

1450 Energy Park Drive, Suite 350  
Saint Paul, MN 55108-5227

Telephone: (651) 642-0533  
(800) 657-3866  
Financial Aid: (651) 642-0567

Fax: (651) 642-0675  
E-mail: [info@heso.state.mn.us](mailto:info@heso.state.mn.us)  
Internet: [www.heso.state.mn.us](http://www.heso.state.mn.us)

000434

For the Hearing Impaired:  
TTY Relay: (800) 627-3529

RECEIVED

AUG 15 2000

LEGISLATIVE REFERENCE LIBRARY  
STATE OFFICE BUILDING  
ST. PAUL, MN 55155

December 6, 1999

Legislative Reference Library  
State Office Bldg.  
Sixth Floor  
100 Constitution Avenue  
St. Paul, MN 55155

To Whom It May Concern:

Per instructions by the Office of Diversity & Equal Opportunity, Minnesota Department of Employee Relations, enclosed is a copy of the 1998-2000 Affirmative Action Plan for the Minnesota Higher Education Services Office.

Sincerely,

  
Mary Lou Dresbach  
Director, Human Resources & Agency Services

(1)

(2)

(3)

## Affirmative Action Plan Checklist

Agency: **Higher Education Services Office**

Contact Person: **Mary Lou Dresbach**

### Agencies with 25 or More Employees

#### X 1. Transmittal Sheet

- Identifies protected groups by bargaining unit
- Shows underutilization
- Signature of Affirmative Action Officer
- Signature of Agency Head

#### X 2. Statement of Commitment

- Statement signed by Agency Head
- Commitment to state's affirmative action efforts
- Commitment to implementation of affirmative action plan
- Commitment to affirmatively retain protected group employees
- (Optional) Statement indicating that agency will not tolerate discrimination on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, membership or activity in a local commission, or age

#### X 3. Identify the Affirmative Action Officer/Designee & Duties

- Directing and implementing agency affirmative action plan
- Specific responsibilities
- Accountable to whom
- Duties of person or group

#### X 4. Communication of Affirmative Action Plan

- Internal methods by which the agency's affirmative action plan is communicated to employees and other interested persons (Specify a readily accessible location for the posting of the agency's AA plan).
- External methods by which the agency's affirmative action plan is communicated to employees and other interested persons (Ex.: where, when, and how agency will communicate to the public that agency is "An Equal Opportunity Employer")

#### X 5. Complaint Procedure (For Processing Complaints of Alleged Harassment and Discrimination)

- Harassment/Discrimination Policy statement (Introduction)
- Who can file:
  - Employees
  - Applicants
  - Eligibles
- Initial step must provide for a determination of whether the complaint is properly a discrimination complaint, and therefore, appropriate to be addressed by the internal procedure. In addition, include:
  - Time limits on this initial step determination must be established to permit the applicant, eligible, or employee to pursue a complaint determined to be other than a discrimination complaint through other appropriate grievance procedures in accordance with the time limits of those procedures.

Agencies with 25 or More Employees

Page Two

Complaint Procedure (continued)

- Process and timeline of complaint procedure (final written answer within 60 days after a formal complaint is filed; disposition of complaints filed with commissioner within 30 days of final determination)
  - (Optional) Definitions of harassment, discrimination, etc.
  - (Optional) Identify who is responsible for investigation & communication
  - (Optional) Identify who has authority to issue & communicate results
  - (Optional) Sample complaint form
- X 6. Goals and Timetables
- Identify hiring goals for Affirmative Action Plan period
  - Identify timeline for hiring
- X 7. Programs and Program Objectives
- Identify & describe methods for developing programs designed to meet AA goals
  - Identify program objectives
- X 8. Methods of Auditing, Evaluating, Reporting Program Success
- Pre-employment review procedure of all hiring decisions for goal units with unmet affirmative action goals.
  - Pre-review procedure of all layoff decisions to determine their effect on agency affirmative action goals and timetables
  - Methods of auditing, evaluating, reporting program success. These could include a discussion of:
    - (Optional) Record keeping (Statement that recordkeeping is done on hires, turnover, protected group reports, purchase orders for recruitment fees paid, notes on specific recruitment activities, complaints filed, etc.)
    - (Optional) Evaluation of affirmative action program, hires, recruitment, retention, turnover & complaints, etc.
- X 9. Weather Emergencies & Evacuation
- Include statement of how weather emergencies are declared and communicated to employees
  - Define weather emergency situations and plans for evacuation or safety
  - Define methods of communication, evacuation and safety of disabled person
  - (Optional) Include administrative procedure 5.4 regarding time off in emergencies
- X 10. Reasonable Accommodation
- Identify the individual(s) responsible for ADA compliance
  - Procedures for compliance with section 363.03 and, where appropriate, regulations implementing United States Code, title 29, section 794, as amended through December 31, 1984, which is section 504 of the Rehabilitation Act of 1973, as amended and the Americans with Disabilities Act, United States Code, title 42, sections 101 to 108, 201 to 231, 241 to 246, 401, 402, and 501 to 514
  - Methods and procedures for providing reasonable accommodations for:
    - Job applicants with disabilities
    - Current employees with disabilities
    - Employees seeking promotion with disabilities
    - Provisions for funding reasonable accommodations
    - (Optional) Include definition of undue hardship
    - (Optional) Copy of Reasonable Accommodation form
    - (Optional) Copy of Reasonable Accommodation Agreement form

Agencies with 25 or More Employees

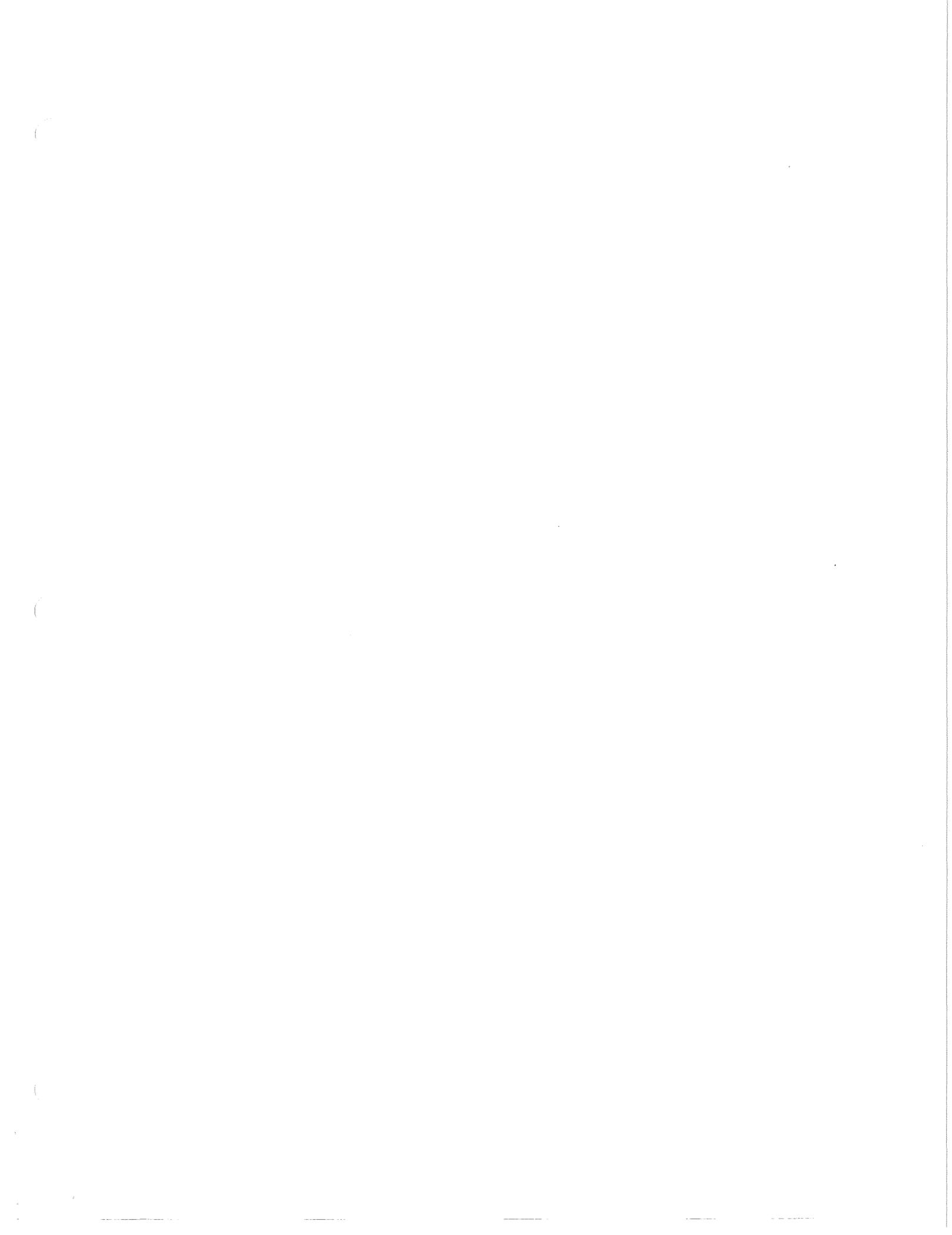
Page Three

X 11. Recruitment Plan

- Identify advertising sources used during the previous year, expenses incurred & results of their use
- Identify other methods used to recruit for positions during the reporting period
- List job fairs attended during previous year and projected attendance at fairs for upcoming affirmative action plan period
- Identify projected hiring opportunities for upcoming period and strategies to recruit for those positions
- Identify measures to recruit and hire individuals as described in Internship Administrative Procedures
- Identify methods to improve recruitment of persons with disabilities
- Supported work (Mention here or in separate section about supported work)
  - Identify any positions or functions in the agency that can be used for supported employment as defined in section 268A.01, subdivision 13, of persons with severe disabilities (Call Joanna Morken Hardy with questions at 297-8849)
  - Identify measures to recruit and hire individuals in supported employment as described in M.S. 43A.421 (i.e. a plan for filling such positions - Call Joanna Morken Hardy with questions)
- (Optional) Statement that you will ensure that recruitment activities are in compliance with ADA (making materials available in alternate formats and that meeting locations are accessible)
- (Optional) Identify & list duties of person responsible for implementation of recruitment plan

X 12. Retention Plan

- Designate person(s), (including name, division, and position), who are responsible for agency's retention program/activities
- Analyze separation & layoff patterns of all employees to determine the impact on protected group members. Analysis must contain data for the previous two year period.
- Identify specific methods to retain protected group employees (e.g., mentorship, training, individual development plans, employee network groups, etc.)



# **Affirmative Action Plan**

## **1998 - 2000**

**Minnesota Higher Education Services Office**

**This material can be given to you in alternative formats such as large print, Braille, or on tape. To request another format, please contact the Minnesota Higher Education Services Office at (651) 642-0567 or for TTY Relay Service call 1-800-627-3529.**



## Table of Contents

	<u>Page</u>
<b>Statement of Commitment.....</b>	<b>1</b>
<b>Affirmative Action Officer: Designee and Duties.....</b>	<b>2-5</b>
<b>Communication and Dissemination of Affirmative Action Plan.....</b>	<b>5-6</b>
<b>Complaint Procedures.....</b>	<b>6-7</b>
<b>Programs and Program Objectives.....</b>	<b>7-9</b>
<b>Methods of Auditing, Evaluating, Reporting Program Success.....</b>	<b>9-12</b>
<b>Weather Emergencies.....</b>	<b>12-13</b>
<b>Reasonable Accommodation.....</b>	<b>13-16</b>
<b>Recruitment Plan.....</b>	<b>16-17</b>
<b>Retention Plan.....</b>	<b>17-19</b>

### Appendices



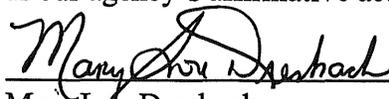
**Minnesota Higher Education Services Office  
1998-2000 Affirmative Action Plan**

**Transmittal Form**

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

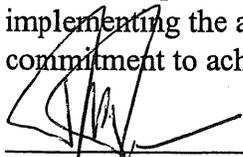
GOAL UNITS	PROTECTED GROUPS		
	WOMEN	MINORITIES	DISABLED
MHESO Unclassified Compensation Plan			x
MAPE/General Professional			
AFSME/Clerical		x	
MMA/Supervisory			
Commissioner's Plan			

This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been informed of this procedure as well as our agency's affirmative action goal for this fiscal year.

