



State of Minnesota

Department of Public Safety

2018-2020 Affirmative Action Plan

Minnesota Department of Public Safety
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As requested by Minnesota Statute 3.197: This report cost approximately \$6,000 to prepare, including staff time, printing and mailing expenses.

Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording.

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Executive Summary

This Affirmative Action Plan (“Plan”) meets the requirements set forth in Minnesota Statute, Chapter 43A, et seq. and Minnesota Administrative Rules, Chapter 3905, et seq. The Plan contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

A review of the Department of Public Safety’s (“Department”) workforce revealed underutilization of the following protected group(s) in the following job categories:

Table 1: Underutilization Analysis of Protected Groups

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators			
Professionals			X
Protected Services: Sworn	X		X
Protected Services: Non-sworn	X	X	
Administrative Support			
Technicians	X	X	
Service Maintenance			

Once approved, information about how to obtain or view a copy of the Plan will be provided to its employees. Our intention is that every employee is aware of the Department’s commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the Department’s external website and internal intranet. The original, signed copy of the Plan will be maintained in the Internal Affairs/Affirmative Action office, which is located at 445 Minnesota Street, Suite 530, St. Paul, Minnesota 55101.

Affirmative Action Officer or Designee: *Lynn M. Mueller* Date Signed: July 31, 2018

Human Resources Director or Designee: *Yvonne S. Lind* Date Signed: July 31, 2018

Commissioner or Department Head: *Ramona L. Dohman* Date Signed: July 31, 2018

Organizational Profile

The Minnesota Department of Public Safety is a diverse, complex department of state government where employees share one common mission — to keep Minnesotans safe. In total, about 2,100 employees operate programs in law enforcement, emergency management, traffic safety, alcohol and gambling enforcement, emergency communications, crime victim assistance, fire safety, pipeline safety, driver licensing, and vehicle titling and registration.

In cooperation with local and nonprofit agencies all over Minnesota, the Department's staff promotes the principles of prevention, preparation, response, recovery, public education and enforcement. They help prevent crimes and disasters wherever we can. We help Minnesotans prepare for emergencies that cannot be prevented. And the Department is there to coordinate disaster response from the first sirens to the disaster declarations, and on through the last federal grants that help with the final steps to recovery.

Our public education programs influence personal behavior to reduce traffic deaths, fires and arson, and they help crime victims navigate the criminal justice system. We teach residents and businesses to protect our underground pipelines, and teach responders what to expect in an oil-train accident. We patrol Minnesota roads to protect our motorists and enforce our laws, and we provide world-class lab and investigative services to law enforcement agencies statewide. The Department licenses gaming facilities and alcohol retailers to protect our consumers, and we interact with every Minnesotan who drives or registers a vehicle.

Our staff is always on the job somewhere, 24 hours a day, in every part of the state.

Statement of Commitment

This statement reaffirms the Department's commitment to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of harassment on the basis of sex includes sexual harassment.
- This Department is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This Department will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This Department will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this Department will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the Department's policy to provide an employment environment free of any form of discrimination or 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 all Minnesotans.

Commissioner:  Date Signed: July 23, 2018

Deputy Commissioner:  Date Signed: July 30, 2018

Assistant Commissioner:  Date Signed: July 30, 2018

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. Commissioner

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Plan (“Plan”), including goals, timetables and compliance with all federal and state laws and regulations.

Duties

The duties of the Commissioner shall include, but are not limited to, the following:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the Department’s Plan in his or her position description.
- Ensure that those designated personnel responsible for all Plan components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Support decisions and changes in policies, practices, and procedures that enable the Department to effectively implement affirmative action principles in recruiting, selection, and retention.
- Report the Department’s progress in affirmative action as requested by the Governor, Legislature or the Commissioner of Minnesota Management and Budget (“MMB”).
- Promote and foster a positive nondiscriminatory climate and a work environment in which all employees are valued and respected in accordance with the Department’s values and policies.
- Encourage and articulate a positive climate throughout the Department concerning the goals of the Plan, EEO and diversity programs.
- Ensure that division directors understand their work performance is evaluated based on their Plan efforts and results, in conjunction with other managerial responsibilities.

Accountability

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

1. Name: Ramona Dohman

Email: dps.commissioners@state.mn.us

**Title: Commissioner of the Department of
Public Safety**

Phone: 651-201-7160

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, and monitoring the Department's Plan and overseeing the Department's compliance with equal opportunity and affirmative action laws.

Duties

The duties of the Affirmative Action Officer shall include, but are not limited to, the following:

- Develop and administer the Department's Affirmative Action Plan.
- Develop and set Department-wide affirmative action hiring goals.
- Monitor Department compliance and fulfill all affirmative action reporting requirements.
- Disseminate the Plan to employees in the Department.
- Inform the Commissioner or Commissioner's delegate on progress in affirmative action and equal opportunity and report potential concerns.
- Determine the need for affirmative action training within the Department and initiate the development of such training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal opportunity.
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities.
- Support the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage the Department's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.

Accountability

The Affirmative Action Officer is accountable to the Commissioner.

Name of individual(s) responsible

1. Name: Lynn Mueller

Email: lynn.mueller@state.mn.us

**Title: Director of Internal Affairs/Affirmative
Action**

Phone: 651-201-7173

C. Human Resources Director

Responsibilities

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies, including taking action to remove barriers to equal employment opportunity within the Department.

Duties

The duties of the Human Resources Director shall include, but are not limited to, the following:

- Maintain effective working relationships with Department affirmative action officers and designees.
- Provide leadership to Human Resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities.
- Ensure the pre-hire review process is utilized and receives support from Directors, managers, and supervisors.
- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and Department and Division-wide classification studies; Initiate and report on program objectives contained in the affirmative action plan related to Human Resources.
- Assist supervisors, managers and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.

- Request recruitment assistance from MMB’s Statewide Director of Diversity Recruitment and Retention in the diversity recruitment and retention of protected group members in hard to fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator all records and data necessary to perform duties related to equal opportunity and affirmative action.
- Review classifications, qualification requirements, and procedures in order to eliminate selection factors that have no significant relationship to job performance.
- Maintain records that will enable the analysis of all portions of the selection process.
- Maintain retirement-eligible information and communicate it to Division Directors to ensure appropriate succession and workforce planning.
- Assist management and supervisors to determine appropriate action with regards to violations of Departmental policies, including complaints of discrimination and harassment.

Accountability

Human Resources staff are accountable to the Human Resource Director. The Human Resource Director is accountable to the Commissioner.

Name of individual(s) responsible

1. Name: Yvonne Shorts Lind

Email: yvonne.shorts-lind@state.mn.us

Title: Director of Human Resources

Phone: 651-201-7382

D. Americans with Disabilities Act Title I and II Coordinator

Responsibilities

The Americans with Disabilities Act Coordinator is responsible for the oversight of the Department’s compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act, as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

Duties:

The duties of the ADA Title I Coordinator shall include, but are not limited to, the following:

- Provide training, technical guidance, and consultation to Department management and staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.
- Provide training, technical guidance, and consultation to the Department’s management and staff on compliance and best practices with regards and obligations to members of the public with disabilities as well as the provision of reasonable modifications to visitors.
- Report reasonable accommodations annually to MMB.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.

Accountability:

The ADA Coordinator is accountable to the Commissioner.

Name of individual(s) responsible

1. Name: Lynn Mueller

Email: lynn.mueller@state.mn.us

Title: Director of Internal Affairs/Affirmative Action

Phone: 651-201-7173

E. Directors, Managers, and Supervisors

Responsibilities

- Directors, managers, and supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and for compliance with the Department’s affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

Duties

The duties of directors, managers, and supervisors shall include, but are not limited to, the following:

- Assist the Affirmative Action Officer in identifying problem areas and eliminate barriers that inhibit equal employment opportunity within their units and the Department.
- Communicate the Department’s affirmative action-related policies to assigned staff.
- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis.
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives.

- 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.
- 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.
- Refer complaints of discrimination and harassment to the appropriate parties.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the Department’s Commissioner.

F. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the Department’s equal opportunity and affirmative action policies and this Plan.

