

000440

LEGISLATIVE REFERENCE LIBRARY
NA4412.M6 M566 1998
Minnesota. Capitol - Affirmative action plan for the Ca



3 0307 00060 3186

AFFIRMATIVE ACTION PLAN

for

The Capitol Area Architectural and Planning Board

1998 - 2000

NA
4412
.M6
M566
1998/
2000

Minn. Stat. 43A.191 Subd. 2

Affirmative Action Plan

RECEIVED

TABLE OF CONTENTS

AUG 15 2000

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

Statement of Commitment 1

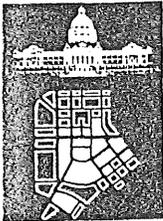
Internal Discrimination Complaint Procedure 2 - 5

Objective To Hire Protected Group Members 6

Reasonable Accommodations 7 - 10

Weather Emergencies 11 - 14

Sexual Harassment 15 - 16



Capitol Area Architectural and Planning Board

204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Phone: 612/296-7138
Fax: 612/296-6718

STATEMENT OF COMMITMENT

Capitol Area Architectural and Planning Board

The Capitol Area Architectural and Planning Board (CAAPB) is committed to the State of Minnesota's Equal Employment Opportunity Policies and Statewide Affirmative action program for its employees and the public it serves. As the Board's Executive Secretary, I affirm our support of these policies which provide:

- 1) That all employees and potential employees are to be treated equally and that all personnel actions are to be carried out without regard to race, religion, creed, color, age, national origin, sex, sexual orientation, disability, membership or activity in a local commission, marital or public assistance status.
- 2) That the Board will further strive to ensure equal access and opportunity in the services it provides to the public.
- 3) That the Board will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are under-represented in the workforce.

The Board will be held accountable for ensuring that Affirmative Action Programs are implemented since it can ultimately make the most impact on this program. As the Board's chief executive officer, I shall have a statement in my position description on these affirmative action responsibilities.

In order to administer these responsibilities most effectively, I will act as the agency's Affirmative Action Officer and be responsible for monitoring the activities of the program.

Due to the size of our agency, we are unable to identify any duties for a supported worker program and, also, as a small agency we are committed to retaining our employees.

Anyone interested in reviewing the Board's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues, may contact me at the address or phone number above. A copy of this plan is in the agency's official file: "Personnel: Affirmative Action."

Date: October 26, 1998

Nancy Stark, Executive Secretary
Capitol Area Architectural and Planning Board

INTERNAL DISCRIMINATION COMPLAINT PROCEDURE

The CAAPB has established the following discrimination complaint procedure to be used by all applicants and eligibles. This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. We encourage employees to use this internal procedure before filing a charge with the Department of Human Rights or other agencies. Coercion, reprisal or intimidation against anyone filing a complaint, or serving as a witness, under this procedure is prohibited.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer/Designee (AAO) for information and for access to data and records for the purpose of enabling the AAO to carry out her responsibilities under this complaint procedure. The failure of any employee to comply with the requests of the AAO shall be reported to the Chair of the CAAPB.

Who May File

Any employee of the Board who believes that they have been discriminated against by reason of race, creed, color, sex, sexual orientation, age, membership or activity in a local commission, veterans status, national origin, religion, status with regard to public assistance, marital status, or disability may file a complaint. Employees who are terminated must file their complaint prior to their actual separation.

The Complaint Procedure

The Affirmative Action Officer determines if the complaint is a discrimination complaint rather than a general personnel concern. If determined by the AAO that it is not a discrimination complaint, the individual will be referred to the CAAPB Chair to file the complaint as defined by the agency's internal complaint procedure. If determined by the AAO to be a discrimination complaint, the procedure will be as follows:

- A. **Informal** - Employees must present their complaint to the AAO within 10 working days after the occurrence. The AAO must give an oral or written answer within 10 working days and thereafter the parties shall have 10 working days to pursue resolution by mutual agreement.
- B. **Formal** - The complaint must be filed with the AAO within 14 working days of the receipt of an answer from the AAO relative to the informal process described above. In the event that the respondent is the AAO, the complaint may be filed with the Chair of the CAAPB.
- C. If the respondent is the Chair of the CAAPB the complaint may be filed with the Department of Employee Relations.