  
 Mary Lou Dresbach  
 Affirmative Action Officer

11/17/99  
 Date

This annual plan contains clear designations of those individuals and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

  
 Robert K. Poch  
 Director

11/21/99  
 Date

This annual plan meets the requirements governing affirmative action under MN Statutes 43A.19-43A.21 and MN Rules 3905.0100-3905.0700, and contains goals and timetables as well as methods for achieving them which are reasonable and proactive in dealing with the identified disparities.

  
 Director of Diversity & Equal Opportunity

11/23/99  
 Date

**Minnesota Higher Education Services Office  
1998-2000 Affirmative Action Plan**

---

**Goals and Timetables**

Goals and timetables have been established as an integral part of affirmative action programs to provide employers with a target to aim for. The purpose behind goals and timetables is to eventually eliminate underutilization of protected group members in an employer's workforce.

This Plan is written to address disparity/underutilization among protected groups and within specific bargaining units. A disparity/underutilization exists when the agency's percentage of protected group persons within a bargaining unit is less than the percentage goals determined for the agency.

MHESO staff are represented under the following bargaining units:

MHESO Managerial and Professional Compensation Plan (Unclassified Plan)

MAPE/General Professional (Classified)

AFSME Clerical

MMA/Supervisors                   **[fewer than 5 employees-no goals set]**

Commissioner's Plan               **[fewer than 5 employees-no goals set]**

The following are the affirmative action hiring goals for FY 1998-FY 1999. [No goals were set for bargaining units which consist of five or fewer employees.]

Bargaining Unit	Anticipated Hiring Opportunity	To Hire
MHESO Unclassified Plan	1	Disabled
MAPE	0	-----
AFSME	2	Minority

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

**Statement of Commitment**

The Minnesota Higher Education Services Office (MHESO) fully recognizes and supports the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative Action efforts. The MHESO is committed to the policy of implementing and maintaining an affirmative action program designed to identify and correct imbalances of protected groups in the work force and to foster correction of any imbalances which may exist.

The MHESO is supportive of efforts to provide equal opportunity to current and prospective employees without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, marital or family status, disability, membership or activity in a local commission, or status with regard to public assistance. To ensure equal opportunity of all protected groups, the MHESO will ensure that all positions are accessible to all qualified persons and will make efforts to recruit, hire, retain and support qualified protected group members.

The MHESO fully supports the non-discriminatory provision of all state and federal laws, rules, regulations, policies, and guidelines regarding non-discrimination and equal opportunity.

As Chief Executive Officer of the Higher Education Services Office, I am strongly committed to the principles and policies of effective affirmative action. All management and supervisory staff have responsibility for progressive affirmative action in the performance of their responsibilities and I enlist the assistance of all employees in the effort to achieve equal opportunity for all groups within this agency.

The designated MHESO Affirmative Action Officer is Mary Lou Dresbach, Director of Human Resources and Agency Services.

I encourage employees of the Minnesota Higher Education Services Office to take an active role in the support of this policy as we continuously strive to improve service to our customers and to fulfill the mission of this agency.

12/2/99  
Date



\_\_\_\_\_  
Robert K. Poch, Director  
Minnesota Higher Education Services Office

## **Affirmative Action Officer: Designee and Duties**

### **A. Director of the Minnesota Higher Education Services Office**

The Director of MHESO is responsible for the overall direction of the agency's Affirmative Action Plan in compliance with existing federal and state laws, rules and regulations. The Director will take the appropriate actions to remove all artificial barriers to equal opportunity within the agency.

#### **Accountability**

The Director of MHESO is accountable to the Minnesota Higher Education Services Council, the Governor, the Legislature, and the Commissioner of Employee Relations for the implementation and maintenance of the agency's Affirmative Action Plan.

#### **Duties of the Director**

1. To designate a top executive as the agency's Affirmative Action Officer.
2. To take action on complaints of alleged discrimination.
3. To issue a statement affirming support of the State's equal opportunity policy for the MHESO and to ensure that such a statement is disseminated to all employees.
4. To make such decisions and changes in policy or procedure as may be needed to facilitate affirmative action goals and policies within the agency.
5. To submit reports, as directed by the Commissioner of Employee Relations, regarding the agency's efforts in meeting affirmative action goals and progress resulting from those efforts.

### **B. Affirmative Action Officer/Designee**

The Affirmative Action Officer/Designee is responsible for the overall implementation, administration, and maintenance of the Affirmative Action Plan.

**Minnesota Higher Education Services Office  
1998-2000 Affirmative Action Plan**

---

**Accountability**

The Affirmative Action Officer is accountable directly to the MHESO Director for all affirmative action matters, including directing and implementing the agency's affirmative action plan.

**Duties of the Affirmative Action Officer**

1. To write and update the agency's affirmative action plan.
2. To coordinate and monitor the plan.
3. To investigate complaints of discrimination and report findings with recommendations to the MHESO Director.
4. To ensure that all affirmative action reporting requirements as prescribed and required by the Diversity and Equal Opportunity Division, Department of Employee Relations are completed.
5. To ensure the communication and dissemination of the agency's Affirmative Action Plan.
6. To act as the liaison between the MHESO and the Diversity and Equal Opportunity Division, Department of Employee Relations, for purposes of affirmative action.
7. To review, respond to, and facilitate approved requests for reasonable accommodation from employees and prospective employees in a fair and equitable manner.
8. To determine the need for affirmative action training within the agency and to facilitate opportunities for such training with the assistance of the Diversity and Equal Opportunity and Training & Resource Center of the Department of Employee Relations, and outside resources, as necessary.
9. To review and recommend changes in policies, procedures, and programs to facilitate affirmative action and the achievement of affirmative action goals contained in this plan.
10. To support and participate in the recruitment, selection, retention and support of protected group persons as employees with the MHESO.

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

11. To maintain contact with protected group resources for recruitment purposes.
12. To notify all contractors and subcontractors with whom the agency does business, of their affirmative action responsibilities.

**C. Division Directors, Managers, and Supervisors**

Division Directors, Managers, and Supervisors are responsible for supporting the agency's Affirmative Action Plan and ensuring the equal treatment of all employees.

**Accountability**

Division Directors are directly accountable to the MHESO Director. Managers and supervisors are accountable to Division Directors.

**Duties of Division Directors, Managers, and Supervisors**

- A. To assist the agency's Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- B. To assist the agency's Affirmative Action Officer in recruiting, hiring, retaining and supporting protected group persons.
- C. To select candidates for positions or promotional opportunities on the basis of experience, skills, training/education, the agency's affirmative action goals, and in consultation with the Affirmative Action Officer as per the pre-employment review process.
- D. To advise the Affirmative Action Officer of all requests for reasonable accommodation by employees and prospective employees under their supervision.
- E. To ensure that the agency's Affirmative Action plan is communicated to all MHESO employees and that copies of the agency's Affirmative Action Plan are made available to all employees under their supervision.
- F. To assist the agency's Affirmative Action Officer by advising employees under their supervision of the availability of training and improvement opportunities, as appropriate.
- G. In conjunction with the Affirmative Action Officer, to respond to inquiries related to

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

discrimination complaints within 5 working days and to ensure that no reprisals are made against an employee for filing a discrimination complaint.

**Communication and Dissemination of Affirmative Action Plan**

The Affirmative Action Plan will be introduced and discussed at an agency staff meeting upon approval by ODEO. Copies of the Affirmative Action Plan will be distributed to all employees at that meeting with a cover memo explaining the responsibility of all employees to read, understand, support and implement the Plan. Additional copies of the Affirmative Action Plan will be available from the MHESO Human Resources and Agency Services Division and will be part of the on-line MHESO Employee Manual which each staff member can access via personal computer. The material can be made available in alternative formats such as large print, braille or on audio tape upon request to the MHESO Human Resources and Agency Services Director.

The MHESO Affirmative Action Officer/Designee will ensure that all employees receive a copy of the MHESO Affirmative Action Plan, and are advised of the policy of non-discrimination, reasonable accommodation and the procedure for filing a complaint.

**Internal Communication of Affirmative Action Plan**

1. Copies of this plan will be given to all current and future permanent employees at their initial orientation session.
2. A copy of the plan will be posted in the agency's Human Resources information cubicle and copies will be available from the MHESO Human Resources and Agency Services Division. The Plan will also be available as part of the MHESO Employee Manual, which is located on the agency network drive.
3. All managers and supervisors will be responsible for assisting in the communication of the policy and spirit of the Plan to employees under their supervision.
4. All position announcements will contain material identifying the agency as an *equal opportunity employer* committed to affirmative action.
5. The agency's commitment will be communicated in reports, employee orientation materials, and agency policy manuals, the job postings, and other such notices.
6. Revisions/updates to the Plan will be provided to all employees.

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

**Communication of Affirmative Action Plan to External Customers**

1. All contracts and agreements will contain equal opportunity provisions, as appropriate.
2. A mailing list consisting of community groups and publications serving protected group persons will be maintained and utilized to inform such entities of agency activities and employment/position opportunities.
3. All public relations and promotional materials will be reviewed for equal opportunity content and contain statements identifying the agency as an equal opportunity employer. In addition, the agency's commitment will be communicated in newsletters, publications, and other appropriate published materials.

**Internal Discrimination Complaint Procedure**

The Management Planning Team of the Minnesota Higher Education Services Office seeks to maintain a working environment free from discrimination, discriminatory harassment or hostility; and where open, honest communication is encouraged. The MHESO Harassment Policy provides the procedures to be followed to file a discrimination complaint or discriminatory harassment complaint. The informal procedures and formal procedures in the Harassment Policy are designed to provide an opportunity to resolve problems *internally* before seeking redress from an outside authority. However, all employees have the right to file a charge with the Department of Human Rights or other agencies. Anyone filing an internal discrimination complaint or serving as a witness related to such a complaint shall do so without fear of coercion, reprisal or intimidation. The MHESO will not tolerate discrimination or discriminatory harassment.

**Definition of a Complaint**

A complaint is a dispute or disagreement raised by an employee, an eligible, or an applicant against another agency employee related to a matter involving discretion in the application of specific provisions of Personnel Law, Rules, Administrative Procedures or policies; or of collective bargaining agreements of plans; or with regard to any matter for which dispute resolution or redress is not otherwise available.

**Responsibility of Agency Employees**

All employees shall respond promptly to any and all requests by the Affirmative Action Officer [AAO] for information and for access to data and records for the purpose of enabling the AAO to

**Minnesota Higher Education Services Office  
1998-2000 Affirmative Action Plan**

---

carry out her/his responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the AAO shall be reported to her/his manager and the MHESO Director.

**Who May File**

Any employee, applicant, or eligible of the Minnesota Higher Education Services Office who believes they have been discriminated against or harassed by reason of race, religion, creed, color, age, national origin, sex, sexual orientation, marital or family status, disability, membership or activity in a local commission, or status with regard to public assistance may file a complaint. An employee who is terminated must file his/her complaint prior to his/her actual separation. Complaints related to other types of discrimination should be filed under the procedures defined in the MHESO Harassment Policy or the employee's bargaining unit contract or compensation plan.

In addition to the procedures outlined in the Complaint Procedure, individuals who wish to file a complaint of discrimination must complete a Complaint of Discrimination form [Appendix A-1] of the MHESO Affirmative Action Plan and submit it to the MHESO Affirmative Action Officer.

**Programs and Program Objectives: 1998-2000**

**Program: Affirmative Action Education**

Objective: To encourage division directors, managers, supervisors, and employees to learn more about affirmative action issues including: prevention of various types of harassment and discrimination, cultural diversity, and other issues relating to affirmative action.

Responsibility: Affirmative Action Officer/Personnel Officer

Completion Date: Ongoing

Action Steps:

1. Work with the Department of Employee Relations to identify educational opportunities and resources that agency staff can access to learn more about topics and issues related to affirmative action.

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

2. Provide an overview of the agency Affirmative Action Plan for agency staff. Provide specific information about components of the Plan for which managers and supervisors will be held accountable.
3. Emphasize to supervisors and managers their role in implementing the Affirmative Action Plan, fostering diversity and respect in the workplace, and creating an atmosphere that contributes to retention of protected group members.
4. Include coverage of the agency Affirmative Action Plan as part of the agency orientation/information session with newly hired staff.

