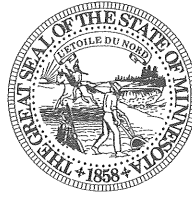


000314

# MINNESOTA BOARD OF PSYCHOLOGY

2829 University Avenue Southeast  
Suite #320  
Minneapolis, Minnesota 55414-3237  
(612) 617-2230; FAX (612) 617-2240



Minnesota Relay Service:  
1 (800) 627-3529

November 10, 1999

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STATE OFFICE BUILDING  
ST. PAUL, MN 55155

Legislative Reference Library  
State Office Building, Sixth Floor  
100 Constitution Avenue  
St. Paul, MN 55115

Enclosed please find a copy of the approved Minnesota Board of Psychology  
1998-2000 Affirmative Action plan.

Sincerely,

Deborah Sellin-Beckerleg  
Office Manager

Enclosure

Minnesota enacted a statewide affirmative action program (Minn.Stat. §43A.19) and agency affirmative action programs (Minn.Stat. §43A.191) in the 1978 legislative session. In addition, the Minnesota Department of Employee Relations established rules regarding the statewide affirmative action program for State agencies through the Administrative Procedures Act (Minn.Rules, Chapter 3905).

Each State agency is required to prepare and submit its affirmative action plan to the Department of Employee Relations. The Minnesota Board of Psychology submits the following affirmative action plan for 1998-2000.

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**APPROVED**

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**POLICIES AND PROCEDURES**

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Weather Emergencies

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- Complaint of Discrimination
- Request for Reasonable Accommodations
- Reasonable Accommodations Agreement

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## THE EXECUTIVE DIRECTOR'S STATEMENT OF COMMITMENT TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

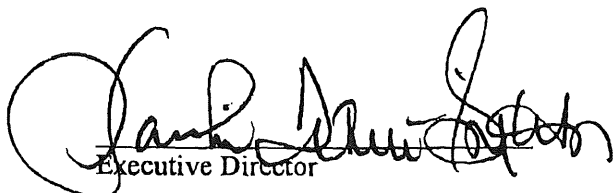
The Minnesota Board of Psychology is committed to the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action for its employees and the public it serves. I affirm my personal and official support of these policies, which provide:

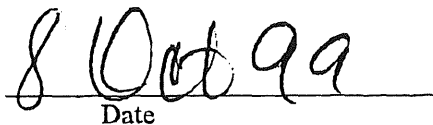
- That the agency will not tolerate discrimination on the basis of race, religion, creed, color, age, national origin, sex, sexual orientation, membership or activity in a local commission, disability, marital or public assistance status, political opinion or affiliation.
- That the Board will further strive to ensure equal access and opportunity in the services it provides to the public.
- That the Board will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce.

I will be held accountable for ensuring that Affirmative Action Programs are implemented since I am the individual who can ultimately make the most impact on this program. I shall have a statement in my position description on my affirmative action responsibilities.

In order to administer the plan most effectively, I have delegated the responsibility of Affirmative Action to Deborah Sellin-Beckerleg, who will act as the agency's Affirmative Action Officer designee and is responsible for monitoring the day-to-day activities of the program.

Anyone interested in reviewing the agency's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues, may contact our Affirmative Action Officer designee. A copy of the plan will be located on the agency's official bulletin board.

  
Executive Director

  
Date

---

## **Internal Discrimination Complaint Procedure**

---

The Minnesota Board of Psychology has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited. Complaint procedures may be modified in accordance with requirements or changes in applicable policies, rules, and collective bargaining agreements.

### **Responsibility of Employees**

All employees shall respond promptly to any and all requests by the Affirmative Action Officer designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer designee to carry out responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the Affirmative Action Officer designee shall be reported to the employee's supervisor and/or the Executive Director.

### **Who May File**

Any employee, applicant, or eligible of the Minnesota Board of Psychology who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, political opinion or affiliation or veterans status may file a complaint. Employees who are terminated must file their internal complaint prior to their actual separation.

### **The Complaint Procedure**

The complaint procedure provides two avenues for resolution of discrimination complaints. The informal procedure provides an opportunity for anyone who believes that they have been harassed or discriminated against to discuss the situation immediately with the Affirmative Action Officer designee, their supervisor or the Executive Director to ask for advice or to seek an informal resolution. If the informal procedure is unsuccessful, if the complainant is dissatisfied with the resolution, or if the complainant prefers to bypass the informal process, the formal procedure is used. In the case of a sexual harassment complaint, only the formal process may be used.

### **Informal Procedures**

Employees, applicants, or eligibles must present their complaint to the Affirmative Action Officer designee in an effort to reach an informal resolution. The Affirmative Action Officer designee must give the complainant an oral or written answer with ten (10) working days in an effort to resolve the complaint. If the employee feels uncomfortable discussing the matter with the Affirmative Action Officer designee, or the complaint is against the Affirmative Action Officer designee, the employee may present the complaint to the employee's supervisor or the Executive Director, who will attempt to resolve the matter informally. Employees also have the right to participate in the statewide Workplace Mediation Project, administered by the Office of Dispute Resolution at the Bureau of Mediation Services.