Duties:

The duties of all employees shall include, but are not limited, to the following:

- Exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public.
- Refrain from any actions that would adversely affect individuals or groups on the basis of their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.
- Employees who believe they have been subjected to such discrimination or harassment are encouraged to inform a supervisor or to use the Department’s complaint procedure.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the Department’s Commissioner.

Communication of the Affirmative Action Plan

The following information describes the methods that the Department takes to communicate the Affirmative Action Plan to employees and the general public:

Internal Methods of Communication

- The Commissioner’s Statement of Commitment will be sent annually to all employees via email, with directions for supervisors to make the information available to staff without email access. The email will also notify employees that the 2018-2020 Affirmative Action Plan is complete and provide directions on viewing the Plan or obtaining a paper copy.
- The Director of Internal Affairs/Affirmative Action will distribute the 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 for ensuring that employees know where they can view or obtain a copy of the Plan.
- The Department’s Affirmative Action Plan is available to all employees on the [Department’s internal website](#) or in print copy to anyone who requests it. As requested, the Department will make the plan available in alternative formats.
- A physical copy of the Department’s Affirmative Action Plan will be available to employees at the following address:

Minnesota Department of Public Safety
Human Resources
445 Minnesota Street, Suite 135
St. Paul, MN 55101

- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

External Methods of Communication

- The Department’s Affirmative Action Plan is available on the [Department’s public website](#) or in print copy to anyone who requests it. As requested, the Department will make the plan available in alternative formats.
- The Department’s letterhead, and all job postings will include the statement “Equal Opportunity Employer.”
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the Law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

- A physical copy of the Department's Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address:

Minnesota Department of Public Safety
Human Resources
445 Minnesota Street, Suite 135
St. Paul, MN 55101

Underutilization Analysis and Affirmative Action Goals

Through the utilization analysis, the Department has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the Department and has set the following hiring goals for the next two years (Reference Table 2).

Table 2. Underutilization Analysis and Hiring Goals for 2018-2020

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this Department. The fifth, sixth, and seventh columns show the Department's hiring goals for each group in each category.

Job Categories	Underutilization - # of Individuals			Hiring Goals for 2018-2020		
	Women	Racial/Ethnic Minorities	Individuals with Disabilities	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators	-	-	-	-	-	-
Professionals	-	-	2	-	-	2
Protected Services: Sworn	5	-	4	5	-	1
Protected Services: Non-sworn	5	1	-	5	1	-
Administrative Support	-	-	-	-	-	-
Technicians	3	1	-	3	1	-
Service Maintenance	-	-	-	-	-	-

Availability:

The Department determined the recruitment area to be statewide for all job categories. In conducting its underutilization analysis, the Department used a two-factor analysis. The Department decided to use this type of analysis based on its determination that it most accurately represents its hiring process. For many of the Department's positions, the initial hire is made from an external source. But for movement within the Department (e.g. transfers or promotions), the most common pool of candidates is from internal sources. Therefore, it is appropriate to consider both internal and external factors when determining the availability of protected candidates in each job category.

The Department generates monthly reports on hiring, separation, and utilization of protected individuals by EEO-4 job category. To remain consistent, the Department generated yearly reports based on the same criteria used in the monthly reports to conduct the Plan's workforce analyses. As in the past, the Department continues to manually separate the Protective Services category into two categories: Protective Services: Sworn and Protective Services: Non-Sworn.

Unlike past Plans, the Department did not use the 2010 Minnesota Statewide Labor Force Availability rates. The Department made this change due to the number of jobs that are misclassified in the State-wide SEMA4 system. The Department recognizes that minor misclassifications within the job categories are not significant. However, the Department conservatively estimates that approximately 30% of its workforce is misclassified. As such, 2010 Minnesota Statewide Labor Force Availability rates is not the best source to analyze whether the Department is underutilized.

For example, the Department's Deputy State Fire Marshals are assigned to the Professional job category. According to the 2010 Minnesota Statewide Labor Force Availability, which is created by the U.S. Census Bureau based on its State and Local Government Job Groups data, the Professionals category has an availability rate of 55.7% for women. To calculate this availability rate, the U.S. Census must gather occupational data based on the number of women available to perform certain jobs classified as "professional." The classifications stem from the Bureau of Labor Statistics' Standard Occupational Classification system ("SOC") and includes jobs like doctor, psychologist, lawyer, and airline pilot. Problematically, the SOC system classifies positions like Deputy State Fire Marshal in the Protective Services category, and not in the Professional category.

When the Department applies the availability rate for Professionals to misclassified positions, like the Deputy State Fire Marshal position, the Department is not comparing similar data. Rather, the Department is considering how many female Deputy State Fire Marshal employees should be in its workforce by using the availability rate generated by considering how many women were available for positions like doctor, psychologist, lawyer, and airline pilot. This problem is compounded when there are multiple misclassification within a single job category.

In order to compare similar data, the Department used MMB's instructions on extracting information from the EEO Tabulation 2006-2010 (5-year ACS data) to determine availability rates for specific jobs within each job category and averaging those rates. In the Professionals category, the Department determined that five specific job titles represented a majority of the workforce in that category. One of the five job titles is Deputy State Fire Marshal. The Department then used occupational census data for

occupations related to fire inspection and fire safety to determine the availability rate (e.g., 13.6% for women). This process continued until the Department had five availability rates for each of the specific job positions. These five rates were averaged together to create a single availability rate for women (30.78%) that was used to determine underutilization in the Professionals category. This process was repeated for all EEO-4 categories for women and minorities. For availability rates of individuals with disabilities, the Department continues to apply the 7% rate.

The Department's Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with MMB's guidance on data privacy.

Women:

The Department is not underutilized in the **Officials/Administrators** job category. This job category has a total population of 43, as compared to 38 employees in the 2016-2018 Plan year. Women currently represent 51.16% of the employee population. No hiring goal was set in the previous Plan year and because the Department is not underutilized in this job category, it has not set a hiring goal for the current Plan year.

The Department is not underutilized in the **Professionals** job category. Currently, this job category has a total population of 452, an increase compared to 397 in the 2016-2018 Plan year. Women represent 55.75% of the employee population. Part of the increase in the Department's utilization of women in the professional category is attributed to temporary unclassified positions created to work with MNLARS, the Minnesota driver's licensing and registration system. Human Resources reports that many employees in the temporary unclassified positions are internal hires made from employees from the Administrative Support job category. While temporary, these positions provide employees an opportunity to advance their career through experience and growth working in a Professional position. Part of the increase in utilization can also be attributed to the new availability rate, which more accurately reflects the availability rate for some of the misclassified jobs within the Professionals job category, e.g., Emergency Planners, Forensic Laboratory Technicians, and Deputy State Fire Marshals. By calculating an availability rate based on the specific jobs within the category, the overall availability rate of women decreased by 7.48%. No hiring goal was set in the previous Plan year and because the Department is not underutilized in this job category, it has not set a hiring goal for the current Plan year.

The Department improved in the **Protective Services: Sworn** category, but it remains underutilized. This job category has a total population of 687, as compared to 669 in the 2016-2018 Plan. The Department surpassed its goal of hiring <10 women and ultimately decreased its underutilization by ten. The goal for the current plan year is five, which will be achieved by continued emphasis on recruiting and participation in the Law Enforcement Training Opportunity ("LETO") program, which allowed the Department to meet its 2016-2018 goal. Recruitment for LETO and for the traditional hiring process will be led by the State Patrol and its recruiter, and their efforts will be supported by the Affirmative Action Officer and Human Resources.

The Department improved in the **Protective Services: Non-Sworn** category, but it remains underutilized. This job category has a total employee population of 215, as compared to 197

employees in the 2016-2018 Plan year. Women currently represent 34.42% of the employee population. Using specific jobs to calculate the availability rate for this group affected utilization rates. But due to the misclassifications in this category, the Department believes the averaged availability rate it used to determine underutilization is appropriate because it more accurately reflects its workforce. The averaged availability rate reflects both the lack of availability of women in one position (State Patrol Capitol Security Guards) and the higher availability of women in the other position in this category (Driver and Vehicle Services Exam and Inspection Specialists), which is misclassified in this category. In its 2016-2018 Plan, the Department set a goal of adding <10 women through new hires to eliminate an underutilization of fourteen. This goal was achieved. The Department has set a goal of hiring five women in this job category in the current Plan year to address the continued underutilization of five women. The Department will address this underutilization by increasing recruitment efforts.

