fiscal year 2011 and 2012, there were more resignations and retirements than there were in fiscal year 2009. In fiscal year 2009, 93 employees resigned or retired. There was a significant difference based on gender. For example, 29 women either resigned or retired while 64 men resigned or retired. However, significantly more men retired as compared with women while slightly more women resigned as compared with men. This may be explained by the greater number of men in the Protective Services job group who retire at age 55. A greater number of women work in job groups that do not have a mandatory retirement age. In fiscal year 2010, 93 employees resigned or retired. This is consistent with the previous year. There was no significant difference when compared by gender, ethnicity and disability status. For example, 40 women either resigned or retired while 53 men resigned or retired. As is consistent over the past years, more men retired than resigned while more women resigned than retired. This continues to be explained by the greater number of men in the Protective Services job group who retire at age 55. A greater number of women continue to work in job groups that do not have a mandatory retirement age.

In fiscal year 2011, 126 employees either resigned or retired. In fiscal year 2012, 138 employees either resigned or retired. This significant increase in resignations and particularly retirements is explained by the state shutdown in 2011 and the early retirement options available to state employees. When compared by gender, in fiscal year 2011, significantly more woman (13 resignations compared to 36 retirements) retired, while in 2012, they were approximately equal. Again, this can be explained by the early retirement options available. In contrast, in 2011, 31 men resigned but 46

retired. However, in 2012, 24 men resigned and 55 men retired. This continues to be explained by the greater number of men in protective service jobs who retire at age 55.

In fiscal year 2011, there were 13 dismissals or non-certifications and 7 of these were women. The greater number of dismissals or non-certifications of women occurred in the Office/Clerical EEO job group, a job group which is female dominated and where a large number of positions are entry-level and account for a significant number of non-certifications due to performance standards. In fiscal year 2012, there were 5 dismissals or non-certifications and 4 of these were women. A majority of the dismissals and non-certifications occurred in the Office/Clerical job group. There was not a significant number of minority or disabled employees who were dismissed or non-certified. All dismissals and non-certification decisions are approved by the Labor Relations Director. The Directors of Human Resources and Internal Affairs/Affirmative Action will continue to monitor the effect of dismissals and non-certifications on the number of women employees over the next two years.

There were no significant differences between resignations and retirements based on job group except in the case of the Protective Service job group and Office/Clerical job group. The Protected Service job group had a significantly greater number of men who retired. Again, this is likely due to the early retirement opportunities and the greater number of men of retirement age in this job group. In 2011-2012, 70 men retired in the Protective Service worker job group as compared to 5 women. In the same 2 year period, 35 women retired from the Office/Clerical job group as compared to 3 men.

Annual separation information will continue to be monitored to determine whether any trends exist and whether recruitment and retention efforts have been successful.

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

The Minnesota Department of Public Safety recognizes that investment in human resources is the best way to ensure an efficient and talented workforce. Many of the positions in the Department are skilled jobs that require high levels of experience and training. To retain our employees, the Department invests in individual employee development. Every supervisor is encouraged to afford their subordinates an individual development plan established as part of the employee's annual performance review. This plan may identify training and development opportunities for that individual.

The Department offers various other training opportunities, as published in the DPS Training Catalogue, throughout the year for employees to develop new skills or maintain existing ones. There are currently over seventy offerings within this catalogue available for all employees.

The Department recognizes that employees are the Department's number one asset and there must be a supportive environment of motivation. To accomplish this, the Department has an Employee Recognition Program to recognize employees' efforts to stimulate employees to take pride and satisfaction in their jobs and recognize each others accomplishments.

The Department strives to create and maintain a safe and respectful work environment. To ensure such an environment, all employees are held accountable for their own actions and expected to adhere to the Department's policies. All new employees are trained in respectful communication in the workplace and the prevention of discrimination and harassment. Managers and supervisors are held accountable to ensure that affirmative action programs are implemented including efforts to affirmatively retain and promote protected group employees.