The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, membership or activity in a local commission, disability,

sexual orientation, age, political opinion or affiliation. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Project.

- A. If it is determined that the complaint is **not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee within ten (10) working days will inform the complainant.
- B. If the complaint is related to discrimination, the Affirmative Action Officer designee will contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within ten (10) working days.

### **Formal Filing Procedures**

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees should file the formal complaint within 30 days of the occurrence of the event giving rise to the complaint. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age, political opinion or affiliation. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Project.
  - B. If it is determined that the complaint is **not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee within ten (10) working days will inform the complainant.
  - B. If the complaint is related to discrimination, the Affirmative Action Officer designee will contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within ten (10) working days.
3. The Affirmative Action Officer designee shall investigate the complaint and provide a written answer within sixty (60) days after the formal complaint is filed. The complainant will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
4. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but not be limited to, the following types of data:
  - A. Interviews or written interrogatories with all parties involved in the complaint: complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
  - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.

**Formal Filing Procedures (continued)**

5. At the conclusion of the investigation, the Affirmative Action Officer designee shall review the findings of the investigation and, if sufficient evidence substantiates the complaint, appropriate action will be taken by the supervisor or manager. The complainant(s) and respondent(s) will be notified of the completion of the complaint investigation. Any other information released regarding the investigation will be pursuant to the Minnesota Government Data Practices Act.
6. If the Affirmative Action Officer designee believes insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s) and the respondent(s) dismissing the complaint.
7. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or supporting documentation and data for three (3) years after the case is closed.
9. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

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**Objective to Hire Protected Group Members**

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The Minnesota Board of Psychology has had only one permanent, full-time vacancy in our nine-employee office.

When the Board has a vacancy, it makes a concerted effort to hire protected group members. The Board may request that the Equal Opportunity Division of the Department of Employee Relations approve expansion of the eligible list to include protected group members so that the Board may have an opportunity to act affirmatively.

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## Reasonable Accommodation Policy

---

### Policy

The Board of Psychology (Board) is committed to encouraging the employment of people with disabilities. The Board will make reasonable accommodations to the physical or mental limitations of a qualified applicant, employee seeking promotion or current employee with a disability; unless the accommodation would impose an undue hardship on the agency.

Accommodations will be provided to qualified individuals, whether an employee, an employee seeking a promotion or job applicant, when such accommodations are directly related to applying for a job, performing a job or completing a job. Accommodations will not be provided for non job-related needs such as transportation to and from an interview site or to and from work.

An individual with a disability is defined as:

- A person who has a physical or mental impairment that substantially limits one or more major life activity;
- A person who has a record of such impairment; or
- A person who is regarded as having such an impairment.

Examples of Reasonable Accommodation May Include, but Are Not Limited To:

1. *Modification of equipment or assistive devices.* This may involve purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
2. *Job site modifications.* Modifications may involve adjustments to equipment height, addition of electrical outlets, relocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. *Job restructuring.* This may involve modification of work hours and/or changing job duties while retaining the basic job functions or reassignment to a vacant position of equal status when possible and appropriate.
4. *Support service.* This may involve arranging for services such as interpreters for people with hearing impairments, readers for people who are blind or accommodating special attendants.



## **Procedure: Requests for Reasonable Accommodations for Employees**

The steps to request a reasonable accommodation for current employees and employees seeking promotion are:

1. The supervisor and the individual with the disability shall discuss the need for the accommodation and discuss alternatives, such as job restructuring, job site modification, and accessible devices.
2. The supervisor shall provide the employee with a copy of the Board's Reasonable Accommodation Policy for the employee's records and shall obtain the employee's signature on a copy of the policy acknowledging the fact that the employee has discussed the policy's requirements and has read and understands its provisions.
3. The supervisor shall inform the Affirmative Action Officer designee of the request and shall submit to the Affirmative Action Officer designee, the employee's completed Request for Reasonable Accommodations form (copy can be obtained from Affirmative Action Officer designee). The request will include a justification for the request including a statement of the limitations, the suggested accommodation, approximate cost, of the accommodation and any other pertinent information. The Affirmative Action Officer designee will assist the supervisor by providing the necessary resources and information. The supervisor shall submit with the Request for Reasonable Accommodation form, documentation regarding the employee's disability and its effect on the employee's ability to do the work without the requested special accommodation. Documentation shall be in the form of a letter from the employee's health care professional, including, but not limited to, the following information about the employee's disability: a statement of the disability and the limitations it imposes, any suggested accommodations, and any other relevant information. Documentation shall be arranged for by the employee and shall be sent to the Affirmative Action Officer directly from the health care professional.
4. The supervisor shall obtain from the employee an informed written consent authorization to receive information in connection with his/her request for reasonable accommodation.
5. The supervisor will forward the Request for Reasonable Accommodation form and the informed written consent authorization to the Affirmative Action Officer designee within three (3) working days of receiving the material.
6. The Affirmative Action Officer designee will review, with assistance from the supervisor, the request and assist the supervisor in recommending reasonable accommodations. The Affirmative Action Officer designee will forward the request with a recommendation to the Executive Director within seven (7) working days thereafter.
7. The decision shall be provided in writing to the supervisor and employee within five (5) working days after the determination is made by the Executive Director.
8. If the Board cannot make the accommodation, the written determination will give the reason(s). If the Board can make the accommodation, the Affirmative Action Officer designee will execute with the employee or applicant a Reasonable Accommodation Agreement form.