The Department is not underutilized in the **Administrative Support** job category. This category has a total of 485 employees, as compared to 450 in the 2016-2018 Plan year. Women currently represent 82.68% of the total employee population. The Department was over-utilized in the 2016-2018 Plan by 49 women; under the current Plan, the Department is over-utilized by 16 women. This apparent decline in utilization is due to the Department's averaged availability rate (79.34%) created a higher utilization rate than the 2010 Minnesota Statewide Labor Force Availability rate (72.65%), which the Department used in the 2016-2018 Plan year. Because the Department remains fully utilized, no hiring goal was set for the current Plan year.

The Department is not underutilized in the **Service Maintenance** job category. This job category has a total population of 12, as compared to 14 in the 2016-2018 Plan year. Currently, women represent [REDACTED]% of the total population. The number of women in this job category has remained the same since the previous plan year.

The Department improved in the **Technicians** job category. This job category has a total population of 164, as compared to 161 in the 2016-2018 Plan year. Currently, women represent 43.90% of the total population. Using specific jobs to calculate the averaged availability rate for this group resulted in lower utilization rates for women. But due to the misclassifications in this category, the Department believes the averaged availability rate is appropriate. It more accurately reflects the available workforce that has the knowledge, the education/experience, and skills to perform the positions currently in the category. The averaged underutilization rate indicated that the Department remains underutilized. In its 2016-2018 Plan, the Department set a goal of adding <10 women through new hires. This goal was achieved. The Department is currently underutilized by three women, and it has set a goal of three to eliminate the underutilization. The Department will address this underutilization by increasing recruitment efforts and by reviewing whether the jobs within this category are correctly classified.

Minorities:

The Department is not underutilized in the **Officials and Administrators** job category. This job category has a total number of 43 employees, as compared to 38 in the 2016-2018 Plan year. Minority employees currently represent [REDACTED]% of the total employee population, an improvement from

[REDACTED]% in the previous plan year. No goal was set in the prior Plan because there was no underutilization in this job category. Because the Department is not currently underutilized, no goal has been set for the current Plan year.

The Department improved in the **Professionals** job category. This job category has seen an increase in its total population of employees, as well as an increase in its population of minority employees. There are 452 total employees as compared to 397 in the 2016-2018 Plan year. Minority employees currently represent 8.41% of the total employee population, compared to 7.81% in the previous plan year. In the 2016-2018 Plan, the Department set a goal of hiring <10 minority employee(s). The Department achieved this goal. For the current Plan year (2018-2020), there is no underutilization in this category, so the Department did not set a specific hiring goal.

The Department improved in the **Protective Services: Sworn** job category. This job category has a total number of 687 employees, as compared to 669 in the 2016-2018 Plan year. Minority employees currently represent 6.99% of the total employee population. The averaged availability rate, which is based on specific job classifications, led to a slightly lower utilization rate for this category (7.67% to 6.78%) which, along with affirmative hiring programs, helped to eliminate the Department's underutilization. However, the Department will continue affirmative hiring practices to remedy historical underutilizations. In its 2016-2018 Plan, the Department set a goal of hiring <10 minority employee(s) in this job category. The Department met this goal and is not currently underutilized, therefore, has not set a hiring goal for the 2018-2020 Plan year.

The Department did not improve in the **Protective Services: Non-Sworn** job category. This job category has a total number of 215 employees, as compared to 197 in the 2016-2018 Plan year. Minority employees currently represent 15.35% of the total employee population, which is a slight increase over 15.23% in the prior Plan year. In its 2016-2018 Plan, the Department was not underutilized so it did not set a hiring goal. In the current Plan year, the Department is underutilized by one minority employee. It has set a goal to eliminate this underutilization by hiring one minority employee through recruitment.

The Department remained the same in the **Administrative Support** job category. This job category has a total number of 485 employees, as compared to 450 in the 2016-2018 Plan year. Minority employees currently represent 21.44% of the total employee population, an increase over 14.67% in the prior Plan year. The Department was over-utilized in the 2016-2018 Plan by [REDACTED] minority employees; under the current Plan, the Department is over-utilized by [REDACTED] minority employees. This apparent decline in utilization is due to the Department's averaged availability rate (19.86%), which created a higher utilization rate than the 2010 Minnesota Statewide Labor Force Availability rate (15.75%), which the Department used in the 2016-2018 Plan year. Because the Department is not underutilized in this job category, no hiring goal has been set.

The Department is not underutilized in the **Service Maintenance** job category. This job category has a total number of 12 employees, as compared to 14 in the 2016-2018 Plan year. Minority employees currently represent [REDACTED]% of the total employee population, as compared to [REDACTED]% in the prior Plan year. No goal was set in the prior Plan because there was no underutilization in this job category. Because the Department is not currently underutilized, no goal has been set for the current Plan year.

The Department improved in the **Technicians** job category. Currently, this job category has a total number of 164 employees, as compared to 161 in the 2016-2018 Plan year. Minority employees currently represent [REDACTED]% of the total employee population. Using specific jobs to calculate the averaged availability rate for this group resulted in a lower utilization rate for minorities. But due to the misclassifications in this category, the Department believes the averaged availability rate is appropriate. It more accurately reflects the available workforce that has the knowledge, the education/experience, and skills to perform the positions currently in the category. The averaged underutilization rate indicated that the Department remains underutilized. The Department set a goal of hiring <10 minority employee(s) into this job category in the previous plan year. This goal was achieved. The Department is currently underutilized by one minority employee, and it has set a hiring goal of one to eliminate the underutilization. The Department will address this underutilization by increasing recruitment efforts for positions within this job category.

Individuals with Disabilities:

The Department remained the same in the **Officials and Administrators** job category. No goal was set in the 2016-2018 Plan because this job category was not underutilized. Currently, this job category has a total population of 43 employees, as compared to 38 in the prior Plan year. Individuals with disabilities represent [REDACTED]% of employees in this job category, a significant increase over [REDACTED]% in the prior Plan year. Because the Department is not underutilized in this job category, no goal has been set for the 2018-2020 Plan year.

The Department did not improve in the **Professionals** job category. This job category has a total number of 452 employees, an increase compared to 397 in the prior Plan year. Individuals with disabilities represent 5.75% of employees in this job category. This is a decrease from 6.30% in the 2016-2018 Plan year. In the previous Plan year, the Department was underutilized by <10 employee(s) in this category and set a goal of hiring <10 individual(s) with a disability. This goal was achieved. Because the Department saw approximately the same number of separations and hires among individuals with disabilities in this job category and the availability percentage declined, the Department is now underutilized by two individuals with disabilities in this job category. The Department has set a goal to hire two individuals with disabilities in this job category. To help meet this goal, the Department will continue to seek to employ individuals with disabilities through the Connect 700 program. The ADA Coordinator will partner with Human Resources and supervisors to facilitate the program and help supervisors understand their roles and responsibilities.

The Department improved in the **Protective Services: Sworn** job category. This job category currently has a total population of 687 employees, as compared to 669 in the prior Plan year. Individuals with disabilities represent [REDACTED]% of the total employee population. While the number of individuals with disabilities in this category remains approximately the same as in the prior Plan year, the availability rate for individuals with disabilities continues to decrease: 3.15% (2014), 2.65% (2016), [REDACTED]% (2018). In the 2016-2018 Plan year, the Department was underutilized by ten individuals with disabilities and the hiring goal was set at <10. This goal was not achieved because of the difficulty of accommodating individuals with physical disabilities in this position. Additionally, individuals in this category have demonstrated a reluctance to self-identify as an individual with a disability. For the current Plan year, the Department is underutilized by four. Given the continued trend of decreased

availability, the hiring goal will be set at one. The Department will increase its efforts to provide training regarding the definition of a disability under the ADA. Additionally, the Department will provide all employees with reminders to self-identify as a way of recognizing the diversity that likely already exists in this job category.

The Department stayed the same in the **Protective Services: Non-Sworn** job category. Currently, there are a total of 215 employees in this category, as compared to 197 in the 2016-2018 Plan year. Individuals with disabilities represent 11.63% of employees in this job category. No goal was set in the previous Plan because the Department was not underutilized. The availability analysis again revealed there is no underutilization in this job category, so no goal has been set for the 2018-2020 Plan year.