The Department makes every effort to retain its protected group employees. All employees separating from DPS employment are requested to complete an exit interview to afford the employee the opportunity to provide the Department with input relative to experiences, feelings and perceptions upon the employee's departure from the Department. This assists the Department in its efforts to identify areas of strengths and weaknesses that should be addressed and to continually improve the work environment. The Director of Internal Affairs/Affirmative Action follows up with each former employee who indicates on the exit interview questionnaire or during an exit interview that the employee felt unfairly treated based on a protected group status.

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## **Policy 4091 Exit Interview**

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<b>Policy:</b>	<b>Exit Interview</b>
<b>Number:</b>	<b>4091</b>
<b>Applicability:</b>	<b>Department Managers, Supervisors, and Human Resources</b>
<b>Maintained by:</b>	<b>Human Resources</b>
<b>Originated:</b>	<b>8/8/08</b>
<b>Effective:</b>	<b>1/24/12</b>

### **Purpose**

The purpose of this policy is to establish a process by which employees are given an opportunity to provide the Department of Public Safety (DPS) with input relative to their experiences, feelings, and perceptions upon departure or transition.

### **Definitions**

HR Director -

The agency's full-time employee who has primary responsibility for maintaining and enforcing all human resource related matters.

Internal Affairs/Affirmative Action (IA/AA) Director -

The agency's full-time employee(s) who has primary responsibility for developing and maintaining the Affirmative Action Plan and investigating complaints alleging harassment and discrimination. The IA/AA Director serves as the agency's Affirmative Action Officer.

Neutral Human Resources Employee -

1) The Human Resources Director; 2) the Staffing Supervisor; 3) the Labor Relations Manager; 4) a Human Resource staff member.

Exiting Employee -

All employees who are separating from permanent and/or intermittent employment with the agency for the following reasons: voluntary separation, voluntary and involuntary retirement, layoff, or transfers, either out-of-agency or out-of-division.

### **Policy Statement**

- It is the policy of the DPS to encourage the participation in exit interviews of all employees who are separating from permanent and intermittent employment for the following reasons: voluntary separation, voluntary and involuntary retirement, layoff, or transfers, either out-of-agency or out-of-division.

### **Responsibilities**

**DEPARTMENT ADMINISTRATORS, SUPERVISORS, and HUMAN RESOURCES STAFF**

- Implement and enforce this policy
- Encourage exiting employees to complete the exit interview form and/or have a verbal interview with neutral Human Resource employee

## **HR DIRECTOR**

- Implement and enforce this policy
- Encourage exiting employees to complete the exit interview form and/or have a verbal interview with a Human Resources employee.
- Maintain records of all completed exit interview forms and summarized notes in accordance with the Minnesota Government Data Practices Act
- Compile statistical data, based on completed forms and notes taken during interviews, to identify patterns of separation

## **Procedures**

Exit interviews assist the agency in its efforts to identify areas of strengths and weaknesses that should be addressed and to continually improve the work environment. Although the procedure is voluntary, DPS encourages the exiting employee to complete the exit interview form and/or have a verbal interview with a Human Resources employee.

The exit interview process shall consist of the completion of an exit interview form, and/or an opportunity to have a verbal interview with a neutral Human Resources employee.

The agency shall adhere to the following procedure whenever an employee is voluntarily separating from permanent or intermittent employment or transferring either out-of-agency or out-of-division:

1. The exiting employee shall notify his/her immediate supervisor of his/her anticipated separation date.
2. The exiting employee's immediate supervisor shall follow standard protocol on informing their Personnel Officer of the separating/transferring employee's name and the anticipated separation/transfer date. This notification should occur as soon as possible.
3. The Human Resources will immediately forward the exit interview form, policy and the Commissioner's exit interview cover letter to the exiting employee. These materials shall be forwarded to the exiting employee no later than five working days after the date the Personnel Officer received notification of the exiting employee's anticipated separation from the agency or transfer to a new division. Human Resources will make at least two attempts in contacting exiting/transitioning employees about returning exit interview form.
4. The supervisor or manager shall inform the exiting employee about the value and importance of the exit interview process.
5. The exiting employee will complete the exit interview form and/or verbal interview with a neutral Human Resources employee.