Filing Procedures

1. The employee completes the "Complaint of Discrimination" form provided by the AAO. The AAO will, if requested, provide assistance in filling out the form.
2. The AAO determines if the complaint falls within the area of discrimination or equal employment opportunity, i.e., the complainant is alleging a violation of his/her right to equal employment on the basis of race, creed, color, etc.
 - a. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the AAO within 5 working days will inform the complainant, and refer the complainant to the CAAPB Chair to handle the complaint.
 - b. If the complaint is related to discrimination, the AAO will within 10 working days of the receipt of the complaint, send a copy of the complaint to all parties names as respondents. The copy shall be accompanied by a letter outlining the basic facts of the complaint and requesting a response to the allegations from the respondent(s) within a specific period of time.
3. The respondent(s) shall report to the AAO in writing, within the time period specified by the letter, setting forth his/her understanding of the situation or causes giving rise to the complaint. If the respondent(s) fail to provide the answer within the specified time period, the allegations contained in the complaint will be considered to be denied by the respondent(s) and the AAO shall proceed to investigate the case.
4. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. A thorough investigation may include, but not be limited to, the following types of data:
 - a. Interviews or written interrogatories with all parties involved in the complaint; complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
 - b. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
5. At the conclusion of the investigation, the AAO shall review the findings.
 - a. A statement shall be prepared and signed by the complainant, the respondent(s) and the Affirmative Action Officer/Designee. The CAAPB Chair and each signatory shall receive a copy of the agreement.

- b. If the mediation attempt is unsuccessful, the Affirmative Action Officer/Designee shall notify the CAAPB Chair by letter. This letter shall include complaint summary, status of the mediation attempt, the AAO's determination and recommendation(s) for corrective action. The Chair shall accept, modify or reject the AAO's recommendations(s) and shall take such actions as deemed appropriate, and notify all parties (e.g., complainant, respondent(s) and the AAO).
6. If the AAO believes there is insufficient evidence to support the complaint, a letter will be sent to complainant, the respondent(s) and the Chair dismissing the complaint.
7. The AAO shall maintain records of all complaints and any pertinent information or data for no less than three years after the case is closed.
8. The complaint investigation should be completed within 60 working days of the filing of the formal complaint. In the event that extenuating circumstances prevent completion within 60 days, the complainant will be notified.
9. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within 30 days of final determination.
10. All documentation associated with a complaint shall be considered confidential information during the course of an investigation. The status of the complaint, however, is public.

COMPLAINT OF DISCRIMINATION

PLEASE READ BEFORE COMPLETION OF FORM

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. You are not legally required to provide this information, but without it, a thorough investigation cannot be conducted. This information may only be released to the Affirmative Action Officer/Designee, the complainant, the respondent, appropriate supervisory personnel and the Commissioner of Employee Relations.

COMPLAINANT (YOU)

Name Job Title
Work Address City, State, Zip Code Telephone ()
Agency Division Supervisor

RESPONDENT (PERSON WHO DISCRIMINATED AGAINST YOU)

Name Job Title
Work Address City, State, Zip Code Telephone ()
Agency Division Supervisor

The Complaint

Basis of Complaint ("X" all that apply):

- Race Color Disability Veterans Status
Sex Creed Marital Status Political Affiliation
Age Religion National Origin Public Assistance Status
Membership or activity in a local commission Sexual Orientation

Date most recent act of discrimination took place: If you filed this complaint with another agency, give name of that agency:

Describe how you have been discriminated against (names, dates, places, etc.).

OBJECTIVE TO HIRE PROTECTED GROUP MEMBERS

When the Capitol Area Architectural and Planning Board agency has a vacancy and is under-represented for females, minorities, or persons with disabilities, the agency will make an effort to recruit protected group members.

The agency may request that the Department of Employee Relations approve expansion of the eligible list to include protected group members so that the agency may have an opportunity to act affirmatively.

REASONABLE ACCOMMODATION POLICY

Policy

This agency is committed to encouraging the employment of people with disabilities. We will make reasonable accommodations to the physical or mental limitations of a qualified applicant or employees with disabilities who are seeking promotion, unless the accommodation would impose an undue hardship on the agency.