The Department is not underutilized in the **Administrative Support** job category. This job category has a total of 485 employees, as compared to 450 employees in the 2016-2018 Plan year. Individuals with disabilities represent 11.34% of the total employee population. No goal was set in the prior Plan because there was no underutilization in this job category. Because the Department is not currently underutilized, no goal has been set for the current Plan year.

The Department remained the same in the **Service Maintenance** job category. This job category has a total population of 12 employees, as compared to 14 in the 2016-2018 Plan year. Individuals with disabilities represent [REDACTED]% of employees in this category. Like the prior Plan year, the Department is not underutilized in this category, and it has not set a hiring goal.

The Department improved in the **Technicians** job category. This job category has a total population of 164 employees, as compared to 161 in the 2016-2018 Plan year. Individuals with disabilities represent 6.71% of the employee population. This is a slight increase over 6.21% in the prior Plan year. The Department set a goal of hiring <10 employee(s) in the 2016-2018 Plan. The Department surpassed this goal and hired <10 individual(s) with disabilities in this job category. The Department is no longer underutilized in this job category so no hiring goal has been set for 2018-2020.

Separation and Retention Analysis by Protected Groups

The Department is committed to the retention of all employees, including members of the following protected groups: women, racial/ethnic minorities, and individuals with disabilities. The Department will strive to affirmatively ensure equal employment opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on under-represented individuals. To be successful, the responsibility for these retention efforts lies with all employees. The Department's retention strategy is a multi-faceted approach, guided by Department leadership, Human Resources Director, and Affirmative Action Officer.

Table 2 Person's Responsible for Department Retention Programs/Activities

Title	Contact Information
Human Resources Staffing Director Patti Bennett	651-201-7378, patricia.bennett@state.mn.us

The Department will continue to analyze and review separation data for disparate impact on protected group employees. This will include reviewing non-certification trends, layoff trends, resignation trends, and disciplinary discharges. The appendix will include a separation report broken down by EEO-4 job category. Below is a snapshot of the Department separations throughout the past two years as well as a narrative describing the separation analysis:

Table 3 Type of Separation

Type of Separation FY2017-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Individuals w/Disabilities
Dismissals/Non Certification	23	7.96%	43.48%	39.13%	REDACTED
Resignations	135	46.71%	56.30%	23.70%	7.41%
Retirement	123	42.56%	53.66%	REDACTED	9.76%
Death	<10	REDACTED	REDACTED	0.00%	0.00%
Lay Off	<10	REDACTED	REDACTED	REDACTED	0.00%
Total Separations	289	100.00%	53.63%	15.57%	8.30%

Women

Women represent 43.34% of the total Department workforce. The Department saw a total of 289 separations in FY 2017 and FY 2018. Women were 53.63% of all separations. This number is consistent with the separation rate for women in the previous Plan (53.6%). The separation rate for women is

higher due to the nature of the Department's workforce in the Protective Services: Sworn job category and the Administrative Support job category.

Approximately 39% of the Department's workforce is in the Protective Services: Sworn job category, which is predominately male (89.9%). Because this category requires specialized training and the job benefits prompt career longevity, employees in this category seldom separate through resignations and dismissals/non-certifications. Instead, they separate primarily through retirement. These factors contribute to the appearance that separations through resignations and dismissals/non-certifications disproportionately affect females. Conversely, the Department's Administrative Support job category is predominately female (82.68%). While some positions are specialized, this category also includes many entry-level positions where separations are more common due to the nature of the work and the transferability of skills. These separations contribute to a slightly higher proportion of women separating through resignations and dismissals/non-certifications as compared to their total population size when considering agency-wide data.

Minorities

As compared to data from the 2016-2018 Affirmative Action Plan, the Department has improved in hiring and retaining minority employees. In 2016, minorities represented 9.19% of the total Department workforce and the separation rate was 17.6%. In the present Plan year, minorities represent 11.38% of the total Department workforce and the separation rate is 15.57%.

Additional analysis of the current separation rates show that the majority of resignations occur in the Administrative Support and Protective Services: Non-Sworn categories. Minority employees represent 21.44% of employees in the Administrative Support job category and 15.35% of the Protective Services: Non-Sworn job category. Both job categories have high proportions of entry-level positions and, historically, the Department experiences higher turnover in entry-level positions. In the upcoming Plan year, the Department, through the Affirmative Action Officer, will continue to monitor this data. If trends or patterns emerge, the Affirmative Action Officer will address it by conducting a more detailed review of data and of any other relevant information, such as exit interviews.

Individuals with Disabilities

Individuals with Disabilities represent approximately 6.42% of the total Department workforce. The Department saw a total of 289 separations between FY 2017 and FY 2018. Individuals with disabilities were 8.30% of all separations. This number is an increase as the separation rate was 7.42% in the previous Plan year.

The Department had a total of 24 individuals with disabilities separate employment in FY 2017 and FY 2018 (through May). Twelve of these 24 separations were retirements, which reflects positively on retention of employees with disabilities. The Department is aware that separations through retirements will impact its overall workforce totals and the need to continue recruitment and selection of individuals with disabilities to maintain a diverse workforce. The remaining twelve separations equal 4.1% of all separations within the Department. Because this rate of separation is less than the total workforce of individuals with disabilities (6.42%) and because these separations occurred equally over

the two years and within all of the job categories, the Department is not disproportionately separating individuals with disabilities.

Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers

The Department’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minn. Stat. § 43A.191.

List job category name	Percent of Protected Class in category	Percent Protected Class hired in category	Percent Protected Class separated in category
<i>Professionals - Individuals with Disabilities</i>	5.8%	9.6%	18.3%
<i>Protective Services: Sworn - Women</i>	10.2%	13.4%	[REDACTED]%
<i>Protective Services: Sworn – Individuals with Disabilities</i>	[REDACTED]%	[REDACTED]%	[REDACTED]%
<i>Protective Services: Non-Sworn - Women</i>	34.4%	36.7%	27.9%
<i>Protective Services: Non-Sworn - Minority</i>	15.4%	16.5%	[REDACTED]%
<i>Technicians - Women</i>	43.9%	54.2%	56.3%
<i>Technicians - Minority</i>	[REDACTED]%	[REDACTED]%	[REDACTED]%

Objective 1: To increase the number of qualified females in the Protective Services: Sworn job category to eliminate the current underutilization.

Action: Continue implementing the Law Enforcement Training Opportunity (“LETO”) program.

Through the LETO program, diverse applicants are able to obtain the educational training sufficient to meet Peace Officer Standards and Training (“POST”) licensing requirements. LETO participants complete these prerequisite education requirements by attending classes from October through December, and they are compensated for their time. Then, in January, the LETO participants continue their training by participating in the Training Academy, which is required for all state troopers. The

guaranteed funding authorized by Chapter 189, Article 4, Section 7 (d) of the 2016 Session Laws for fiscal years 2018 and 2019 will allow for continued recruitment and hiring of women.

Past/Future Evaluation of Program Objective 1: This program objective was included in the Department's 2016-2018 Affirmative Action Plan, and the Department was successful in meeting its hiring goals, in part, because of it. For the upcoming Plan year, this objective will be evaluated at multiple steps in the recruitment, hiring, and training processes to determine if efforts to meet this objective are sufficient. It will also include a review of data collected from the program's inception in 2009.

Target Completion Date: May 31, 2019 (Graduation for all new State Troopers)

Responsible Person(s): The State Patrol/State Patrol Recruiter/Affirmative Action Officer

Objective 2: To increase the number of employees who self-identify as a qualified individual with a disability in the Protective Services: Sworn and the Professionals job category and to encourage self-identification among all employees.

Action: The Department has 228 employees who have declined to identify their status with respect to disability. Of these 228 employees, approximately 105 employees are in either the Protected Services: Sworn or the Professional job category. The Department recognizes that employees may not self-identify at the time of hire for a variety of reasons, including fear of discrimination or different treatment based on their response. To educate and to encourage self-identification, the Department will consult with union leaders and conduct focus groups to determine barriers to self-identification. Additionally, the Department will send yearly emails requesting all employees to update or enter their status. The emails will define a disability, explain how data is confidential, and describe the process for seeking an accommodation.