**Program: Affirmative Action Hiring**

Objective: To continue to attempt to hire affirmatively and include Affirmative Action consideration in the hiring process.

Responsibility: Affirmative Action Officer and Personnel Officer

Completion Date: Ongoing

Action Steps:

1. The Personnel Officer or Director of Human Resources and Agency Services will collect, maintain and provide current information regarding disparities to division directors, managers, and supervisors.
2. Prior to assisting supervisors and managers with the hiring process, the Personnel Officer will check Affirmative Action data, identifying disparities that exist within the agency.
3. When a disparity exists, the Personnel Officer will remind supervisors and managers that the pre-employment review procedure must be used prior to interview activities. The Pre-employment Review Procedure is followed for recruitment and all hiring decisions especially for goal units with unmet affirmative action goals. The Pre-employment Review Procedures are located on pages 9-12.
4. MHESO Human Resources staff will maintain files on hiring situations where a protected group candidate was not hired and a disparity existed.

## Methods of Auditing, Evaluating, Reporting Program Success

### Pre-employment Review Procedure

In order to meet the agency's affirmative action goals, the following actions will be taken:

A. Consultation with Managers

Managers will be advised of the goals and disparities for the various bargaining units by the Affirmative Action Officer/designee whenever a vacancy occurs.

B. Selection Process

- A. A vacant position is created due to a resignation, promotion, transfer, leave of absence, termination, or establishment of a new position. The director or manager of the affected division/program may or may not request to fill the position.
- B. If a decision is made to fill the vacancy, the Affirmative Action Officer/designee will be notified. Based on the agency's affirmative action goals, the AAO/designee will determine if a disparity exists in the bargaining unit that the vacancy occurs and will work closely with the director, manager and/or supervisor in each step of the hiring and/or promotional process which includes the following initial steps:
  - a. A position analysis is completed for the vacant position.
  - b. The position description is reviewed and revised, if needed.
  - c. The Personnel Officer establishes the method of filling the vacant position as follows:

### Classified Position:

A classified position will be filled according to the appropriate bargaining unit contract.

- a. The Personnel Officer will determine whether any bargaining unit employees are eligible to bid on the position and the position will be posted for the required length of time in accordance with the contract.
- b. If the posting and bidding process is unsuccessful, a certification list of eligible

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

candidates will be obtained from the Department of Employee Relations.

- c. Job-related questions will be devised by the Interviewer and reviewed by the AAO/designee and Personnel Officer to ensure they are uniform, appropriate, and job-related. Interviews will be conducted uniformly using the job-related questions.
- d. The hiring authority will make efforts to include candidates from diverse groups within the pool of candidates.
- e. Candidates' applications/resumes will be compared and/or evaluated on the qualifications stated in the position description.
- f. Candidates will be contacted per a telephone call and/or letter to verify a candidate's availability and interest in the position. All candidates in the disparity group must be contacted and offered an opportunity for an interview. Interviews will be scheduled for the candidates responding to telephone calls and/or letters. The interviewer should document in writing the conversation with each candidate contacted (i.e., interviewed, stated lack of interest in the position, or candidate's current employment status).
- g. The interviewer will contact the Personnel Officer or Director of Human Resources and Agency Services to coordinate interview times and dates with finalists.
- h. When the interviewer does not hire a protected group candidate and a disparity exists, the interviewer will explain in writing with sufficient detail, why the protected group person was not hired. The written comments will be submitted to the AAO/Designee and an offer of employment cannot be made until such written documentation has been reviewed and approved. If the AAO/Designee determines that the reasons for rejection are insufficient, the decision will be discussed with the division director and interviewer.
- i. If the decision to not hire a protected group candidate is not satisfactorily resolved, the matter will be referred to the MHESO Director for review and resolution prior to an offer of employment being made. The MHESO Director will document all decisions in writing and provide a copy to the AAO/Designee for the MHESO Human Resources and Agency Services files.
- j. All candidates will be notified of the hiring decision.
- k. Documentation (i.e., copies of letters, telephone responses, comments by interviewees, etc.) related to the selection process, will be retained for all appointments for a period of at least one calendar year from the date of appointment. Data on appointments, where a disparity

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

exists, will include the agency's documented efforts to act affirmatively.

**Unclassified Position:**

- a. An announcement and/or advertisement of the position is created by the division director/supervisor and submitted for review to the Personnel Officer/Director of Human Resources and Agency Services.
- b. The Personnel Officer, with the assistance of the AAO/Designee will advertise and recruit affirmatively for the position.
- c. Job-related questions will be devised by the interviewer and reviewed by the AAO/Designee and Personnel Officer to ensure they are uniform, appropriate, and job-related. Interviews will be conducted uniformly using the job-related questions.
- d. The interviewer will review each candidate's application/resume and compare the qualifications to those stated in the position description and/or position announcement.
- e. The candidates selected as finalists will be contacted per a telephone call and/or letter to confirm the candidate's availability and interest in the position and to schedule an interview. The interviewer should document in writing the conversation with each candidate contacted (i.e., interviewed, stated lack of interest in the position, candidate's current employment status).
- f. The interviewer will contact the Personnel Officer or Director of Human Resources and Agency Services to coordinate interview times and dates with finalists.
- g. Prior to a final decision regarding a candidate, the interviewer will discuss his/her anticipated selection of a candidate with the AAO/Designee to ascertain that the decision is consistent with the agency's affirmative action goals and/or bargaining unit contract.
- h. When the interviewer does not hire a protected group candidate and a disparity exists, the interviewer will explain in writing with sufficient detail, why the protected group person was not hired. The written comments will be submitted to the AAO/Designee and an offer of employment cannot be made until such written documentation has been reviewed and approved. If the AAO/Designee determines that the reasons for rejection are insufficient, the decision will be discussed with the division director and interviewer.
- i. If the decision to not hire a protected group candidate is not satisfactorily resolved, the

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

matter will be referred to the MHESO Director for review and resolution prior to an offer of employment being made. The MHESO Director will document all decisions in writing and provide a copy to the AAO/Designee for the MHESO Human Resources and Agency Services files.

- j. All candidates will be notified of the hiring decision.
- k. Documentation (i.e., copies of letters, telephone responses, comments by interviewees, etc.) related to the selection process, will be retained for all appointments for a period of at least one calendar year from the date of appointment. Data on appointments, where a disparity exists, will include the agency's documented efforts to act affirmatively.

**Pre-review Procedure - Layoffs**

An Appointing Authority may "layoff" an employee by reason of abolition of the position, shortage of work or funds, or other reasons outside the employee's control which do not reflect discredit on the service of the employee. The MHESO would follow the layoff procedures specified in the bargaining unit agreements under which MHESO employees serve. The impact on agency affirmative action goals and timetables, due to layoffs, will be documented in writing by the Personnel Officer. The AAO, in conjunction with the MHESO Director, will determine how the agency's affirmative action goals and timetables could be addressed under the current employment situation.

**Recordkeeping and Evaluation**

Data regarding hires is recorded on the Protected Group Report forms.

Evaluation documentation is maintained in the central files located in the MHESO Human Resources and Agency Services Division, including:

- Affirmative Action Plan and any related materials
- MHESO Employment Form
- records for recruitment fees paid and documentation on specific recruitment activities
- Affirmative Action complaints
- ADA complaints

**Weather Emergencies & Evacuation**

Weather emergencies are declared by the Department of Employee Relations. The communication from the Department of Employee Relations relating to weather emergencies and will be followed by employees of the Minnesota Higher Education Services Office [Appendix A-2].

## **Minnesota Higher Education Services Office 1998-2000 Affirmative Action Plan**

---

In case of an emergency, all employees who have a disability will receive notification, if at work, by the supervisor or designated backup staff person. If a weather emergency is called after work hours, employees who are deaf or who have a hearing disability can obtain notification by watching weather broadcasts on KSTP, WCCO, or KARE 11 Television. Broadcasts are closed captioned. In addition, if employees who are deaf or who have a hearing disability prefer, they may arrange for notification at home from their supervisor or designee. The supervisor or designee may use the Minnesota Relay Service (1800-627-3529) to contact the employee using the TTY.

**If a fire or weather emergency occurs during normal work hours, MHESO emergency monitors [see Appendix A-3] are responsible for the safe evacuation of individuals with disabilities to a safe location. If necessary, emergency monitors will seek assistance from police or fire personnel in the evacuation of individuals with disabilities. [See Appendix A-4 for basic Fire evacuation procedures.]**

Employees of the Minnesota Higher Education Services Office will follow the procedures outlined in [Appendix A-5] for weather emergencies. Included in this Affirmative Action Plan is a copy of the State Administrative Procedure 5.4 regarding time off in emergencies [Appendix A-6], and also the MHESO Policy for Time-off due to Natural Disaster or Emergency [Appendix A-7].

### **Reasonable Accommodation**

It is the state's policy to reasonably accommodate qualified individuals with physical or mental disabilities in the accomplishment of their employment responsibilities unless the accommodation would impose an undue hardship. The Minnesota Higher Education Services Office is committed to the fair and equal employment of individuals with disabilities, and understands reasonable accommodation is often a key factor in the employment and retention of individuals with disabilities. The Director of Human Resources and Agency Services [ADA Coordinator/AAO] and the MHESO Personnel Officer are responsible for ADA compliance.

### **Definitions**

- 1. Person with a disability.** A person with a disability is a person who:
  - has a physical or mental impairment that substantially limits one or more major life activities,
  - has a record of such an impairment, or
  - is regarded as having such an impairment.
- 2. Reasonable accommodation.** An accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to participate in and benefit from all aspects of employment. The accommodation

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

is reasonable if it is eliminating the barrier and does not cause an undue hardship.

3. **Undue hardship.** An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the agency.

**Procedure for Requesting a Reasonable Accommodation: Current Employees and Employees seeking Promotion**

1. The employee will inform his/her supervisor of the need for an accommodation. The employee or the supervisor, if requested by the employee, will complete the *Request for Reasonable Accommodation* form contained in this Affirmative Action Plan [See Appendix A-8]. If necessary, the supervisor will work with the ADA Coordinator to obtain documentation of the individual's functional limitations.
2. When an accommodation has been requested, the supervisor/manager will, in consultation with the employee:
  - discuss the purpose of the job and the essential functions. (It may be necessary to complete a step-by-step analysis);
  - determine the precise job-related limitations;
  - identify potential accommodations and assess the effectiveness of each; and
  - select and implement the most appropriate accommodation for both the individual and the employer.
3. The supervisor and/or employee may seek technical assistance from the agency ADA coordinator/AAO as needed.
4. If the supervisor/manager is unable to make a decision about a requested accommodation, s/he will forward the written request for accommodation along with his/her recommendation to the division director. If the division director is unable to make a decision, the request will be forwarded along with his/her recommendation to the MHESO Director within 10 days of the employee's initial request. The MHESO Director, working with the agency's ADA Coordinator, will make the decision and provide the response to the division director and the employee within 10 working days after receiving the request.
5. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause undue hardship to the operation of the agency, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation. Options to be considered include:

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

- Look for a vacant position that is equivalent to the one held by the employee.
- If the employee is not qualified for a vacant position with or without a reasonable accommodation, or no equivalent vacant position exists, the agency may, as an accommodation, reassign the individual to a vacant position in a lower classification for which the employee is qualified. In this case, the agency is not required to maintain the employee's salary at the previous level.
- Look for transfer, mobility, non-competitive and competitive opportunities.

**Procedure for Requesting a Reasonable Accommodation: Job Applicant**

1. When a request for accommodation is received from a job applicant, the supervisor/manager and the MHESO Personnel Officer will discuss alternatives with the applicant and make a decision regarding the request. If approved, the supervisor will make sure that the accommodation is provided.
2. If the supervisor/manager and the MHESO Personnel Officer are unable to make a decision, they will forward a written request for accommodation along with a recommendation to the ADA Coordinator/AAO within 3 working days following the request.
3. If the request is approved, the supervisor/manager will make sure that the accommodation is provided. If the request is not approved, the ADA Coordinator/AAO will inform the applicant in writing within 3 working days of receiving the written request.

**The Funding of Accommodations**

Funding will be approved by the Minnesota Higher Education Services Office for reasonable accommodation which do not cause undue hardship. The supervisor, division director and/or Director of Financial Services will determine the funding source at the time of the request.

