

I. STAFF/PERSONNEL

I.01 AFFIRMATIVE ACTION POLICY AND PLAN

DEFINITION OF AFFIRMATIVE ACTION. Affirmative action is a management program designed to ensure equal employment opportunity by identifying and removing barriers throughout the Bureau's personnel system, with specific emphasis placed on improving initial employment and advancement opportunities for handicapped persons, minorities, women and Vietnam era veterans.

STATEMENT OF POLICY. The policy of the Bureau is to assure that qualified applicants are employed and that employees are treated equally without regard to race, religion, creed, national origin, sex, sexual preference, age, disability or reliance on public assistance or Vietnam veteran status. This policy will apply in the recruitment, selection, appointment, advancement, transfer, layoff, downgrading, compensation, selection for training or other personnel actions of employees of the agency.

Any employee whose responsibilities involve personnel actions shall, in exercising such responsibilities, consider only the availability and qualifications of the individuals involved.

All employees shall conduct themselves in accordance with the policy in all day-to-day relationships with their fellow employees and shall not, by word or action, deprecate another or interfere with the performance of work assigned to another because of race, religion, color, creed, national origin, sex, sexual preference, age, disability, or reliance on public assistance or vietnam era veterans status.

Realizing that achievement of active anti-discrimination involves more than a policy statement, a plan of positive affirmative action is incorporated in this document.

OBJECTIVE. The Bureau desires to achieve, as a result of its affirmative action program, the increased employment participation of protected classes at all levels, consistent with their availability in the work force.

DELEGATION OF AUTHORITY AND RESPONSIBILITIES.

COMMISSIONER: To oversee the Bureau's affirmative action program to comply with existing state and federal laws, rules and regulations.

Duties:

1. To provide staff members with a written statement affirming support of the State's equal opportunity policy.

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2. To appoint an Affirmative Action Officer.
3. To require inclusion of responsibility statements for affirmative action in supervisory position descriptions.
4. To take action on complaints of discrimination.
5. To make decisions regarding changes in policy, procedures, or physical accommodations as required to facilitate effective affirmative action.
6. To report to the Governor and the Legislature, through the Commissioner of Employee Relations, the Bureau's progress in affirmative action.

AFFIRMATIVE ACTION OFFICER: To administer the Bureau's Affirmative Action Program.

Duties:

1. To monitor the activities of the Bureau to assure compliance with its Affirmative Action Program.
2. To investigate alleged discrimination complaints and submit findings to the Commissioner.
3. To offer all protected group employees the opportunity to receive an exit interview.
4. To provide periodic training sessions for supervisors regarding the Affirmative Action Plan.
5. To assist supervisors in the recruitment of protected groups.
6. To maintain contacts with protected class sources for recruitment purposes.
7. To act as the liaison between the Bureau and the Equal Opportunity Division.
8. To review and to recommend changes in the Bureau's Affirmative Action Plan and programs and make recommendations to the Commissioner.
9. To serve as a forum for transmitting employee concerns regarding affirmative action to management.
10. To identify problem areas and to propose solutions.

SUPERVISORS: To ensure compliance with statewide and Bureau Affirmative Action programs and to ensure equal treatment of all employees.

Duties:

1. To communicate their support of the Bureau's Affirmative Action Policy to assigned staff.
2. To assist the Bureau's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
3. To hire and promote qualified protected class members where a disparity exists.
4. To participate in the recruitment of protected class persons for employment, promotion and training opportunities.
5. To notify the Affirmative Action Officer of anticipated vacancies so that s/he may assist in the recruitment of protected groups.

COMMUNICATION/DISSEMINATION (Internal and External)

Internal Dissemination (Communications intended for employees.)

- a. The Affirmative Action Officer will communicate to each new employee during orientation, the State's EEO policy, and the Bureau's Affirmative Action Plan.
- b. Any changes made in the Affirmative Action Plan or in related procedures will be distributed to all employees.
- c. The Affirmative Action Plan will be incorporated into the Bureau Policy and procedures manual.

External Dissemination (Communications directed to sources of recruitment, potential protected-group applicants, and the community at large.)

- a. The phrase "An Equal Opportunity Employer" is included on all Bureau letterhead and on all advertisements for positions.
- b. Vacancies or examination opportunities will be advertised in appropriate protected group publications.

GOALS AND TIMETABLES. In determining the goals and timetables for the Bureau Affirmative Action Plan, the following factors have been taken into consideration:

1. The numbers and types of occupations in the Bureau.
2. The availability of members of protected groups with the requisite qualifications; and
3. The statewide nature of our labor area.

Goal: To ensure that protected class members are aware of the Bureau's plans to hire, and encourage such individuals to apply for vacant positions.

	<u>Actions</u>	<u>Responsibility</u>	<u>Timetable</u>
1.	Identify groups or communities of protected class members likely to have requisite skills.	AA Officer	On-going
2.	Identify appropriate means for communicating the Bureau's hiring plans to this community.	AA Officer	On-going
3.	Communicate examination announcement to this community.	Personnel Office	On-going

Problem: Given the specialized nature of requisite skills to effectively perform in the Mediator position, specialized recruiting efforts are required to encourage applications from protected class members. The Trainee program established by the Bureau in 1985 has done much to enhance these recruiting needs.