Past/Future Evaluation of Program Objective 2: This program objective is new. Success will be measured by reviewing data to determine whether more individuals within the Protective Services: Sworn and the Professionals job category have indicated their status and, potentially, through increased reporting in other job categories.

Target Completion Date: September 2018 and September 2019

Responsible Person(s): ADA Coordinator

Objective 3: To support and retain qualified individuals with disabilities in the Protective Services: Sworn and Professionals job category to eliminate or reduce the current underutilization.

Action: During New Employee Orientation, the Department will develop and conduct training to educate employees about the accommodation process and to encourage employees to utilize these services. Training will include a component on bias and misunderstandings about disability. For employees in the Professionals category, this training will occur during the Department-wide new employee orientation. For most employees in the Protected Services: Sworn category, this training will

be conducted in the Training Academy setting, so the training will specifically address disability, accommodations, and bias in the context of law enforcement.

Past/Future Evaluation of Program Objective 3: This program objective builds on an objective found in Department's 2016-2018 Affirmative Action Plan. The prior objective stated that the ADA Coordinator will notify employees of their right to request accommodations during new employee orientation. This information was determined to be helpful to employees, but insufficient to address the bias that comes with respect to disability in certain professions. For the upcoming year, this objective will be measured through employee evaluations and by monitoring ADA requests quarterly to determine whether training increases accommodation requests from the targeted groups.

Target Completion Date: On-going, All New Employee Orientation Sessions

Responsible Person(s): ADA Coordinator

Objective 4: To recruit qualified women and minorities into positions classified as Protective Services: Non-Sworn in order to eliminate the underutilization through hiring.

Action: The Department will increase recruitment efforts to attract qualified female and minority individuals into State Patrol Capitol Security Guard positions and Driver and Vehicle Services Exam and Inspection Specialist positions. Recruitment efforts for the Capitol Security Guard positions will include State Patrol and/or Recruiter's presence at some of the following events: Rondo Days Parade and Fair (Focus of African American Community), Cinco De Mayo Parade and Fair (Focus of Latino Community, Martin Luther King Jr. Diversity Career Fair, Diversity Job & Internship Fair at St. Cloud State University, Leech Lake Tribal College Career Fair. Somali Independence Day Festival (Minneapolis). Recruitment efforts for the Driver and Vehicle Services ("DVS") Exam and Inspection Specialist positions will include recruitment at the following events: State Career Fair and the Martin Luther King Jr. Diversity Career Fair. The Department, through DPS supervisors in coordination with Human Resources, will also encourage women and minority individuals working within DVS to apply for promotional opportunities as Exam and Inspection Specialists.

Past/Future Evaluation of Program Objective 4: This objective is both old and new. With respect to the Capitol Security Guard positions, the Department has used these avenues to generate interest in State Patrol positions. With respect to the Exam and Inspection Specialist positions, these are new efforts targeted to recruit women and minority individuals into a specific position within a specific job category. For the upcoming year, this objective will be measured through participation in events, as well as by reviewing the pools of applicants for each hiring process to determine whether women and minority individuals are proportionally represented throughout the hiring process. If women and minority individuals are underrepresented in the hiring process despite recruitment efforts in FY2019, the Affirmative Action Officer will revise the program objectives to increase recruitment efforts or to undertake additional, different efforts to address the underutilization.

Target Completion Date: June 2020.

Responsible Person(s): Affirmative Action Officer (Monitoring the Hiring Process)/Human Resources and State Patrol Recruiter (Recruitment Events)

Objective 5: To recruit qualified women and minorities into positions classified as Technicians in order to eliminate the underutilization through hiring.

Action: Approximately one-third of the positions within the Technicians groups are Radio Communications Operators (“RCOs”), who dispatch for the State Patrol. This position requires individuals with the ability to operate calmly and professionally under stress. Within the Department, two other entry-level positions require this unique skill: Customer Service Specialist Intermediate (“CSSI”) in Driver and Vehicle Services Public Information Center and State Patrol Capitol Security Guards. Historically, the Department has been successful in hiring women into the CSSI position and minorities into the Capitol Security Guard position. However, these positions are entry-level positions with lower pay, and DPS experiences higher rates of separation in entry-level position. Conversely, the RCO position is higher paid, and DPS experiences a lower rate of separation for this position. Rather than conduct separate recruitment for RCO positions, it is the Department’s objective to develop a pipeline of applicants from these entry-level positions that have higher rates of women and minority applicants. To accomplish this objective, the Department will conduct an assessment to determine the best methods to develop this pipeline. Following the assessment, the Department will implement the steps needed to implement this pipeline.

Past/Future Evaluation of Program Objective 5: This is a new objective for the Department. The Department will conduct the assessment by March 2019, with a goal of implementing the final pipeline by May 2019. The Department will assess the success of this objective by analyzing hiring data in December 2019 and June of 2020 to determine whether the pipeline program is effective in recruiting CSSI and Capitol Security Guards into the RCO position.

Target Completion Date: June 2020.

Responsible Person(s): Affirmative Action Officer with the support of supervisors from Driver and Vehicle Services and State Patrol.

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

The Department will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. Directors, managers, and supervisors will work closely with Human Resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and equal opportunity professionals will review for bias.

As part of the Department's process, 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. Under the state rules governing the statewide affirmative action program, this evaluation requires the Affirmative Action Officer to conduct a pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals. This procedure is followed when there is an underutilization in the job class and a 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. Any time the Department cannot justify a hire, the Department takes a missed opportunity. Department leadership will be asked to authorize the missed opportunity. The Department will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

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. The Department has a consistent process for informing hiring supervisors of their responsibilities that is articulated in its Pre-Hire Review Procedure. Under this procedure, Human Resources is responsible for notifying 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. Human Resources also informs the hiring supervisor that there are protected group candidates in the applicant pool and they must obtain approval from the Affirmative Action Officer if they do not select a protected group applicant. Through this process, Hiring supervisors are made aware 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.

When candidates are invited to participate in the selection process, employees scheduling the selection process will describe the process format to the candidate (e.g., interview process, testing process). All candidates will be provided information regarding the procedure to request reasonable accommodations if necessary to allow candidates with disabilities equal opportunity to participate in the selection process.

All personnel involved in the selection process will be trained and accountable for the Department's commitment to equal opportunity and the affirmative action program and its implementation.

Under the Department's Pre-Hire Review Procedure (included in Appendix), if a hiring supervisor recommends a non-protected group applicant, the supervisor must: (1) 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; (2) Communicate the interview process and selection decision and rationale to their supervisor; and (3) Complete the hiring justification form and send it to the Affirmative Action Officer. The Affirmative Action Officer then 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. Any time the Department cannot justify a hire, the Department considers it a missed opportunity. Department leadership will be asked to approve the missed opportunity. Finally, the Affirmative Action Officer informs the hiring supervisor and Human Resources of the final decisions to proceed with the hiring process, including the offer to the applicant. Throughout the process, 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.

Pre-Review Procedure for Layoff Decisions

The Human Resources Director in conjunction with the Affirmative Action Officer are responsible for reviewing all pending layoffs to determine their effect on the Department's affirmative action goals and timetables.

If it is determined that there is an adverse impact on any protected groups, the Department will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The Department will determine if other alternatives are available to minimize the impact on protected groups.

Other Methods of Program Evaluation

The Department submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the Department's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (submitted to MMB within 30 days of final disposition).

The Department also evaluates the Affirmative Action Plan in the following ways:

- Monthly analysis of each division's appointments and separations including diversity data, shared with Commissioners and Division Directors;
- Monthly monitoring of diverse hires/rehires in underutilized areas, shared with Commissioners and Division Directors;
- Monthly analysis of Department-wide diversity data, broken down by EEO-4 category and shared with Commissioners and Division Directors;
- Monthly analysis of each division's diversity data, broken down by EEO-4 category and shared with Commissioners and Division Directors;
- Quarterly notification to Division Directors about their hiring practices as it relates to protected group applicants to be used in evaluation of their hiring practices;
- As appropriate, the Affirmative Action Officer shares Division summary data with all Directors for the purpose of learning from past experiences;
- Monitors progress toward stated goals by job category;
- Analysis of employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact;
- Analysis of compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with Department leadership on a routine basis and makes recommendations for improvement.