**Procedure for Determining Whether Requested Accommodation is an Undue Hardship**

1. If, in the opinion of the supervisor receiving the request for accommodation, the cost or scope of the accommodation might alter the nature or operation of the work unit or division, the supervisor and Affirmative Action Officer/ADA Coordinator will meet with the division director to review the requested accommodation(s), and will consider:
  - the nature and cost of the accommodation in relation to the size and financial resources of the state as an employer; and

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

- the impact of the accommodation on the nature or operation of the department.
- 2. If the division director determines that the accommodation will impose an undue hardship, the AAO will forward an analysis of the situation and the reasons it is determined to cause an undue hardship, along with a recommendation to the MHESO Director within 10 working days following the employee's request or within three working days following an applicant's request.
- 3. The MHESO Director will provide a decision in writing to the AAO, supervisor, division director, and the employee or applicant within 3 working days after receipt of the analysis and recommendation.

## **Recruitment Plan**

Sources Used: Calendar year 1998:

Minneapolis Star Tribune  
St. Paul Pioneer Press  
La Prensa de Minnesota  
MN Women's Press  
Native American Press  
Mpls. Spokesman  
Asian Pages  
Insight News, Inc.  
Minnesota Daily - University of Minnesota

Expenses incurred: \$8,239.15

Results: The Minnesota Higher Education Services Office had no missed opportunities in hiring during the year.

Other methods used: none

Job Fairs Attended/Projected: none

Strategies: The Minnesota Higher Education Services Office projects little or no turnover in the next year in the EEO categories for which we have disparities. We will continue to use the same recruitment methods.

Internship Program Opportunities: MHESO will provide paraprofessional work opportunities and practical learning experiences for selected students to enhance their academic preparation and expose

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

them to state government employment. Managers seeking student interns will contact educational institutions, as necessary and will work with MHESO Human Resources to formalize and implement specific internship arrangements.

Supported Work: Supported work positions/functions within the MHESO are not a viable option based on the current workforce. However, if the opportunity arises, MHESO will evaluate the possibility of establishing a position and will work with the ODEO to recruit qualified candidates.

Recruitment: Janice Cheetham, Personnel Officer, is responsible for recruitment efforts, such as overseeing the recruitment of qualified candidates. In regard to recruitment of persons with disabilities, we are currently complying with the requirements of the Americans with Disabilities Act in terms of recruitment activities. MHESO will also request assistance from ODEO to improve recruitment of persons with disabilities. MHESO will continue the following as recruitment efforts:

- positions advertised on MHESO web site
- position opening announcements forwarded to ODEO for distribution to affirmative action officers at other state agencies

## **Retention Plan**

Mary Lou Dresbach, Director of Human Resources and Agency Services/Affirmative Action Officer, is responsible for overseeing the Minnesota Higher Education Services Office's retention activities.

The Personnel Officer, Janice Cheetham, in conjunction with the Department of Employee Relations through use of the SEMA4 system, will monitor and analyze separation and layoff patterns of all employees at the Minnesota Higher Education Services Office to determine the impact on protected group members.

### **Methods and Activities to Retain MHESO Employees (both protected and non-protected staff)**

1. Document the reasons behind turnover among protected and non-protected employees to identify and understand relevant issues for further analysis.
  - Review and revise the current exit interview process, as necessary to collect useful information related to employment at MHESO.
  - Request protected group employees to assist in the revision of the exit interview process.

Responsibility: Affirmative Action Officer and Personnel Officer

**Minnesota Higher Education Services Office**  
**1998-2000 Affirmative Action Plan**

---

2. Continue to create and maintain a respectful working environment for all MHESO employees.

- Encourage employees to assist in identifying opportunities for increasing staff knowledge and participation in events which celebrate the diversity of both internal and external customers.
- Facilitate opportunities for managers and supervisors to learn more about their role and responsibilities in creating and maintaining a respectful work environment for all staff, and also to learn more about how their actions and behaviors contribute toward the retention of protected group members.
- Inform and facilitate training/learning opportunities for staff to fulfill their training/development goals in their individual annual workplans, and support such opportunities with a training budget to be developed over the FY 2000/2001 biennium.

Responsibility: All MHESO employees

3. Analyze separation and layoff patterns to determine the impact on protected group members.

- Collect available separation and layoff data.
- Determine impact on protected groups.
- Ascertain whether any action is necessary and if so, develop recommendations.

Responsibility: Personnel Officer and Affirmative Action Officer

4. Identify and facilitate methods to increase staff knowledge and appreciation of diversity to better serve both internal and external customers.

- Consult/survey managers and supervisors to determine how to most effectively address their needs and concerns.
- Consult/survey support staff to determine how to most effectively address their needs and concerns.
- Identify development and training opportunities to increase understandings and appreciation of diversity.
- Encourage staff to include consideration of how to address the needs of our diverse customers when developing individual annual work plans.

Responsibility: Affirmative Action Officer, Personnel Officer, managers/supervisors

**Minnesota Higher Education Services Office  
1998-2000 Affirmative Action Plan**

---

**Analysis of Separation Patterns:**

The following is an analysis of separation and layoff patterns for impact on protected class members for FY 1998 and FY 1999:

Note: There were no layoffs during FY 1998 or FY1999.

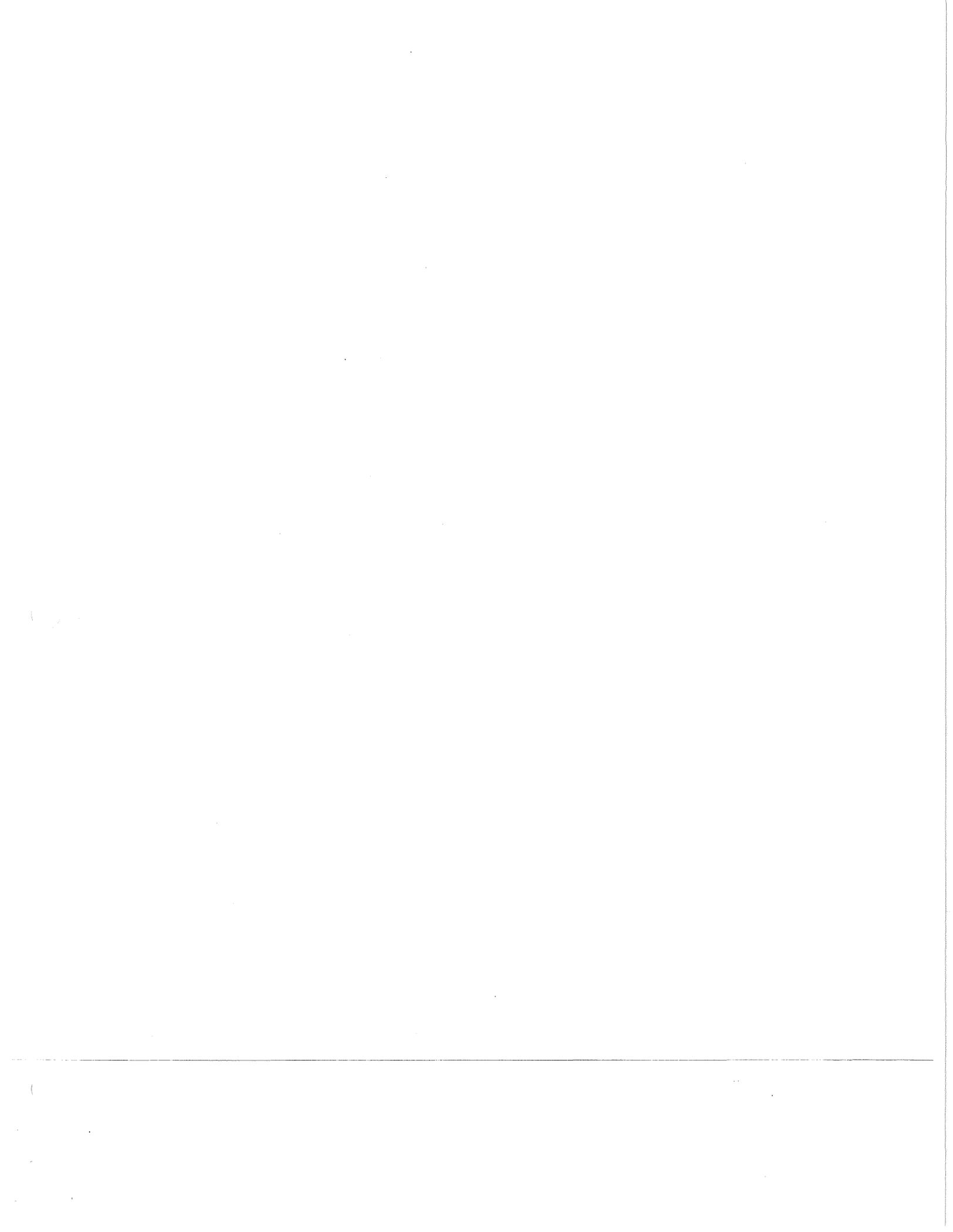
**FY1998**

<b>Bargaining Units</b>	<b>Resignation, Termination, Resignation</b>	<b>Protected Class</b>	<b>Non-Protected Class</b>
HESO Unclassified Staff	Resignation	2	2
HESO Unclassified Staff	Termination	1	---
Clerical/Office	Resigned	---	1

**FY 1999**

<b>Bargaining Units</b>	<b>Resignation, Termination, Resignation</b>	<b>Protected Class</b>	<b>Non-Protected Class</b>
HESO Unclassified Staff	Resignation	3	1
HESO Unclassified Staff	Termination	1	---
Clerical/Office	Resignation	---	3

The above separations had no substantive impact on the agency or it's work environment.



**Minnesota Higher Education Services Office  
Complaint of Harassment/Discriminatory Harassment**

**Please Read Before Completion of this Form**

Any complaint of discriminatory harassment is considered confidential data under Minnesota Statutes 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 agency Affirmative Action Officer/Designee, the complainant, the respondent, appropriate supervisory personnel and the Commissioner of Employee Relations.

**Complainant (You)**

Name:	Date:	Job Title:
Agency:	Work Address:	
City, State, Zip Code:		
The Division in which you work:	Telephone #	Supervisor:

**The Complaint**

Basis of Complaint (check all that apply):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Race            | <input type="checkbox"/> Color                      | <input type="checkbox"/> Marital Status                               |
| <input type="checkbox"/> Sex             | <input type="checkbox"/> Creed                      | <input type="checkbox"/> Sexual Orientation                           |
| <input type="checkbox"/> Age             | <input type="checkbox"/> Religion                   | <input type="checkbox"/> Public Assistance Status                     |
| <input type="checkbox"/> Disability      | <input type="checkbox"/> Political affiliation      | <input type="checkbox"/> Membership or activity in a local commission |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Other (give example) _____ |   |

Person you are filing this discriminatory harassment complaint against:

If you filed this complaint with another agency or organization, please give the name of the agency:

Describe the event(s) that you feel constitute discriminatory harassment. Include date(s) of events, time(s), place, and persons involved— including any non-HESO employees. (Attach additional sheets if necessary.)

Additional information on your complaint you think is relevant or that would be helpful in investigating this complaint. (Attach additional sheets if necessary.)

Names of Other Witnesses: (include names, work address if different than HESO, telephone number if different than work phone at HESO). (Attach additional sheets if necessary.)

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's Signature:

Date:

Affirmative Action Officer's Signature:

Date:

**Minnesota**  
**Department of**  
**Employee**  
**Relations**

*Leadership and partnership in  
human resource management*

*Memo*

**DATE:** November 14, 1997

**TO:** Agency Heads  
Human Resource Directors/Designees

**FROM:** Karen L. Carpenter  
Commissioner

*Karen L. Carpenter*

**RE:** Weather Emergencies

The purpose of this memo is to remind you that once again we are approaching the time of year when we may have severe weather emergencies.

As background, weather emergencies are declared when a number of conditions exist. The factors that are considered are:

- ◆ Road maintenance. Are state highways open and snowplows operating?
- ◆ Transit operations. Are local transit systems running?
- ◆ Additional weather conditions. Is wind, cold or ice a factor?
- ◆ Other considerations. Are power or heating systems affected?