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

An individual with a disability is defined as:

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

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

1. Modification of equipment or assistive devices. Purchase of or modification to existing equipment such as special telephone equipment, talking calculators, one-handed typewriters, and/or specifically designed desk and files.
2. Job site modifications. Modifications may include adjustments to equipment height, addition of electrical outlets, reallocation of job site to an accessible area, special parking facilities or other types of similar modifications.
3. Job restructuring. They may include flexible work hours and/or restructuring job duties while retaining the essential job duties.
4. Support services. Services such as interpreters for individuals with hearing impairments, readers for individuals who are blind or special attendants.
5. Reassignment to a vacant position of equal status when possible and appropriate.

Requests for Reasonable Accommodations for Employees:

The steps to request a reasonable accommodation are:

1. The supervisor and individual with a disability discuss the need for the accommodation and discuss alternatives such as job restructuring, job modification and accessible devices.

2. The supervisor must inform the affirmative action officer of the request and submit a request for accommodation form (copy obtained from the affirmative action officer). The request will include justification for the request including a statement of the limitations, the suggested accommodation, approximate cost, and any other pertinent information. The affirmative action officer will assist the supervisor by providing the necessary resources and information.
3. Upon approval, the supervisor will forward the request form and supporting information to the affirmative action officer within seven (7) working days upon receiving the request.
4. The affirmative action officer will review the request and assist the supervisor in making the accommodation. If the accommodation will cost a significant amount (an amount already determined by each agency head), the affirmative action officer will forward it along with his or her recommendation to the agency head within three (3) working days.
5. The decision is provided in writing to the supervisor, manager and employee within five (5) working days after the determination is made by the agency head.
6. The affirmative action officer will maintain all documents pertaining to the accommodation.

Funding for Reasonable Accommodation:

Funding will be provided for reasonable accommodations. The availability of funds varies with each agency. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the agency head. When determining whether or not to make the accommodation without imposing undue hardship on the agency, the following factors must be considered:

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

Request for Reasonable Accommodations for Job Applicants:

1. All initial communication between a job applicant and a supervisor or personnel office regarding a position in the agency shall indicate the willingness of the agency to make a reasonable accommodation upon request, prior to the job interview.
2. The supervisor or personnel office shall contact the affirmative action officer immediately to indicate that an accommodation is needed. In order to ensure that the accommodation is provided at the interview, requests shall be handled in a timely manner.

3. The affirmative action officer shall contact the applicant to discuss the needed accommodation and discuss possible alternatives.
4. The agreed upon accommodation shall be provided if the cost does not cause an undue hardship on the agency.
5. If approved, the affirmative action officer shall take the necessary steps to see that the accommodation is provided.

Denial of Accommodations:

All denials of requests for accommodation will be documented and kept on file by the affirmative action officer. The affirmative action officer shall notify the employee of their right to file a complaint of discrimination under the affirmative action plan complaint procedure and advise the employee of the right to file a complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, or other agencies.

If the requested accommodation made by a job applicant is denied, the affirmative action officer shall notify the job applicant of the decision and advise them of the right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission, or other agencies.

Employee Request for Reasonable Accommodation

Please Print or Type

Employee Name	Classification	Date of Request
Division	*Statement of Limitations	
<p>• Attach additional sheets for questions below if necessary.</p>		
<p>1. Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.</p>		
<p>2. Type of accommodation requested to perform essential function(s):</p>		
<p>3. Which essential function(s) of your job will the requested accommodation allow you to perform?</p>		
<p>4. Why is the requested accommodation necessary to perform the essential job function(s)?</p>		
<p>5. How will the requested accommodation be effective in allowing performance of the essential job function?</p>		
Signature of Employee		Date
Signature of Supervisor		Date
Signature of Manager		Date
Additional Comments:		

* Information on this form shall be 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.

WEATHER EMERGENCIES

1. A copy of Commissioner Carpenter's weather emergency memorandum is included in this plan.
2. All employees will be notified as outlined in this memorandum.

BUILDING EVACUATION

The Board will establish evacuation procedures, including procedures for employees who are mobility or sensory impaired.