Appendix

Pre-Hire Review Procedure

State rules governing the statewide affirmative action program specify that a procedure must be developed in each Department 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 a 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.

Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436

OVERVIEW

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers

- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, family medical history, an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

GENERAL STANDARDS AND EXPECTATIONS

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment/discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment/discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities,

including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists

4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment/discrimination or retaliation, and will take prompt and appropriate action. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment/discrimination, who reports protected class harassment/discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment/discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Policy Prohibiting Discrimination and Harassment and Complaint Procedures

The Department maintains the Discrimination/Discriminatory and Sexual Harassment Policy (DPS #1502) (attached), which is designed to address discrimination and harassment in the workplace and in the provision of services to the public. The Department has established a complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of policy. This procedure is included within DPS #1502. Retaliation or reprisal against anyone filing a complaint or serving as a witness is prohibited under policy.

Moreover, the Department seeks to create a positive environment by maintaining policies that prohibit inappropriate, offensive, or bullying behavior. These policies are supported by the Department's complaint resolution policy, which provides a prompt and thorough process for investigating and resolving complaints. These policies are included in the Appendix:

- General Harassment/Inappropriate Workplace Conduct (DPS #1501)
- Investigation and Resolution of Employee Misconduct (DPS #1002)
- Employee Conduct (DPS #4063)



Minnesota Department of Public Safety

Discrimination/Discriminatory and Sexual Harassment Policy No. 1502

Applicability: All department employees and third parties.

POLICY

The Minnesota Department of Public Safety (the “department” or “DPS”) is committed to providing a workplace and public services which are free from discrimination and discriminatory harassment.

It is the policy of the department that all employees and third parties enjoy an environment free from discrimination and discriminatory harassment, including sexual harassment. The department will not tolerate such conduct by employees or third parties within the workplace or at any location that has a reasonable connection to the workplace. As part of DPS’ commitment to preventing and eliminating sexual harassment in the workplace, DPS also adopts, in its entirety, the State of Minnesota’s Sexual Harassment Prohibited policy (MMB HR/LR Policy #1329), which prohibits any conduct or communication of a sexual nature that is unwelcomed.

This policy establishes a process for handling complaints of discrimination and discriminatory harassment. Employees and third parties are encouraged to report all incidents using this process. Supervisors and managers have a special obligation under this policy and shall immediately report any conduct that may violate this policy.

The department will not tolerate reprisal or retaliation against any person who makes a complaint or participates in an investigation into allegations of discrimination or discriminatory/sexual harassment. Such retaliatory action constitutes a separate violation of this policy and may result in corrective action, up to and including, termination of employment. Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee or third party is also prohibited.

DEFINITIONS

Employee:

Employee means all department employees, including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers.

Third Parties:

Third parties include, but are not limited to, applicants for employment, vendors, contractors, subcontractors, grantees, volunteers, members of the public, and individuals performing business or service-related work under the department's authority.

Discrimination:

Discrimination occurs when an individual or a group is treated unfairly or differently from others because of their membership or perceived membership in a protected class.

Discriminatory harassment:

Discriminatory harassment is any inappropriate behavior based on a protected class characteristic. 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 defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written or physical conduct or communication of a sexual nature. See also State of Minnesota's Sexual Harassment Prohibited policy (HR/LR Policy #1329).

Protected class:

Protected class status defined under Minnesota law include an individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, familial status, age, disability, or membership or activity in a local commission. Note: Sexual orientation protects gender identity and expression.

Retaliation or Reprisal:

Retaliation or reprisal may include, but is not limited to, any form of retribution, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy or an individual who participates in an investigation into such allegations.

ROLES AND RESPONSIBILITIES

Employees and Third Parties:

All employees and third parties are responsible for their own personal conduct in a manner consistent with the spirit and intent of this policy. Individuals must refrain from engaging in any conduct in the work place or the provision of public services which constitutes discrimination or discriminatory/sexual harassment against others. Individuals covered under this policy are responsible for seeking assistance about their obligations under this, or any other applicable, policy. Employees will provide appropriate information and assistance to any person who wants to file a complaint of discrimination or harassment. Such assistance may include referring the individual to a supervisor, the complaint form on the department website, or providing contact information for Internal Affairs/Affirmative Action.

Managers and Supervisors:

Managers and supervisors have a special responsibility to report allegations of discrimination or harassment. Supervisors shall immediately report any allegations of discrimination or harassment to the department's Director of Internal Affairs/Affirmative Action. In addition, department administrators, managers, and supervisors are responsible for implementing and enforcing this policy, taking appropriate action when necessary and for enforcing all discrimination and sexual harassment provisions in collective bargaining agreements.

Director of Internal Affairs/Affirmative Action:

Any claims of discrimination or discriminatory/sexual harassment or inappropriate behavior under this policy will be investigated by an investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation, reasonable efforts will be made to maintain confidentiality as much as is practical, on a need-to-know basis.

- The Director will monitor the progress of each investigation and make recommendations to the appropriate Division Director regarding the conclusion of each complaint.
- The Director of Internal Affairs/Affirmative Action will work with the Human Resources Director to provide necessary training to department employees regarding this policy.
- The director will report annually to the Commissioner and all Division Directors the number of complaints filed under this policy.

HOW TO FILE A COMPLAINT:

The following internal complaint procedure is intended to help the department resolve concerns or complaints of sexual harassment and other types of discrimination and discriminatory harassment. Individuals are encouraged to use this procedure, but may also pursue information and remedies available through the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights or the courts. Individuals are advised to check with these agencies to determine the existence of time limitations for filing complaints.

1. Individuals who believe they have been harassed or otherwise discriminated against by an individual covered by this policy:
 - in the work place,
 - when receiving public services provided by the department, or
 - who have witnessed such behavior,are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly.
2. If managers or supervisors learn through an exit interview or by other means that an individual 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.

3. Individuals 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. 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. The complaint does not need to be made through the employee's chain of command and can be made directly to the Directors of Human Resources or Internal Affairs/Affirmative Action.
4. The person who receives a concern or complaint involving allegations of discrimination or discriminatory/sexual harassment will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the Formal Complaint of Alleged Employee Misconduct form may be used.
5. The Director of Internal Affairs/Affirmative Action will direct and review any investigation brought under this policy. 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.
6. 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.
7. Any corrective action decision or recommendation will be made by the Division Director in consultation with the Director of Human Resources.
8. 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.
9. 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.

CONSEQUENCES FOR POLICY VIOLATIONS

Violators of this policy, or any other applicable policy, will be subject to corrective action, up to and including termination of employment. All corrective action will be considered on a case by case basis. Violations of this policy by third parties will be subject to appropriate action.

ADDITIONAL RESOURCES

- The Civil Rights Act of 1964; 42 U.S.C. 2000, as amended
- The Americans with Disabilities Act of 1990; 42 U.S.C. 12131, as amended
- 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 Formal Complaint of Alleged Employee Misconduct Form](#)
- State of Minnesota's Sexual Harassment Prohibited policy (HR/LR Policy #1329).
- Applicable collective bargaining agreements and plans

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: July 15, 2014

Origination and Revision Dates: 4/1/05, 2/3/11, 1/16/2018

Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form

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 55101-5530

Statewide HR/LR Policy #1329: Sexual Harassment Prohibited

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint with an appropriate authority. Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors

- Volunteers
- Customers
- Business Partners

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.
M.S. Ch. 363A
M.S. Ch. 43A
Minn. Rule 3905.0500

GENERAL STANDARDS AND EXPECTATIONS

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

- Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
- Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
- Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
- Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
- Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
- Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment with:

- An agency supervisor;
- The agency's affirmative action officer;
- An agency's human resource office;
- Agency management, up to and including the commissioner.

If the complaint concerns an agency head, the complainant may contact Minnesota Management & Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a complaint of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

- The name, department, and position of the person(s) allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The name(s) of other individuals who may have been subject to similar harassment;
- What, if any, steps have been taken to stop the harassment;
- Any other information the complainant believes to be relevant.