This office receives notification from the Duty Officer in the Emergency Management Division of Public Safety if a severe weather situation is occurring anywhere in the state. This office also provides us with road conditions, snowplowing information and transit operations obtained from local law enforcement. We consider all of the information from these sources and then decide if it is necessary to declare an emergency and close state offices.

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.

**If you have employees who are deaf or have a hearing impairment**

Supervisors of deaf and hearing impaired employees should have a procedure in place for these individuals to learn about a weather emergency. If your employee has a TTY machine (telecommunication device for the deaf), the supervisor can contact the employee through the Direct Connect Minnesota Relay Service (MRS) at ~~(612) 297-5353 (metro)~~ or ~~1,800-627-3529 (out state)~~. Here's how it works:

- ◆ The supervisor or other assigned co-worker calls the MRS number.
- ◆ The MRS operator dials the employee's number.
- ◆ When the supervisor is on the line, he/she can relay a message to the TTY machine and help conduct any conversation that may be necessary.

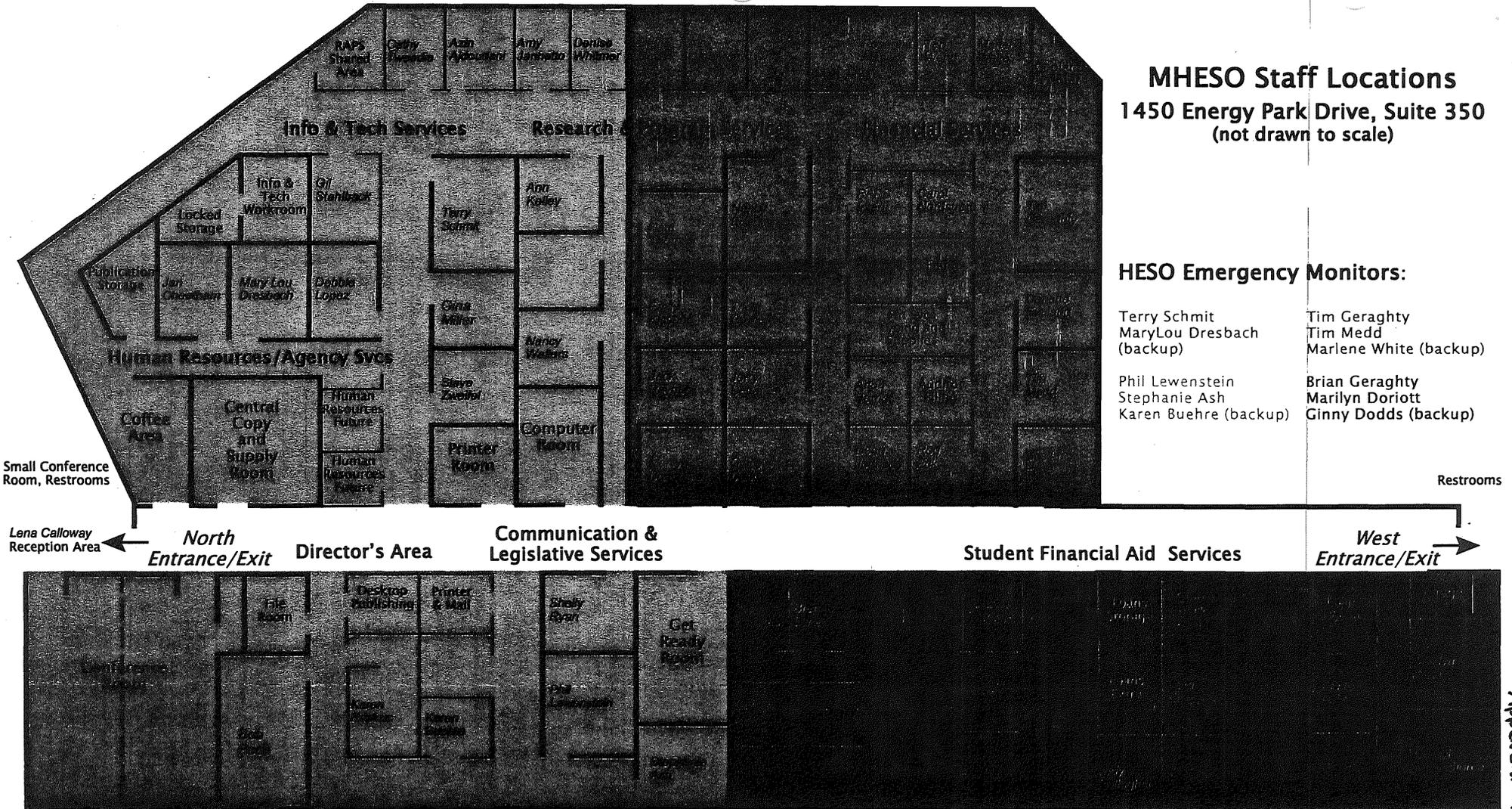
The weather emergency is meant for those extreme cases when it would be unsafe for most employees to travel to or from home. We recognize that there may be unique individual situations due to the employee's location that make it impossible for that employee to get to work when an emergency has not been declared. In those circumstances, supervisors should consider allowing the employee to make up the lost time or use compensatory time or annual leave.

I hope this information helps you understand how emergencies for state employees are determined and announced. Please feel free to share this information with your employees. Posters sent last year remain the same. If you need additional copies, contact Mary Ferguson at (612) 297-3053. If you have any questions, please contact your human resources office.

cc: Labor Relations Representatives

~~clp/weather-in-work~~

**MHESO Staff Locations**  
 1450 Energy Park Drive, Suite 350  
 (not drawn to scale)



**HESO Emergency Monitors:**

- |                           |                        |
|---------------------------|------------------------|
| Terry Schmit              | Tim Geraghty           |
| MaryLou Dresbach (backup) | Tim Medd               |
|                           | Marlene White (backup) |
| Phil Lewenstein           | Brian Geraghty         |
| Stephanie Ash             | Marilyn Doriott        |
| Karen Buehre (backup)     | Ginny Dodds (backup)   |

North Entrance/Exit

Director's Area

Communication & Legislative Services

Student Financial Aid Services

West Entrance/Exit



1450 Energy Park Drive, Suite 350  
Saint Paul, MN 55108-5227

Telephone: (651) 642-0533  
(800) 657-3866  
Financial Aid: (651) 642-0567

Fax: (651) 642-0675  
E-mail: info@heso.state.mn.us  
Internet: www.heso.state.mn.us

For the Hearing Impaired  
TTY Relay: (800) 627-3529

## WHAT TO DO IN A FIRE EMERGENCY

1. If you discover a fire, hear an explosion, or see or smell smoke in the building: Immediately telephone 9-911 and report the incident. Then **SOUND THE ALARM—ACTIVATE THE CLOSEST MANUAL PULL ALARM.** These alarms are located by all stairwell exits in the building.
2. When a fire alarm sounds, **COMPLETE EVACUATION IS REQUIRED.** HESO emergency monitors should begin checking their designated areas and instruct employees and visitors on evacuation procedures. When evacuating a room, employees should close doors behind them.
3. **DO NOT USE ELEVATORS DURING A FIRE EMERGENCY.**
4. Upon exiting the building leave all walks and driveways open for arriving fire fighters. Do not return to the building until directed to do so by fire department personnel or a building authority. The silencing of audible alarms or horns does not mean it is safe to enter the building.
5. Notify fire fighters on the scene if you suspect someone may be trapped inside the building.
6. HESO emergency monitors upon exiting the building should proceed to the West parking lot and notify the designated HESO staff that their assigned areas within the building have been cleared.

### DO'S

- DO** immediately leave the building and close doors behind you.
- DO** use the stairwells to evacuate the building.

### DON'T

- DO NOT** attempt to fight the fire.
- DO NOT** use the elevators.
- DO NOT** return to the building until told to do so.

## SEVERE WEATHER EMERGENCY

**Relocation within the Energy Technology Center (ETC) Building [1450 Energy Park Drive, St. Paul, MN 55108] in the Event of Severe Weather (Tornadoes/Severe Thunderstorms).**

The building is generally constructed to withstand high damaging winds. The greatest danger during such winds will be from flying glass or other debris. For this reason, seek shelter away from all windows.

If severe weather is in the area, the aid raid sirens will sound in the vicinity of the ETC building. Also, if severe weather has been predicted as a possibility, HESO management should monitor the weather conditions via radio, alerting agency staff as appropriate.

### **Terminology:**

**Tornado Watch:** It means weather conditions are favorable for the formation of tornadoes. Be alert and stay informed of changing weather conditions.

**Severe Thunderstorm Watch:** It means weather conditions are favorable for severe thunderstorms including high winds, hail, heavy rain, lightning, and tornado formation. Be alert and stay informed of changing weather conditions.

**Tornado Warning:** It means a tornado has been sighted. Seek shelter immediately.

**Severe Thunderstorm Warning:** It means severe thunderstorms have been sighted or indicated on radar. Be prepared to seek shelter. Tornadoes may accompany severe thunderstorms.

### **HESO Emergency Monitors: [ see Attachment A-3]**

- 1) When HESO emergency monitors become aware of severe weather approaching, they will walk through their assigned areas and request all persons to move to sheltered areas away from any source of flying glass or other debris. In cases of a tornado alert, employees should be directed to the lower level of the ETC building, keeping away from the inner atrium glass area.
- 2) Emergency monitors are responsible for ensuring that individuals with a disability are assisted to an appropriate sheltered location in the workplace or on the lower level of the building.
- 3) Check to make sure all employees in your assigned area have moved to a place of shelter.
- 4) Ensure that office fire doors are closed.
- 5) Join all other HESO staff who have relocated to sheltered areas either within the HESO workplace, or on the lower level of the ETC building. Sheltered areas include: restrooms, windowless interior offices or other rooms without windows, as well as the lower level of the ETC building away from the inner atrium glass area.

COMMISSIONER'S SIGNATURE *Kina B. Trichild*

## TIME OFF IN EMERGENCIES

**Description and Scope** - M.S. § 43A.05, Subd. 4 permits the Commissioner of DOER to excuse employees from duty and to authorize appointing authorities in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the commissioner has the authority to declare an emergency situation, close agencies, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. Appointing Authorities retain the right to close or not close their facilities at any time. If an appointing authority closes a facility and an emergency is not declared by the commissioner, the pay provisions of this procedure will not take effect. In this case, employees will be required to use annual leave, an adjusted work schedule, compensatory time, or leave without pay to cover the absence from work.

**Objective** - To provide appointing authorities and employees with a clearly defined procedure to follow during emergency situations thus increasing and improving the capabilities of state government to function during natural or man-made emergencies.

### **Definitions - Key Terms -**

**"Full pay"** means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

**"Time-off in Emergency Plan"** is a comprehensive emergency procedure developed and implemented by each appointing authority.

### **Responsibilities -**

#### **A. Appointing Authorities:**

- Determine if facilities should remain open or be closed when an emergency leave has not been declared.
- Develop and maintain a Time-off in Emergency Plan which specifies:
  1. Essential staffing requirements to be maintained during emergency situations.
  2. The name and phone number of the individual(s) who can make closure decisions.
  3. Steps/procedures to follow in making closure decisions.
  4. The name and phone number of the agency contact and back-up person responsible for implementing the plan.