Minnesota
Department of
Employee
Relations

Leadership and partnership in
human resource management

Capitol Area Arch. & Planning Board

NOV 18 1997

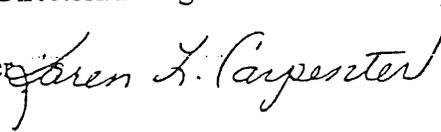
FILED:

Memo

DATE: November 14, 1997

TO: Agency Heads
Human Resource Directors/Designees

FROM: Karen L. Carpenter
Commissioner



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.

November 14, 1997

Agency heads or their designee will be notified when an emergency is declared. It is imperative that your agency has in place an internal procedure for relaying this information to any/all your offices affected. While we will be informing the media, we have found that some employees do not receive the notification in a timely fashion.

Please note MnSCU (Minnesota State Colleges and Universities) have statutory authority to close their facilities and this policy does not apply to them.

How to find out about a weather emergency

If a weather emergency is declared during the night, we will give the following announcement to WCCO 830 and WMNN 1330, KSTP, WCCO and KARE TV for broadcast. The announcement will also be forwarded to the Associated Press (AP) to be put on the news wire for radio stations in greater Minnesota.

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

This statement will be provided to the media prior to the start of the normal work day (8:00 a.m.). We continue to monitor weather conditions through the Emergency Management Division, and if changes in the emergency designation are warranted, they will be made as the day progresses.

If an emergency is declared during the business day, the agency head or their designee will be notified by telephone and fax prior to the declaration. We will also notify the media of the declaration.

Several days following a weather emergency, you will receive a written notification from my office which includes the time, date and geographic location of the emergency along with processing information to pay employees.

November 14, 1997

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 1-800-627-3529. 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

cfg/weather/m-weather

HARASSMENT POLICY

Statement of Policy

It is the policy of the Board to prohibit verbal and physical harassment of its employees based on race, age, creed, color, national origin, religion, sex, sexual orientation, membership or activity in a local commission, veterans status, disability, marital or status with regard to public assistance. This prohibition with respect to sexual harassment includes behavior that creates a negative work environment. Any employee subjected to such harassment should file a complaint with the agency's affirmative action officer/designee. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each manager is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for orienting his/her staff to our agency's policy. The affirmative action officer will be expected to keep the organization apprised of any changes in the law or its interpretation regarding this form of discrimination. More specifically, each manager will be responsible for:

- 1) making certain that each individual in his/her division who makes or recommends employment and other personnel decisions are fully aware of and comply with this policy;
- 2) notifying all employees within the division and orienting each new employee who is hired of this policy;
- 3) informing all employees in his/her division of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Harassment is any behavior which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform. When the basis of harassment is race, national origin, religion, sex, sexual orientation, membership or activity in a local commission, disability, marital or public assistance status it is illegal. For example, harassment based on national origin has been defined by the EEOC as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the EEOC as: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Sexual harassment may include such actions as:

- 1) sex-oriented verbal kidding, or abuse;
- 2) subtle or overt pressure for sexual activity;
- 3) physical contacts such as patting, pinching, or constant brushing against another's body;
- 4) demands for sexual favors which affect an individual's employment status or consideration.

Finally, it is possible for sexual harassment to occur among or between all employees. Employees who experience sexual harassment from coworkers should either make it clear, if they are comfortable doing so, that such behavior is offensive to them or bring the matter to the attention of their supervisors or the agency affirmative action officer. In fulfilling our obligation to maintain a positive and productive work environment, supervisors are expected to halt such harassment between coworkers through appropriate disciplinary action based on the seriousness of the incident. They are also expected to protect a harassed employee who initiates a complaint from reprisal.

Another form of sexual harassment occurs when people offer or threaten to use the power of their position to control, influence, or affect the career, salary, or job of another employee (or prospective employee such as an applicant) in exchange for sexual favors. Individuals who instigate this type of harassment are subject to serious disciplinary action, including suspension, demotion, transfer, or termination. Complaints of sexual harassment involving misuse of an individual's official position would be made to the Commissioner or the agency's affirmative action officer.

Procedure

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

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

a:\board\affplan.99