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

III. Supervisor Responsibility

Supervisors are responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
- When a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that a problem exists, the supervisor must appropriately respond to the complaint or problem;
- Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer so that prompt and appropriate action can be taken;
- Complying with their agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources offices are responsible for the following:

- Modeling appropriate behavior;
- Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee is responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures to ensure the prompt and appropriate action in response to complaints of sexual harassment;
- Keeping the agency apprised of changes and developments in the law.

VI. Investigation and Discipline

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures. For a sample investigation procedure, please review the documents available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees
- For agencies with 25 or fewer employees

Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

RESPONSIBILITIES

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, including developing:
 - An educational program;
 - A process for reporting complaints; and
 - A procedure under which complaints will be addressed promptly.
 - Enforcing this policy.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy and updating this policy as necessary.

FORMS AND SUPPLEMENTS

See acknowledgement form, below, which can be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, Sexual Harassment Prohibited, and accompanying complaint procedure. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, applicant for employment, vendor, contractor, volunteer, customer, or business partner, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by this policy by any State employee, applicant for employment, vendor, contractor, volunteer, customer or business partner, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the commissioner. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Signed: _____ Date: _____

Employee Name: _____

General Harassment/Inappropriate Workplace Conduct Policy No. 1501

Applicability: Department-wide
Maintained by: Internal Affairs/Affirmative Action
Originated: 02/01/93
Effective: 02/03/11

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

Investigation and Resolution of Employee Misconduct Policy No. 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 department 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

Employee Conduct Policy No. 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 public image, 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.

1. 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



Minnesota Department of Public Safety

Reasonable Accommodation Policy

No. 1511

Applicability: All employees of the Department of Public Safety

POLICY

The Department of Public Safety (“DPS”) adopts, in its entirety, the State of Minnesota’s ADA Reasonable Accommodation policy, HR/LR Policy #1433.

DPS 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 DPS 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 (“ADA”), 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 internal opportunities.

ADA Coordinator For DPS, the ADA Coordinator is the Director of Internal Affairs/Affirmative Action. This individual directs and coordinates DPS’ compliance with Title I of the ADA by acting as the decision maker for reasonable accommodation requests outside the scope of supervisors/managers’ authority.

FUNDING OF REASONABLE ACCOMMODATIONS

Each Division within DPS is responsible for funding reasonable accommodations that do not cause an undue hardship. Division Directors may authorize supervisors/managers to approve low-cost accommodations under \$100.00. The expenditure of funds for accommodations over this discretionary amount must be coordinated through the ADA Coordinator. When applicable, the ADA Coordinator, in cooperation with the appropriate Division, may seek reimbursement from the State of Minnesota’s Accommodation Fund to offset the cost of a specific accommodation.

DPS is not required to provide a reasonable accommodation that creates an undue hardship. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of DPS. 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
- a documented good faith effort to explore a less restrictive or less expensive alternative.

ADDITIONAL RESOURCES

State of Minnesota, ADA Reasonable Accommodation Policy, HR/LR Policy #1433
DPS Reasonable Accommodation Procedure, No. 151

Policy Owner: Internal Affairs/Affirmative Action

Effective Date: 8/1/2016

Origination and Revision Dates: 8/14/1998; 6/2/2003; 8/1/2016



Minnesota Department of Public Safety

Reasonable Accommodation Procedure

No. 151

PURPOSE

The following procedures supplement the Minnesota Department of Public Safety's Reasonable Accommodation Policy, No. 1511.

PROCEDURE

NOTE: The DPS ADA Coordinator can be contacted by phone at 651-201-7136.

Request for Reasonable Accommodations for Job Applicants

1. Job applicants should inform any DPS official with whom the applicant has contact that an accommodation is needed. Alternatively, job applicants may contact the ADA Coordinator directly to request an accommodation.
2. If notified of a request for accommodation, the DPS official will forward the job applicant's contact information to the ADA Coordinator.
3. The ADA Coordinator will send the necessary forms and information to the job applicant.
4. After obtaining the appropriate paperwork from the job applicant, the ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Request Reasonable Accommodations for Employees

1. The Department of Public Safety will inform all employees that its ADA Policy and Procedure can be made available in accessible formats.
2. An employee may make a reasonable accommodation request to any or all of the following resources: Immediate Supervisor/Manager, Affirmative Action Officer/Designee, ADA Coordinator, or DPS Human Resources Office.
3. On receiving a request for accommodation, a supervisor/manager may independently grant the request if: (1) the requested accommodation is routinely provided to employees without

disabilities in that Division, or (2) the accommodation only requires a low-cost purchase, under \$100.00. After granting the accommodation, the supervisor/manager must notify the ADA Coordinator of the request and the corresponding accommodation for recording purposes. For all other requests, supervisors/managers must notify the ADA Coordinator of the request.

4. The ADA Coordinator will provide the requesting employee with the necessary forms and information. All information should be returned to the ADA Coordinator.
5. The ADA Coordinator shall, in consultation with the requesting employee, engage in the interactive process by:
 - a. Discussing the purpose and essential functions of the particular job involved. (Completion of a step-by-step job analysis may be necessary.)
 - b. Determining the precise job-related limitation.
 - c. Identifying the potential accommodations and assessing the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Selecting and implementing the accommodation that is the most appropriate for both the requesting employee and the agency. While the employee's preference will be given consideration, DPS 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.
6. The ADA Coordinator may request documentation from the employee's health care provider to support the request. Any medical documentation will be collected and maintained on separate forms and in separate, locked files. No one will be told about or have access to medical information except as described in the State's ADA Reasonable Accommodation Policy, HR/LR Policy #1433.
7. The ADA Coordinator will provide a decision to the requesting employee within a reasonable amount of time upon receipt of the necessary information requested.
8. Employees or applicants who are dissatisfied with the decision(s) pertaining to their accommodation request may file an appeal with the ADA Coordinator, within a reasonable period of time, for a final decision. The ADA Coordinator will arrange for another DPS official to review the request and issue a final decision. The final decision will be sent to the requesting employee along with a notice providing information about the employee's statutory right to file a discrimination charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

ADDITIONAL RESOURCES

State of Minnesota, ADA Reasonable Accommodation Policy, HR/LR Policy #1433
DPS Reasonable Accommodation Policy, No. 1511
Policy Owner: Internal Affairs/Affirmative Action

Effective Date: 8/1/2016

Origination and Revision Dates: 8/1/2016

Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

OBJECTIVE

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

Applicant- A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator- Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat- A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions- Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process- A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability- An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability- An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities- May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation- Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation- An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
 - Providing materials in alternative formats like large print or Braille;
 - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
 - Modifying work schedules or supervisory methods;
 - Granting breaks or providing leave;
 - Altering how or when job duties are performed;
 - Removing and/or substituting a marginal function;
 - Moving to a different office space;
 - Providing telework;
 - Making changes in workplace policies;
 - Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
 - Removing an architectural barrier, including reconfiguring work spaces;
 - Providing accessible parking;
 - Providing a sign language interpreter; or
 - Providing a reassignment to a vacant position.

Reassignment- Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person- Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship- A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

GENERAL STANDARDS AND EXPECTATIONS

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;

- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on

the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

Agency responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;

- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

Funding for reasonable accommodations

The agency must specify how the agency will pay for reasonable accommodations.

Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a "direct threat," (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a

reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

RESPONSIBILITIES

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

CONTACTS

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us

Request for Reasonable Accommodation Form

<p>State of Minnesota – (Agency) _____ Date: _____</p> <p>Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form</p> <p>The State of Minnesota is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.</p> <p>Employee/Applicant Name: _____</p> <p>Job Title: _____</p> <p>Work Location: _____ Phone Number: _____</p> <p>Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.</p> <p>Questions to clarify accommodation requested.</p> <p>What specific accommodation are you requesting? _____</p> <p>If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, please explain.</p> <p>_____</p>	<p>Questions to document the reason for the accommodation request (please attach additional pages if necessary).</p> <p>What, if any, job function are you having difficulty performing?</p> <p>_____</p> <p>What, if any, employment benefits are you having difficulty accessing?</p> <p>_____</p> <p>What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?</p> <p>_____</p> <p>If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?</p> <p>_____</p> <p>Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.</p> <div style="border: 1px solid black; padding: 5px;"><p>This form does not cover, and the information to be disclosed should not contain, genetic information. “Genetic Information” includes: Information about an individual’s genetic tests; information about genetic tests of an individual’s family members; information about the manifestation of a disease or disorder in an individual’s family members (family medical history); an individual’s request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.</p></div>
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[Employee/Applicant Request for ADA Reasonable Accommodation Form](#)

Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

The Department 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 Safety Director, front desk staff, and Town Square Security. If a severe weather watch or warning is issued, the Department's front desk staff and Town Square Security will notify all staff by PA announcement.