**5. Internal operating procedures to be followed during a natural or man-made emergency.**

- **Submit a copy of the Time-off in Emergency Plan to DOER.**
- **Request exemption from invocation of emergency leave for essential work units or employees.**

**B. Department of Employee Relations:**

- **Declare the emergency and its geographic scope.**
- **Excuse employees with full pay from work duties.**
- **Approve the excuse of employees, with full pay, from work duties when an appointing authority has closed a facility.**
- **Notify appointing authorities in the applicable geographic location of the declaration of the emergency.**
- **Authorize appointing authorities in the emergency area to pay employees for time off work.**
- **Approve recommendations of Appointing Authorities as to which state agencies and/or facilities are to be exempted from the invocation of emergency leave.**
- **Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of appointing authority.**
- **Declare an end to the emergency.**

**Provisions -**

**A. Procedures to follow for having situation declared an emergency:**

**1. Appointing Authority initiated:**

- a) **Request declaration of emergency from Commissioner of DOER.**
- b) **Commissioner of DOER consults with Commissioner of Public Safety.**
- c) **Commissioner of DOER declares emergency or determines that emergency doesn't exist.**
- d) **Commissioner of DOER communicates decision to all affected Appointing Authorities.**
- e) **Commissioner of DOER authorizes emergency pay.**

**2. Commissioner initiated:**

- a) Commissioner of DOER consults with Commissioner of Public Safety.
  - b) Commissioner of DOER declares emergency or determines that emergency doesn't exist.
  - c) Commissioner of DOER communicates decision to all affected Appointing Authorities.
  - d) Commissioner of DOER authorizes emergency pay.
- B. Employees who report to work and are then sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.**
- C. Employees who are required by their appointing authorities to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.**
- D. Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.**
- E. Employees on any approved leave without pay shall not be paid for any emergency leave time.**
- F. Employees who call in, on the day of an emergency, for vacation time, compensatory time or leave without pay will be credited with emergency leave from the point of the declaration of the emergency to the end of the scheduled shift, if the appointing authority ceases operations during their regular shift.**
- G. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" with an X designating the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.**
- H. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of DOER authorizes a longer period.**

**Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures**

**M.S. § 43A.05, Subd. 4 - Time Off In Emergencies**  
**Collective Bargaining Agreements**

**Minnesota Higher Education Services Office (MHESO)**

**TIME OFF DUE TO NATURAL DISASTER OR EMERGENCY**

In the event of a natural disaster or man-made emergency situation, the following provisions will be followed:

- 1) The emergency will be declared and verified by the Commissioner of Employee Relations (DOER), after consultation with the Commissioner of Public Safety, as stated in DOER Administrative Procedure 5.4.
- 2) If an emergency is declared and it is determined that State of Minnesota agencies should be closed, the decision to close the MHESO will be determined by the Agency Director (651-642-0502) or Designee. The decision to close the agency will be relayed to each Division Director. The Division Director is responsible for notifying his/her staff.
- 3) When feasible, during an emergency situation, a recorded message will be made to respond to agency telephone calls.
- 4) If the agency is closed due to an emergency during normal working hours (8:00a.m. - 4:30p.m.), no staff members will be required to remain at their work stations.
- 5) Emergency payment of wages will be determined and authorized by the Commissioner of Employee Relations in accordance with DOER Administrative Procedure 5.4.
- 6) The internal operating procedures during a natural disaster or man-made emergency which requires employees to remain in the Energy Technology Center building are coordinated with building management, the Director the Higher Education Services Office, the Director of Financial Services, and the Director of Human Resources & Agency Services.
- 7) The primary agency contact person responsible for implementing this Plan is the Director of Financial Services (651-642-0567) and the Director of Human Resources & Agency Services is backup (651-642-0530).

**Employee Request for Reasonable Accommodation  
Higher Education Services Office**

Please print or type:

Attach additional sheets, as necessary to answer questions below.

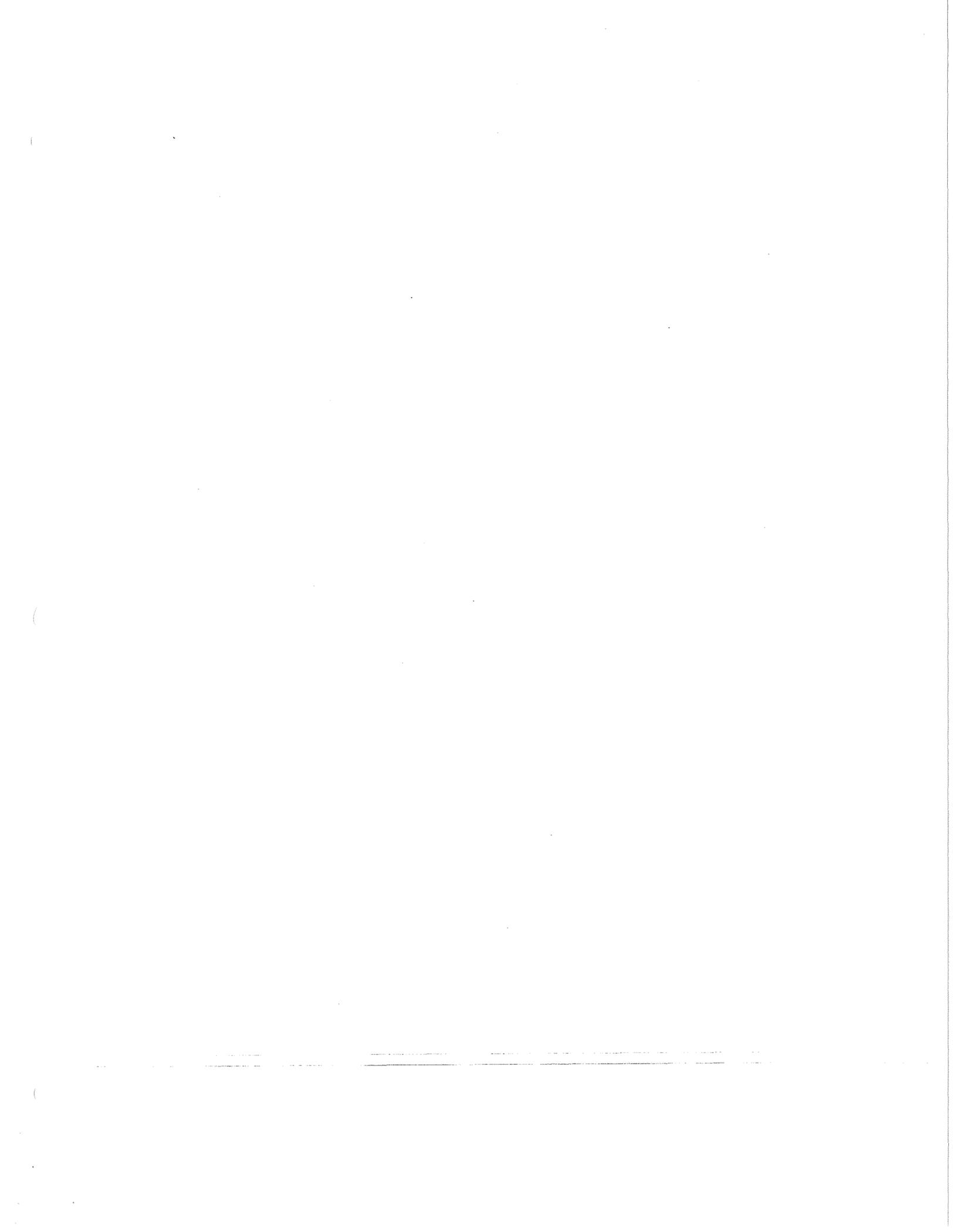
<b>Employee Name:</b>	<b>Date of Request:</b>
<b>1. Describe the nature of your disability, what life activity it substantially limits, and how this life activity is substantially limited.</b>	
<b>2. Type of accommodation requested to perform essential job functions:</b>	
<b>3. Which essential functions of your job will the requested accommodation allow you to perform?</b>	
<b>4. Why is the requested accommodation necessary to perform the essential job function(s)?</b>	
<b>5. How will the requested accommodation be effective in allowing performance of the essential job function?</b>	
<b>Signature of Employee:</b>	<b>Date:</b>
<b>Signature of Supervisor/Manager:</b>	<b>Date:</b>
<b>Signature of Division Director:</b>	<b>Date:</b>
<b>Additional Comments:</b>	

\*Information on this form shall remain confidential with the exceptions according to the Rehabilitation Act of 1973, Section 504, Subd. 84.14, and the Americans with Disabilities Act of 1990, Subd. P.L. 101-336, Sec. 102.C.

## Reasonable Accommodation Agreement Higher Education Services Office

This form is to be completed by HESO Human Resources staff after the reasonable accommodation decision has been made. The signatures on the bottom of this form indicate an agreement between the employee and the Higher Education Services Office to the specific accommodation.

<b>Name of Employee:</b>	<b>Name of Division Director:</b>
<p>The request for reasonable accommodation to the needs of the employee indicated above with a disability was:</p> <p><input type="checkbox"/> ACCEPTED                      <input type="checkbox"/> DENIED</p> <p>Justification for the decision (indicate specific factors considered).</p>	
<p>If reasonable accommodation was approved, was the employee's suggestion accepted?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No                      <input type="checkbox"/> Partially</p> <p>Reason:</p> <p>Describe specific accommodation to be made:</p>	
<b>Cost estimate:</b>	
<p>I have read the employee request for accommodation. I understand that all tangible accommodations purchased by the Higher Education Services Office will become the Property of the State of Minnesota.</p>	
<b>Signature of Employee:</b>	<b>Date:</b>
<b>Signature of HESO Director:</b>	<b>Date:</b>
<b>Signature of Affirmative Action Officer:</b>	<b>Date:</b>



**Minnesota Higher Education Services Office**

**Policy on Harassment**

**and**

**Policy on Workplace Violence**

**1998-2000**





## Policy on Discriminatory Harassment

---

The State of Minnesota and the Minnesota Higher Education Services Office prohibit harassment of and by employees. The agency is committed to maintaining a working atmosphere free of discrimination and bias, including, but not limited to, insult, intimidation and other forms of harassment. In addition to violating the agency's commitment to all employees, sexual harassment and harassment on the basis of race, color, religion, sex, national origin, age, creed, disability, marital status, sexual orientation, membership or activity in a local commission, status with regard to public assistance, or political affiliation may violate federal and state laws protecting equal employment opportunity.

All employees who believe they have been harassed are encouraged to bring incidents to the attention of agency management so that steps can be taken to restore a non-threatening work environment. If an investigation shows that a staff member has harassed employees, clients or others in any location, activity or event associated with the agency, prompt and appropriate measures will be taken.

Corrective action can include a meeting with the supervisor to agree upon changes in behavior, required training or counseling, as well as disciplinary action. Harassing behavior can result in disciplinary action. Disciplinary action may include reprimand, suspension, demotion, or termination.

Any person may report harassment without fear of coercion, reprisal, or intimidation in the work environment. Retaliation against an employee who files a harassment complaint or participates in an agency investigation is expressly prohibited and can result in disciplinary action. The agency will also discipline employees who file frivolous complaints, which they know to be false, for the purpose of harming another employee; this provision does not apply to complaints brought forward in good faith, regardless of the outcome of an investigation.



## Definitions

---

Any behavior which demeans or insults others while an employee is representing the Minnesota Higher Education Services Office is inappropriate and contrary to agency policy.

### **Sexual Harassment**

Sexual harassment is any behavior, based on sex, which is unwelcome, personally offensive, insulting and demeaning where:

- Submission to such conduct or communication is explicitly or implicitly made a term or condition of employment,
- Submission to or rejection of such conduct or communication is used as a factor in employment decisions, or
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may take different forms. One form is use of power or influence to demand sexual favors in return for favorable career, salary, or job decisions, a serious offense which will not be tolerated under any condition. Other forms of sexual harassment may include, but are not limited to, the following examples:

- Verbal: Unwelcome sexual innuendoes, suggestive comments, unwanted sexual compliments or invitations, teasing or jokes of a sexual nature, sexual propositions, or threats whether spoken or written (including electronic communications).
- Non-Verbal: Unwelcome sexually suggestive objects, pictures, screen-savers or other computer applications, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
- Physical: Unwelcome physical contact, including touching, pinching, brushing by the body, coerced sexual contact, and assault.

All employees should understand that apparently consensual sexual relationships, particularly those between individuals of unequal power or status, may be or become a violation of this policy. Anyone who engages in a sexual relationship with a person over whom he or she has any degree of power or authority must understand that the validity of the consent involved can and may be questioned.

## **Harassment based on Race, Sex, National Origin, Religion, Age, Creed, Color, Disability, Marital Status, Sexual Orientation, Receipt of Public Assistance, Political Affiliation, Membership or Activity in a Local Commission**

Harassment based on bias toward persons because of their race, sex, national origin, religion, age, creed, color, disability, marital status, sexual orientation, public assistance status, membership or activity in a local commission, or political affiliation is behavior which is offensive, insulting and demeaning which has the purpose or effect of:

- Substantially interfering with an individual's employment conditions or work performance or
- Creates an intimidating, hostile or offensive work environment.