INTERNAL AUDIT AND REPORTING SYSTEM. The Bureau of Mediation Services shall submit to the Director of the Minnesota Equal Employment Opportunity Division, Department of Employee Relations, periodic reports as may be required.

Internal audits by the Affirmative Action Officer will be performed on an annual basis prior to the review and redrafting of the Affirmative Action Plan as needed. The AAO will review the following data:

1. The Bureau Affirmative Action Plan.
2. Any work force and/or utilization analyses which may have been done within the past two years.
3. Copies of any certification lists used during the past twelve months.
4. A list of all temporary hires for the past twelve months by: job classification, minority status, sex, handicap, and Vietnam era Veteran status, if any.
5. A list of all promotions, transfers, new hires, terminations, and exit interviews for the past twelve months: including the job classification, minority status, sex, handicap, and Vietnam era Veteran status, if any, for each employee concerned.
6. All disciplinary actions taken during the past twelve months including: the job classification, minority

- status, sex, handicap, and Vietnam era Veteran status, if any, of each employee involved.
7. The record of all training courses taken by the Bureau employees during the past twelve months including: the name, job classification, minority status, sex, disability, and Vietnam era Veteran status, if any. The record will contain the hours completed by each participant; and the results, if any, of the training (e.g. promotion, improved job performance).
 8. All recruitment resources utilized during the past twelve months; the minority status, sex, handicap, and Vietnam era Veteran status; if any, of any job applicants recruited from each source, as the result of the recruitment efforts.
 9. Copies of all personnel policies or procedures that are unique to the Bureau, including those relating specifically to affirmative action.
 10. All discrimination complaints filed during the past twelve months; basis for each complaint; result or current status of each; and job title, minority status, sex, handicap, and Vietnam era Veteran status, if any, of each complaint; result or current status of each; and job title, minority status, sex, handicap, and Vietnam era Veteran status, if any, of each complainant.

COMPLAINT PROCEDURE.

Informal. An employee who has a complaint of discrimination may bring it to the attention of her/his supervisor and/or the Affirmative Action Officer in an attempt to reach a satisfactory resolution without the necessity of further action.

Formal.

Step 1. Failing resolution through the informal process, the employee alleging discrimination (complainant) may submit a written complaint to the AAO setting forth the nature of the complaint, the facts upon which it is based and the remedy requested. The complaint must be submitted within a reasonable period of time, not to exceed 60 calendar days, of the occurrence of the event giving rise to the complaint. If the AAO determines the complainant would suffer irreparable loss in the absence of immediate action, s/he may proceed directly to Step 2.

Within seven (7) calendar days after receiving the written complaint, the AAO shall meet with the supervisor, with or without the complainant, in an attempt to resolve the complaint. The supervisor shall give a written answer to the AAO within five (5) calendar days following the meeting. If dissatisfied with the supervisor's response, the complainant may, by written request within five (5) calendar days, proceed to Step 2.

Step 2. The AAO shall arrange a meeting with the Commissioner within ten (10) calendar days of a request to proceed to Step 2.

All parties involved shall be present to allow for a full discussion of the issues. The AAO shall submit a summation of the issues to the Commissioner prior to the scheduled meeting.

Within 30 calendar days from the date of the meeting on the complaint, the appointing authority shall respond in writing with the final answer or remedy. If the complainant is not satisfied, s/he shall be advised through the AAO of the right to file a charge of discrimination with the Minnesota Department of Human Rights.

All disposition of complaints shall be filed with the Commissioner of Employee Relations within 30 days of final disposition.

11/8/88; Reviewed 4/90

AFFIRMATIVE ACTION COMPLAINT FORM

Information on the Complainant (You)

Name: _____ Job Title: _____

Home Address: _____ Phone: _____

Work Address: _____ Phone: _____

Agency: _____ Supervisor: _____

Respondent (Person against whom the complaint is being filed):

Name: _____ Job Title: _____

Work Address: _____ Phone: _____

Agency: _____ Supervisor: _____

BASIS OF COMPLAINT

(Check all that apply): Race _____ Sex _____ Marital Status _____
Color _____ Religion _____ Reliance on Public Assistance _____
Creed _____ Handicap _____ Veterans Status _____ Age _____
National Origin _____ Political Affiliation _____

Date of most recent act of discrimination: _____

If you also filed this complaint with another agency, please give the name of that agency: _____

Describe the nature of your complaint, giving names, dates, places, etc.: _____

Attach additional sheets if necessary.

Information on Witnesses Who Can support your Case (Optional)

Names	Addresses	Phone
1.	_____	
2.	_____	
3.	_____	
4.	_____	
5.	_____	
6.	_____	

This complaint is being filed based on my honest belief that I have been discriminated against or harassed in the course of my employment. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

Signature: _____

Date: _____

Received by: _____

Date: _____