The Department has at least one mandatory fire drill and one weather emergency drill each year. All employees are required to participate in these drills. Each work area within Town Square and Bremer Tower are assigned a Floor Warden. Floor Wardens are responsible for evacuation of Department employees and customers within their assigned areas of responsibility. Floor Wardens are assigned a radio for communication with the command post regarding the need to shelter in place or evacuate as necessary.

A copy of the Department's weather and emergency evacuation plans can be found on the [Department's internal website](#).

Everyone has a responsibility to develop their own personal emergency evacuation plan, which includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator works to develop a plan in consultation with the appropriate building and safety personnel. When developing a plan, safety needs will be determined on a case-by-case basis because they vary with each individual and building.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff and inform all staff that if additional assistance during an emergency may be needed, the individual should contact the Department's ADA Coordinator or Safety Director (listed below) to request the type of assistance they may need.

Lynn M. Mueller, ADA Coordinator, 651-201-7173, lynn.mueller@state.mn.us

Jason Amborn, Safety Director, 651-201-7380, jason.amborn@state.mn.us

Evacuation Options:

Individuals with disabilities have four basic, possibly five, evacuation options:

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- **Stairway evacuation:** Using steps to reach ground level exits from building;

- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- **For agencies equipped with an evacuation chair:** Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair.

Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The Department's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** The Department's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have

visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

Utilization Analysis Tables

WOMEN									
Job Categories	Total Employees in Job Group	Total Number of Women in Group	% of Women in the Group	Availability %	Availability Number	FY 2018-2020 Underutilized	FY 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/ Administrators	43	22	51.16%	46.22%	20	-2	-1	Same	1
Professionals	452	252	55.75%	48.26%	218	-34	0	Same	34
Protective Services: Sworn	687	70	10.19%	10.98%	75	5	19	Improved	14
Protective Services: Non-sworn	215	74	34.42%	36.84%	79	5	14	Improved	9
Administrative Support	485	401	82.68%	79.34%	385	-16	-55	Same	39
Technicians	164	72	43.90%	45.93%	75	3	9	Improved	6
Service Maintenance	12	<10	REDACTED	11.87%	<10	0	0	Same	0
Totals	2058	892	43.34%						

MINORITIES									
Job Categories	Total Employees in Job Group	Total Number of Minorities in Group	% of Minorities in the Group	Availability %	Availability Number	FY 2018-2020 Underutilized	FY 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/ Administrators	43	<10	REDACTED	2.92%	<10	0	0	Same	0
Professionals	452	38	8.41%	8.07%	36	-2	4	Improved	6
Protective Services: Sworn	687	48	6.99%	6.78%	47	-1	12	Improved	13
Protective Services: Non-sworn	215	33	15.35%	15.68%	34	1	-3	Not Improved	4
Administrative Support	485	104	21.44%	19.86%	96	-8	-11	Same	3
Technicians	164	<10	REDACTED	6.23%	10	1	4	Improved	3
Service Maintenance	12	<10	REDACTED	9.46%	<10	0	0	Same	0
Totals	2058	234	11.37%						

INDIVIDUALS WITH DISABILITIES									
Job Categories	Total Employees in Job Group	Total Number of Indiv./ with Disabilities in Group	% of Indiv. w/ Disabilities in the Group	Availability %	Availability Number	FY 2018-2020 Underutilized	FY 2016-2018 Underutilized	Improved, Not Improved, Same	Numerical Difference in the Two Plans
Officials/ Administrators	43	<10	REDACTED	10.70%	<10	0	0	Same	0
Professionals	452	26	5.75%	6.13%	28	2	1	Not improved	1
Protective Services: Sworn	687	<10	REDACTED	1.94%	13	4	10	Improved	6
Protective Services: Non-sworn	215	25	11.63%	8.62%	19	-6	-1	Same	5
Administrative Support	485	55	11.34%	9.08%	44	-11	-33	Same	22
Technicians	164	11	6.71%	6.88%	11	0	1	Improved	1
Service Maintenance	12	<10	REDACTED	7.56%	<10	0	0	Same	0
Totals	2058	132	6.41%						

Separation Analysis Tables

TOTAL SEPARATIONS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	23	7.96%	10	43.48%	<10	REDACTED	<10	REDACTED
Resignations	135	46.71%	76	56.30%	32	23.70%	10	7.41%
Retirement	123	42.56%	66	53.66%	<10	REDACTED	12	9.76%
Deaths	<10	REDACTED	<10	REDACTED	0	0.00%	0	0.00%
Lay-off	<10	REDACTED	<10	REDACTED	<10	REDACTED	0	0.00%
Total Separations	289	100.00%	155	53.63%	45	15.57%	24	8.30%

OFFICIALS/ADMINISTRATORS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Resignations	<10	REDACTED	<10	REDACTED	0	0.00%	<10	REDACTED
Retirement	<10	REDACTED	<10	REDACTED	0	0.00%	0	0.00%
Deaths	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	<10	REDACTED	<10	REDACTED	0	0.00%	<10	REDACTED

PROFESSIONALS								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	<10	REDACTED	<10	REDACTED	<10	REDACTED
Resignations	28	46.67%	17	60.71%	<10	REDACTED	<10	REDACTED
Retirement	25	41.67%	12	48.00%	<10	REDACTED	<10	REDACTED
Deaths	<10	REDACTED	0	0.00%	0	0.00%	0	0.00%
Lay-off	<10	REDACTED	<10	REDACTED	<10	REDACTED	0	0.00%
Total Separations	60	100.00%	34	56.67%	<10	REDACTED	11	18.33%

PROTECTIVE SERVICES: SWORN								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	0	0.00%	<10	REDACTED	0	0.00%
Resignations	13	24.53%	<10	REDACTED	<10	REDACTED	0	0.00%
Retirement	32	60.38%	<10	REDACTED	0	0.00%	<10	REDACTED
Deaths	<10	REDACTED	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	53	100.00%	<10	REDACTED	<10	REDACTED	<10	REDACTED

PROTECTIVE SERVICES: NON-SWORN								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	0	0.00%	0	0.00%	0	0.00%
Resignations	24	55.81%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Retirement	15	34.88%	<10	REDACTED	<10	REDACTED	<10	REDACTED
Deaths	<10	REDACTED	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	43	100.00%	12	27.91%	<10	REDACTED	<10	REDACTED

ADMINISTRATIVE SUPPORT								
Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	<10	REDACTED	<10	REDACTED	0	0.00%
Resignations	42	45.65%	36	85.71%	15	35.71%	<10	REDACTED
Retirement	39	42.39%	37	94.87%	0	0.00%	<10	REDACTED
Deaths	<10	REDACTED	<10	REDACTED	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	92	100.00%	81	88.04%	21	22.83%	<10	REDACTED

TECHNICIANS

Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Resignations	24	75.00%	14	58.33%	<10	REDACTED	<10	REDACTED
Retirement	<10	REDACTED	<10	REDACTED	0	0.00%	<10	REDACTED
Deaths	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	32	100.00%	18	56.25%	<10	REDACTED	<10	REDACTED

SERVICE MAINTENANCE

Types of Separation	Total Number	Total Percentage	Total Number of Women	Percentage of Women	Total Number of Minorities	Percentage of Minorities	Total Number of Indiv w/Disabilities	Percentage of Indiv w/Disabilities
Dismissal or Non-Certification	<10	REDACTED	0	0.00%	0	0.00%	0	0.00%
Resignations	<10	REDACTED	<10	REDACTED	0	0.00%	<10	REDACTED
Retirement	<10	REDACTED	0	0.00%	0	0.00%	0	0.00%
Deaths	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Lay-off	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total Separations	<10	REDACTED	<10	REDACTED	0	0.00%	<10	REDACTED