Harassment which results in discrimination based on personal characteristics can include, but is not limited to, the following examples:

- Verbal: Direct insults, innuendoes, disparaging remarks, teasing or jokes which demean members of a particular group, or threats whether spoken or written (including electronic communications).
- Non-Verbal: Objects, pictures, screen-savers or other computer applications, graphic commentaries which are offensive or degrading; suggestive or insulting sounds, leering, whistling, obscene gestures.
- Physical: Unwelcome physical contact, including touching, pinching, brushing by the body, and assault.

## **Other Forms of Inappropriate Behavior**

The Minnesota Higher Education Services Office (HESO) has a particular duty to eliminate sexual harassment and discriminatory harassment based on personal characteristics specified in law. All forms of harassment of anyone connected with the HESO by an office employee, including harassment of co-workers, clients, vendors, employees of other organizations, and the public, while an employee is on the job or representing the agency are prohibited under this policy. Inappropriate behavior which can result in disciplinary action includes any harassment which creates an unsafe or uncomfortable setting, prevents others from performing their work, or reflects negatively on the agency. Inappropriate behavior includes, but is not limited to, the following examples:

- Verbal: Direct insults, disparaging remarks, persistent and offensive teasing, or threats whether spoken or written (including electronic communications).
- Non-Verbal: sabotage of the work of others; defacement or vandalism of personal possessions, suggestive or insulting sounds, leering, whistling, obscene gestures.

- Physical: Unwelcome physical contact, including touching, pinching, brushing by the body, and assault.

---

### **Harassment by Non-Employees**

The Minnesota Higher Education Services Office will intervene to protect its employees, while carrying out their work responsibilities, from all forms of discriminatory harassment by clients, vendors, staff of other state agencies, legislative and executive branch members, members of the Higher Education Services Council and the general public. The above definitions of harassment also apply to these situations.

# Procedures for Resolving Discriminatory Harassment

The Minnesota Higher Education Services Offices (MHESO) provides several flexible methods for ending discriminatory harassment. The goal of these procedures is to maintain a productive and supportive working environment for all employees, allowing for both informal resolution and formal procedures which can lead to disciplinary action.

The Minnesota Higher Education Services Office (MHESO) has established the following complaint procedure as a means to resolve discrimination complaints raised by an employee against a co-worker, supervisor, manager. The complaint procedure consists of two parts: Informal and Formal. The informal procedure is designed to resolve problems between the affected parties before going to the formal complaint procedure. Any employee filing a complaint under either of these procedures shall do so without fear of coercion, reprisal, or intimidation. This policy does not prohibit an employee from filing a complaint with the Minnesota Department of Human Rights.

## Complaints

A complaint of discriminatory harassment will always initiate an agency inquiry or investigation. If allegations of harassment against an employee are substantiated, the agency may take disciplinary action. The agency may initiate an investigation even if a formal complaint has not been filed. Investigations may also be initiated as a result of complaints from persons outside the agency who believe they have been harassed by agency staff.

## Informal Complaint Procedure

If an employee has a discriminatory harassment complaint, the employee should present the complaint orally to the Affirmative Action Officer (AAO) as soon as possible, but within sixty (60) working days after the occurrence of the harassment event. The AAO has the responsibility to investigate and attempt to resolve the complaint; and shall give an oral or written answer to the employee within five (5) working days after the employee reported the event. If the complaint or grievance is against the AAO, the complaint may be filed with the MHESO Director/Designee. [See Appendix A for the listing of agency staff to whom a

complaint or grievance should be presented.] It is the responsibility of the AAO to ensure that appropriate action is taken, and that the matter is resolved.

- The AAO should explain to the individual who brought forth the informal complaint that s/he should contact the supervisor or the AAO **immediately** if the harassing behavior resumes.
- The AAO should check with the employee who brought forth the informal complaint at a two week and four week intervals from the resolution to ensure the matter has continued to be resolved.
- The AAO should also document in writing the informal complaint, how the situation was resolved, and any follow-up.

### **Formal Procedure**

Formal complaints should be brought to the AAO/Designee [See Appendix A]. To insure prompt attention to alleged discrimination, incidents should be reported as soon as possible. Individuals who wishing to file a formal complaint must document the complaint in writing. The agency's formal complaint form [Attachment B] or a comparable format that provides the information needed to begin an effective investigation. The formal complaint procedure can be pursued as follows:

1. The complaint is prepared by the employee in writing within five (5) working days using the agency *Complaint of Harassment/Discriminatory Harassment* form [see Attachment B]. The complaint is submitted to the AAO/Designee.
2. Within three (3) working days, the AAO/Designee shall investigate and determine if the complaint is properly an equal employment opportunity/discriminatory harassment complaint.
  - If it is determined that the complaint is not related to equal opportunity/discriminatory harassment, the AAO/Designee shall immediately notify the employee of the decision so the employee may pursue the complaint/grievance procedure provisions of the applicable collective bargaining agreement.
3. If it is determined that the complaint is an equal opportunity/discriminatory harassment complaint, the AAO/Designee will notify the respondents of the complaint within five (5)

working days of the receipt of the written complaint from the employee. The respondents must respond within five (5) days.

4. The AAO/Designee will proceed to investigate the complaint by interviewing parties in the complaint, witnesses, and reviewing documents.
5. If the investigation leads to a finding that there was discriminatory harassment of the complaint, the AAO/Designee may attempt to resolve the situation through mediation with the two parties. If this succeeds, the AAO/Designee will prepare an agreement that both parties must sign. If mediation does not succeed, the AAO/Designee will summarize the complaint, the investigation, the attempt at mediation and make recommendations in writing to the MHESO Director. The MHESO Director will accept, modify, or reject the recommendations and take action as appropriate. The MHESO Director will notify the parties accordingly.
6. The decision by the MHESO Director is the agency's final decision. A final written answer will be completed within 60 days after a formal complaint is filed and distributed to all parties involved.
7. The disposition of complaints shall be in writing and filed with the Commissioner of Employee Relations within thirty (30) days of the final determination.

Appeal Procedure:

The Affirmative Action Officer/Designee shall advise the employee of his/her right to file a charge/complaint with the Minnesota Department of Human Rights, explaining to the employee that this charge/complaint must be filed within one (1) year from the occurrence of the discriminatory harassment event.

**Records of Formal Harassment Complaints and Investigations**

At all times, only those persons who are needed to investigate or resolve a complaint will be informed or have access to information related to the discriminatory harassment complaint. The Director of Human Resources & Agency Services will maintain agency records regarding all complaints filed, the results of investigations, and actions taken when the agency's policy has been violated. These records will be secure and confidential unless disclosure is required by subsequent legal action. Incidents that involve assault, threats or use of force, or other criminal

behavior will be referred to appropriate law enforcement officials and the agency will cooperate in their investigations and prosecution procedures.

The Affirmative Action Officer/Designee shall maintain records of the complaint and pertinent information and/or data for five (5) years. The documentation associated with a complaint shall be considered private information during the course of the investigation. After an investigation is completed, and in accordance with the Minnesota Data Practices Act, specific documentation will become public data.

## **Complaints Involving Non-Employees**

Harassment by non-employees will be investigated and, if substantiated, the agency will contact other organizations with disciplinary authority, prevent further contacts between the parties, and/or take other actions necessary to protect staff.

### **State Employee Assistance Program**

Another resource for guidance and counseling in responding to discriminatory harassment situations is the State Employee Assistance Program. Employees can discuss any aspect of harassment and the discussion will remain confidential at the Assistance Program. Individuals who believe they are being harassed or are concerned that they may be harassing others are free to talk about their concerns, sort out their feelings, determine what steps they want to take, and maintain control over the information. Because the agency is not informed about consultation with the Employee Assistance Program, this route does not start an agency initiated investigation or intervention to stop a harassing situation.

---

**Employee Assistance Program**  
**296-0765**

---

In addition to the above services, the Employee Assistance Program can provide information about state and legal resources for filing complaints or for help in controlling harassing behavior. EAP staff are available to offer support to employees who decide to file formal harassment complaints under the agency's procedures or with the State Department of Human Rights, the Office of Dispute Resolution, the Bureau of Mediation Services, the courts, or other enforcement agencies.



# Reporting Discriminatory Harassment at the Minnesota Higher Education Services Office

---

## *Attachment A*

### **Informal Complaints:**

<b>Title</b>	<b>Current Name</b>
Agency Director	Robert Poch
Director of Human Resources & Agency Services/ Affirmative Action Officer	Mary Lou Dresbach
Director, Student Financial Aid Services	Cheryl Maplethorpe
Director, Research & Program Services	Nancy Bunnett
Director, Communications and Legislative Services	Phil Lewenstein
Director, Financial Services	Tim Geraghty
Director, Information & Technology Services	Terry Schmit
Assistant Director, Research & Program Services	Paul Thomas
Manager, State Student Financial Aid Programs	Ginny Dodds
Manager, Student Loan Programs	Marilyn Kosir
Supervisor of Auditing	Tim Medd

### **Formal Complaints:**

<b>Title</b>	<b>Current Name</b>
Agency Director	Robert Poch
Director of Human Resources & Agency Services/Affirmative Action Officer	Mary Lou Dresbach
Director, Student Financial Aid Services	Cheryl Maplethorpe
Director, Research & Program Services	Nancy Bunnett



**Minnesota Higher Education Services Office  
Complaint of Harassment/Discriminatory Harassment**

**Please Read Before Completion of this Form**

Any complaint of discriminatory harassment is considered confidential data under Minnesota Statutes 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 agency Affirmative Action Officer/Designee, the complainant, the respondent, appropriate supervisory personnel and the Commissioner of Employee Relations.

**Complainant (You)**

Name:	Date:	Job Title:
Agency:	Work Address:	
City, State, Zip Code:		
The Division in which you work:	Telephone #	Supervisor:

**The Complaint**

**Basis of Complaint (check all that apply):**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Race            | <input type="checkbox"/> Color                      | <input type="checkbox"/> Marital Status                               |
| <input type="checkbox"/> Sex             | <input type="checkbox"/> Creed                      | <input type="checkbox"/> Sexual Orientation                           |
| <input type="checkbox"/> Age             | <input type="checkbox"/> Religion                   | <input type="checkbox"/> Public Assistance Status                     |
| <input type="checkbox"/> Disability      | <input type="checkbox"/> Political affiliation      | <input type="checkbox"/> Membership or activity in a local commission |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Other (give example) _____ |   |

**Person you are filing this discriminatory harassment complaint against:**

If you filed this complaint with another agency or organization, please give the name of the agency:

Describe the event(s) that you feel constitute discriminatory harassment. Include date(s) of events, time(s), place, and persons involved— including any non-HESO employees. (Attach additional sheets if necessary.)

Additional information on your complaint you think is relevant or that would be helpful in investigating this complaint. (Attach additional sheets if necessary.)

Names of Other Witnesses: (include names, work address if different than HESO, telephone number if different than work phone at HESO). (Attach additional sheets if necessary.)

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's Signature:

Date:

Affirmative Action Officer's Signature:

Date:



## Policy on Workplace Violence

---

### Zero Tolerance of Violence at the Minnesota Higher Education Services Office

In 1992, the Minnesota legislature adopted legislation establishing a policy of “zero tolerance of violence.”<sup>1</sup> Minnesota’s state policy is that every person has a right to live free from violence.

Each state agency seeks to maintain a workplace that is free from all forms of violence. The Minnesota Higher Education Services Office has adopted policies and plans to eliminate the potential for violence and to respond promptly if violence threatens its employees or customers.

#### Agency Goal is “Zero Tolerance of Violence”

The goal of the Minnesota Higher Education Services Office *Policy on Workplace Violence* is to achieve a work environment which is free from threats and acts of violence. Employees and visitors will be treated with respect and dignity. The agency office will be a safe place. Employees who are victims of violence in their personal or work lives will find comfort and support from their co-workers and from the agency’s response to their special needs.

#### Agency Policy on Workplace Violence

It is the policy of the Minnesota Higher Education Services Office to maintain a workplace free from threats and acts of violence. Every employee shares responsibility for creating a positive work atmosphere, without insults or intimidation. The agency will support and protect its employees and customers from all forms of violence through safety awareness, emergency preparedness, enforcement of its policy on harassment, cooperation with law enforcement officials, and programs which promote healthy personal and work relationships. Employees who intimidate, harass, threaten, or use force which causes hurt, fear, injury, suffering or death will be subject to disciplinary action. The possession of any dangerous weapon, including firearms, in

---

<sup>1</sup>Minn. Stat. 15.86.

any Minnesota Higher Education Services Office workplace, by any person other than a law enforcement officer, is strictly prohibited.