### **Procedure: Requests for Reasonable Accommodations for Employees (continued)**

9. The Affirmative Action Officer designee shall maintain all documents pertaining to the accommodation in accordance with the MN Government Data Practices Act.

### **Funding for Reasonable Accommodations**

The Board shall provide funding within its fiscal appropriation and ability for reasonable accommodations. All expenditures of funds for the accommodations shall be approved by the Executive Director. When determining whether or not to make the accommodation without imposing undue hardship on the Board, the following factors must be considered:

- The size and fiscal constraints of the Board'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.
- Documented good faith effort to explore a less restrictive or less expensive alternative.

### **Procedure: Requests for Reasonable Accommodations for Job Applicants**

1. All initial communication between a job applicant and the Executive Director or designee regarding a position at the Board shall indicate the willingness of the Board to make a reasonable accommodation upon request, prior to the job interview.
2. The Executive Director or designee shall contact the Affirmative Action Officer designee immediately to indicate when an accommodation is needed. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.
3. The Affirmative Action Officer designee shall contact the applicant to discuss the needed accommodation and discuss possible alternatives, if necessary.
4. The agreed upon accommodation shall be provided if the Board can make the reasonable accommodation and if the cost does not cause an undue hardship on the Board.
5. If approved by the Executive Director, the Affirmative Action Officer designee shall take the necessary steps to see that the accommodation is provided.

### **Supported Work**

The Minnesota Board of Psychology will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from DOER. The Minnesota Board of Psychology will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

### **Denial for Accommodations**

All denials of requests for accommodation will be documented and kept on file by the Affirmative Action Officer designee. The Affirmative Officer designee shall notify the employees of their right to file a complaint of discrimination under the affirmative action plan's complaint procedure and advise the employees of their right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission, or other legal channels.

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## Harassment Policy

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### Statement of Policy

It is the policy of the Minnesota Board of Psychology to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, age or political affiliation. This prohibition with respect to harassment includes both serious acts and petty and annoying acts which create a negative work environment. Any employee subjected to such harassment should file a complaint with the agency's Affirmative Action Officer designee. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

1. Making certain that each individual who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
2. Notifying all employees, and orienting each new employee who is hired, of this policy; and
3. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

### Definitions

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

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

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

**Definitions (continued)**

It is possible for discriminatory harassment, including sexual harassment, to occur: 1) among peers or co-workers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Board's Affirmative Action Officer designee, their supervisor, or the Executive Director. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Clearly, varying degrees of seriousness in discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions, including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors which do not rise to the level of discriminatory harassment, yet are annoying and perhaps insulting, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

**Procedure**

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

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in our agency's affirmative action plan.

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## **Weather Emergencies**

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The weather emergency plan of Acting Commissioner Karen Carpenter of the MN Department of Employee Relations is reprinted below, with permission from the Department.

### **Weather Emergencies**

When weather conditions become hazardous for travel, it may be necessary for the state to declare a weather emergency and close state offices. Considering several key factors (road maintenance, transit operation, overall weather situation, and other factors such as power and heating), the Department of Employee Relations (DOER) works in conjunction with other state agencies to determine the best course of action for state employees. DOER consults with the Emergency Management Division of the Department of Public Safety. This division is responsible for planning and coordinating emergency operations in the State of Minnesota. They monitor the weather service, highway patrol, road crew operations, transit operations, and other emergency indicators. DOER also consults with the commissioners of the Departments of Public Safety and Transportation.

The decision to declare an emergency can be statewide or limited to a specific portion of the state. Any decision to close state offices due to an emergency does not apply to employees who are required by their agency to work during a weather emergency.

### **How to Find Out About a Weather Emergency**

If an emergency is declared, DOER will give the following announcement to WCCO radio (830-AM) for broadcast:

A weather emergency has been declared by the commissioner of the Department of Employee Relations. As of (time and date), all Minnesota state offices will be closed in the following area: (geographic area). This does not apply to employees who are required by their agency to work during a weather emergency.