6. The interviewer will take notes of and summarize comments made at or during the verbal exit interview. Once the exit interview form has been completed and/or the interviewer has conducted the verbal interview, the completed original exit interview form and original notes may be forwarded to the Human Resources Director. These documents will remain confidential and will not leave Human Resources or become part of a personnel file. If there is an equal opportunity or diversity related concern, it will be discussed with the IA/AA Director. At that time the IA/AA Director may evaluate the exit interview forms and notes to determine if an investigation is necessary.

Date this policy was last revised:

Approved for implementation and distribution by Commissioner: Ramona Dohman

Date: 1/24/12

## Minnesota Department of Public Safety Employee Exit Interview

We believe that your input is very important and will be valuable to our agency to analyze employee satisfaction, retention, and turnover. We sincerely appreciate you taking the time to answer the following questions. **Please be as honest as possible; your response will be strictly confidential and will not become part of your personnel file.** These exit interview forms will not leave Human Resources. Thank you in advance for your assistance!

**Name:** \_\_\_\_\_ **DPS Start Date:** \_\_\_\_\_

**Division:** \_\_\_\_\_ **Departure Date:** \_\_\_\_\_

**Position or Classification:** \_\_\_\_\_ **Supervisor:** \_\_\_\_\_

**Status:** Full Time  Part Time  **Status:** Permanent  Temporary

**Change:** Leaving Division  Leaving DPS

Check any of the following that prompted you to leave your position at Department of Public Safety (DPS).

- |  |   |
|--|---|
| <input type="checkbox"/> Type of work<br><input type="checkbox"/> Rate of Pay<br><input type="checkbox"/> Lack of recognition<br><input type="checkbox"/> Lack of opportunity for advancement<br><input type="checkbox"/> Division's Business/Production Goals<br><input type="checkbox"/> Job security<br><input type="checkbox"/> Self-employment<br><input type="checkbox"/> Retirement | <input type="checkbox"/> Quality of supervision<br><input type="checkbox"/> Working conditions/Culture<br><input type="checkbox"/> Family circumstances<br><input type="checkbox"/> Conflict with other employees<br><input type="checkbox"/> Commuting distance<br><input type="checkbox"/> Health<br><input type="checkbox"/> Moving from the area<br><input type="checkbox"/> Other: |
|--|---|

What is the most significant factor that influenced your choice in leaving your position?

Before making the decision to leave your position, did you investigate other options that would encourage you to stay with your current division or the Department of Public Safety?  Yes  No If yes, please describe:

What are your thoughts on the following:

	Excellent	Good	Fair	Poor	Comments
Base Salary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Medical Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Dental Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Vacation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Sick time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Retirement options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Please rate the following items based on your position:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>Comments</b>
Overall, this job has been rewarding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Job was challenging.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
My skills were used effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Job orientation was effective.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Training was beneficial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Adequate equipment and resources were available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Work load was usually reasonable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Job stress was manageable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

On a scale of 1 to 10, please rate your overall job satisfaction, from the position you are leaving:

<b>Very Dissatisfied</b>									<b>Very Satisfied</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please rate the following items based on the interactions with your work environment:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>Comments</b>
Work environment is safe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Work environment is comfortable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Work environment is appropriately equipped.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Division was adequately staffed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
I got along well with coworkers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Division had good internal collaboration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Division had good internal collaboration with other DPS divisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Communication within my department (work unit) was good.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Communication within the overall division was good.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

What did you like **most** about this job and/or this division?

What did you like **least** about this job and/or this division?

What could be offered at DPS or in this division to make you stay in this position?

Please rate the following items on the interactions with your immediate supervisor:

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>	<b>Comments</b>
Supervisor demonstrated fair and equal treatment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Supervisor was available to discuss work-related concerns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Supervisor maintained consistent practices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Supervisor acted promptly on complaints and suggestions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Supervisor was helpful and competent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Supervisor recognized my contributions to the division and DPS.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Supervisors communication was transparent and clear.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
I got along with my supervisor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
I received performance reviews on a yearly basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If not, how often? _____
My performance feedback was useful AND created development opportunities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
My supervisor had a clear understanding of my career goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Please write any additional comments about your supervisor.

Please write any additional comments about the director or other members of the management team.

Do you have any suggestions for improving employment at DPS?

Based on your experiences, would you recommend DPS to a friend as a good place to work? Yes No