The agency's policy on work-related violence is supported by:

- Clear expectations regarding acceptable behavior by employees, customers and guests.
- Active efforts to promote teamwork and collegial working arrangements, increase customer satisfaction, support self-development, and offer flexible working arrangements.
- A policy prohibiting possession of firearms and other dangerous weapons in the workplace.
- A revised policy on harassment which addresses all forms of harassment and provides multiple options for ending harassing behavior, including disciplinary action.
- Required reporting of all threats or incidents of violence that include the use of force.
- Procedures for rapid response to emergencies involving threats or injury.
- Cooperation with law enforcement officials

### **Definition of Violence**

As a guide to policy and prevention, the Minnesota Higher Education Services Office uses the following working definition of violence developed by the statewide Violence Prevention Advisory Task Force:

*Violence is the abusive or unjust exercise of power, intimidation, harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering or death.*

Much of the day-to-day violence in the workplace involves disputes or harassment which damage the working environment but which do not include physical force or criminal acts. While rare, workplace violence that includes perceived or real physical danger can happen, usually from one of the following:

- Current or former employees who become violent on the job due to interpersonal disputes or emotional disturbances.
- Family members, acquaintances, or others who have a personal dispute with an employee and who come to the workplace to carry out a violent act.
- Customers and people who conduct other business with the agency who become violent

toward employees.

- Strangers to the agency and its employees who use public access to the workplace for the purpose of committing violence.

To foster a workplace where violence is unlikely to occur, the Minnesota Higher Education Services Office manages the entire workplace climate rather than just responses to violence after it has occurred. Violent acts frequently result from longstanding disputes or unresolved arguments that begin with a disrespectful comment or action that escalated to more serious levels of violence. A positive working environment and culture for employees and customers will help eliminate the potential for violence, as well as respect the personal worth of each person.

Outside factors that impact the safety of the workplace environment, such as the spillover effects of family violence into the workplace, concern the agency as well.

# Plan for Zero Tolerance of Violence at the Minnesota Higher Education Services Office

## Prevention

- ▶ *Clear expectations regarding acceptable behavior by employees, customers and guests.*
  - Discriminatory harassment policy states expectations relating to the treatment of others in the workplace by employees, by agency customers and other outsiders.
  - Training in handling difficult/irate customers
  - Training in intervention with “troubled employees” (alcohol/drug abuse, family problems, emotional disturbances)
  
- ▶ *Active efforts to promote teamwork and collegial working arrangements, increase customer satisfaction, support self-development, and offer flexible working arrangements.*
  - Agency-wide Quality Improvement focus
  - Communications (agency staff meetings, bulletins, newsletters, etc.)
  - Involvement of all employees in managing work
  - Telecommuting, flextime
  - Promotion of Employee Assistance Program [EAP]
  
- ▶ *A policy prohibiting possession of firearms and other dangerous weapons in the workplace.*
  
- ▶ *Cooperation with State and Local Law Enforcement Officials in assuring employee safety.*
  - Training related to safety awareness—both inside and outside the work building
  - Before/after hours security and use of building access cards

## Responses to Violence in the Workplace

- ▶ *In conjunction with the agency Discriminatory Harassment policy, the agency Policy on Workplace Violence seeks to explain agency expectations as they relate to a safe, supportive work environment.*
  - Informal and formal responses depending on employee needs and seriousness of offense
  - Required reporting of assault or threats of violence

- Investigation of all complaints
- Investigation of all serious incidents (any including use or threats of force) that come to agency attention by any means
- Disciplinary action, including termination
  
- ▶ *Required reporting of all threats or incidents of violence that include the use of force.*
  
- ▶ *Procedures for rapid response to emergencies involving threats or injury.*
- Supervisor, manager responsibility during and after an incident
- Supervisor, manager training
- First aid training, procedures
- All media inquiries handled by Agency Director or Director of Communications
  
- ▶ *Cooperation with law enforcement officials if a crime is committed in the workplace.*
- Supervisor, manager responsibility
- Supervisor, manager training

### **Plan Implementation**

- Plan developed by in-house team, draft reviewed by all employees, approved by Agency Director
- New employee orientation and inclusion of Plan on agency computer network
- Annual review of Plan by agency staff/in-house team to ensure accuracy and possible improvements to the Plan

## **PLAN FOR IMPLEMENTING ZERO TOLERANCE OF VIOLENCE IN, AND AROUND, THE WORKPLACE**

### **1. The Agency Will Provide a Safe Workplace at all its Locations.**

The Minnesota Higher Education Services Office is committed to ensuring that the workplace provides for the safety of employees and guests, and for reasonable protection from workplace violence.

### **2. The Agency Will Attempt to Limit Violence From External Sources by Positively Affecting the Attitude and the Behavior of its Customers.**

- **Customer Service:** The department will continue to place emphasis on good customer service in a way that is fair, efficient, reliable and understandable. In doing so, and by treating customers with respect and dignity, the potential for workplace violence from external sources will be greatly reduced.

### **3. Prevention: The Agency Will Attempt to Reduce The Potential for Internal Workplace Violence by Positively Affecting the Attitudes and the Behavior of its Employees.**

- ***Behaviors and Interactions:*** Clear expectations of behaviors and interactions for employees, customers and guests in the workplace are established by virtue of this policy. This will include a zero tolerance for behaviors such as name-calling; obscene language or gestures; throwing things; pushing; stalking; bullying; hazing; unjust exercise of power; negative racial or sexual comments; violent acts of hate such as assault or striking others; inappropriate touching; carrying weapons; making “fun” or showing disrespect for others within the office or at functions outside the department or using inappropriate or offensive references for customers and staff.
- ***Creating a low-risk work environment:*** Agency managers and supervisors are expected to promote positive behavior, and to lead by example, by treating employees with respect and

dignity. Emphasis will be placed on creating a workplace where the established standards of conduct are clear, communicated, and consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.

- **All Staff Training:** Appropriate to their position, all agency staff will be provided with training on managing conflict. Management training will focus on prevention and de-escalation of violence, will include suggestions for appropriate responses to threats and acts of violence, and will identify resources which are available for use once a potential problem has been identified or an incident has occurred.

Other training and information that foster a positive workplace environment, such as enhanced communication or stress management, etc. will be made available.

- **Employee Counseling and Assistance:** The agency will encourage use of the Employee Assistance Program (EAP). The EAP is primarily an assessment, short-term counseling and referral agency. While supervisors, union representatives, or family members may encourage employees to seek help from the EAP, the decision to use its services must be a voluntary one.
- **Safety Promotion:** Information and instruction will be provided or posted for agency employees and customers regarding appropriate responses to potential safety threats. For example, evacuation routes will be posted and “wardens” will be established for all workplace areas to ensure the safe evacuation of all staff and visitors. A reception area policy will be strictly enforced to enhance security generally. An “after hours” policy will be disseminated to all staff detailing essential security and safety measures.
- **Self-help:** Informational brochures and other methods will be used to make employees familiar with the services offered by the EAP, and will provide information on how to take advantage of those services. Information will also be provided about other options for the

resolution of personal and work-related problems which may have a potential for escalating to a violent incident. Employees will be encouraged to utilize available resources.

- ***Valuing and Respecting Diversity:*** It is the agency's policy and practice to value and respect individual differences among people. Harassment of any person in the workplace is strictly prohibited. Harassment can be any behavior which is unwelcome, personally offensive, insulting or demeaning when:

- 1) submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment;
- 2) submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such an individual; or,
- 3) such conduct has the primary purpose or effect of unreasonably interfering with an employee's performance, or of creating an intimidating, hostile, or offensive working environment.

Harassment and discrimination are serious concerns. Incidents of this nature, if not corrected, may result in workplace violence. Management will continue to treat reports of harassment and discrimination seriously. Complaints of alleged harassment or discrimination will be promptly investigated and, as necessary, appropriate disciplinary action will be taken.

#### **4. The Office Will Effectively Deal With Threats of Violence, and With Actual Incidents of Violence.**

- ***Supervisory Responsibilities:*** Office managers and supervisors have primary responsibility for ensuring a safe work environment. Managers and supervisors are specifically empowered to take immediate action to resolve or stabilize violent situations in the workplace, and to protect people from harm. They will ensure that when a threat is made or a violent incident occurs, an appropriate response is immediately taken. Supervisors and managers will also ensure that appropriate disciplinary responses to internal workplace violence and aggression are made. Supervisors and managers will carry out these responsibilities with the assistance

of the agency's Human Resources & Agency Services division and, as appropriate, other state and local government agents.

- ***Reporting threats or acts of violence involving physical injury:*** All incidents involving the use or force or the threat of force should be reported to the immediate unit or divisional management and the agency's Human Resources & Agency Services division. Reports should fully detail the specific incident and the names of all persons involved including witnesses. All incidents will be fully investigated by agency management and Human Resources staff with assistance from other state and local agents as appropriate. A full written report will be provided to the Commissioner of Employee Relations including a follow-up on the response action taken.

Media inquiries regarding incidents of workplace violence will be handled by authorized management personnel.

**\*\*\*As warranted, local law enforcement agencies or emergency medical personnel should immediately be contacted by dialing "9-911".** (You must dial "9" to get an outside phone line.)

#### **5. The Minnesota Higher Education Services Office Will Work to Eliminate Dangerous Weapons from the Workplace.**

- ***Dangerous Weapon Prohibition:*** The possession of any dangerous weapon, including firearms, in any Minnesota Higher Education Services Office workplace, by any person other than a law enforcement officer, is strictly prohibited. Office personnel are prohibited from possessing any dangerous weapon while in work status. [See Appendix A for a list of dangerous weapons included in this prohibition.]

## PLAN IMPLEMENTATION

Copies of this plan and policy will be: distributed to all employees, posted electronically within the agency, inserted into the agency Employee Manual, and made available to outside customers. Managers and supervisors will be responsible for informing employees of this plan and policy, and for enforcing compliance.

The agency will continue to provide information about the services available through the Employee Assistance Program to help employees deal with concerns and issues related to workplace or family violence. Training needs will be assessed, and information about pertinent training sessions for managers, supervisors, and employees will continue to be made available to agency staff. The agency will work to further advance this plan and will identify and address specific action items.

Managers and supervisors will have primary responsibility for ensuring a safe workplace, for monitoring and resolution of employee conflicts or disputes, for taking appropriate corrective action when potentially violent situations develop, and for working with the agency's Human Resources & Agency Services Division and other appropriate agencies when threats or acts of violence do occur.



Robert K. Poch  
Director  
Minnesota Higher Education Services Office

12-2-99

Date

Attachment A: Dangerous Weapons List

Attachment B: Employee Acknowledgement of Receipt of both the MHESO Harassment Policy and the Workplace Violence Policy Form

## Appendix A

### DANGEROUS WEAPONS

For purposes of the Plan and Policy, the following items are considered to be “dangerous weapons”:

- any weapon which, per applicable law, is illegal to possess
- any firearm, loaded or unloaded, assembled or disassembled, including pellet, “BB”, and shot guns (electronic incapacitation devices)
- replicate firearms, as defined in Minn. Stat. 609.713
- knives (and other similar instruments) with a blade length of more than three inches, other than those present in the workplace for the specific purpose of food preparation and service
- any “switchblade” knife
- “brass knuckles”, “metal knuckles”, and similar weapons
- bows, crossbows and arrows
- explosives and explosive devices, including fireworks and incendiary devices
- “throwing stars”, “numchucks”, clubs, saps, and any other items commonly used as, or primarily intended for use as, a weapon
- any object that has been modified to serve as, or has been employed as, a dangerous weapon
- any other item so designated by the Director of the Minnesota Minnesota Higher Education Services Office

**MHESO Employee Acknowledgment of Receipt of HESO Harassment Policy  
and Policy on Workplace Violence**

I acknowledge that I have received and read the Minnesota Higher Education Services Office's:

- 1) Policy on Harassment, and
- 2) Policy on Workplace Violence.

Name of Employee (please print): \_\_\_\_\_

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

Signature: \_\_\_\_\_

---

**Please sign and return this form to:  
the MHESO Director of Human Resources  
& Agency Services**

---