## **How to Find Out About a Weather Emergency (continued)**

There may be times when weather and travel conditions are poor, but criteria for declaring a weather emergency are not met. In these situations, we will provide the following announcement to WCCO:

State of Minnesota offices will be open. Employees designated as essential under individual agency weather condition policies are expected to report to work. Other employees should use judgment and discretion in reporting to work. Absences due to weather may be covered by vacation, compensatory time or other arrangements.

Employees are encouraged to listen to WCCO if severe weather conditions exist. If you cannot receive WCCO, you may call the station directly at (612) 370-0681, or you may call the Emergency Management Duty Officer for the state at (651) 649-5451 (metro) or 1-800-422-0798 (greater Minnesota).

### **If You Have a Hearing Impairment**

Consult with your supervisor to arrange a procedure that is most appropriate for you to learn about weather emergencies. If you have a TDD machine, you may make arrangements for your supervisor to contact you through the Direct Connect Minnesota Relay Service (MRS) at (651) 297-5353 (metro) or 1-800-627-3529 (greater Minnesota).

All employees will be notified as outlined in this plan. Employees who are deaf or hard of hearing and who receive special notification will be informed, if at work, by the supervisor or designated backup staff in the case of an emergency. If the employee is not at work and uses TDD for telephone communication and an emergency is called, the supervisor will contact the employee through the Minnesota Relay Service at 1-800-627-3526 to inform the employee of the emergency.

### **Building Evacuation**

All Board employees have received a copy of the University Park Plaza tenant handbook which contains the building evacuation procedure. The handbook requests that all tenants "assist any handicapped or disabled individuals as necessary". Therefore, Board employees will pre-arrange an escape plan in the event of a building evacuation with any employee with a disability or limitation. Employees of the Board will likewise arrange an escape plan with applicants with disabilities or limitations, if a building evacuation becomes necessary while they are in the building.

## COMPLAINT OF DISCRIMINATION

### Please Read Before Completion of Form

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Officer designee, the complainant, your supervisor, and the Executive Director.

### Complainant (You)

|                          |                       |                       |
|--------------------------|-----------------------|-----------------------|
| <b>Complainant (You)</b> |                       |                       |
| Name                     | Job Title             |                       |
| Work Address             | City, State, Zip Code | Telephone<br>( )      |
| Agency                   | Division              | Supervisor or Manager |

### Respondent (Person Who Discriminated Against You)

|  |                       |                       |
|--|-----------------------|-----------------------|
| <b>Respondent (Person Who Discriminated Against You)</b> |                       |                       |
| Name   | Job Title             |                       |
| Work Address   | City, State, Zip Code | Telephone<br>( )      |
| Agency   | Division              | Supervisor or Manager |

### The Complaint

|  |  |
|--|--|
| <b>The Complaint</b>   |  |
| Basis of Complaint ("X" all that apply):   |  |
| Race      Color      Disability      Sexual Orientation      Political Opinion or Affiliation<br>Gender      Creed      Marital Status      Harassment      Veterans Status<br>Age      Religion      National Origin      Membership or Activity in a Local Commission<br>Status with Regard to Public Assistance |  |
| Date most recent act of discrimination took place  | If you filed this complaint with another agency, give the name of that agency: |
| Describe how you believe that you have been discriminated against (names, dates, places, etc.)   |  |

Use a separate sheet of paper if needed and attach to this form.

| <b>Information on Witnesses Who Can Support Your Case</b> |                     |                       |
|---|---------------------|-----------------------|
| <b>Name</b>   | <b>Work Address</b> | <b>Work Telephone</b> |
| 1.  |                     | ( )                   |
| 2.  |                     | ( )                   |
| 3.  |                     | ( )                   |

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

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

Complainant Signature

Date

Affirmative Action Officer's Signature

Date



## REASONABLE ACCOMMODATION AGREEMENT

|   |  |
|---|--|
| <b>Name of Employee/Applicant:</b>  |  |
| <b>Work Address:</b>  |  |
| <b>You are an:</b>  | <input type="checkbox"/> <b>Applicant for Employment</b> <input type="checkbox"/> <b>Employee of the Board</b> |
| <b>Job Title:</b>   |  |
| <b>The Minnesota Board of Psychology and the above employee or applicant mutually agree to the following accommodations at the work site in the letterhead above.</b> |  |
| _____   |  |
| _____   |  |
| _____   |  |
| _____   |  |
| _____   |  |
| _____   |  |
| <i>(Attach additional sheets, if necessary.)</i>  |  |
| <b>Signature of Employee/Applicant:</b>   | <b>Date:</b>   |
| <b>Signature of Board Representative:</b>   | <b>Date:</b>   |
| <b>Title:</b>   |  |