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**APPROVED**

**Affirmative  
Action  
Plan**

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**2000 - 2002**

**MINNESOTA DEPARTMENT  
OF HUMAN RIGHTS**

**January, 2000**

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To request another format, please call 651.296.9044 (voice) or 651.296.1283 (TTY).

**Affirmative Action Plan  
Transmittal Form  
Fiscal Years 00 and 02  
For Department of Human Rights**

1. Our review of the goal units listed below revealed underutilization of the following protected group(s): None

GOAL UNITS	PROTECTED GROUPS		
	WOMEN	MINORITIES	DISABLED
Clerical/Technical			
Managers			
Professional			
Supervisory			

2. The Affirmative Action Plan is distributed in the manner described in the Affirmative Action Plan, and is available in the Human Resources Director's Office and the Commissioner's Office so that every employee is aware of the Department of Human Rights' commitments in affirmative action for the year.
3. This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure and the Department of Human Rights' affirmative action goals for this fiscal year.

Jama Sengil  
Affirmative Action Officer

3/23/00  
Date

4. This annual plan contains clear designations of those persons 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.

Janeen E. Rosas  
Commissioner

3/23/00  
Date

5. This annual plan meets the rules governing affirmative action, MCAR Chapter 3905.0600 Statutory Authority 43A.04, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities.

Daniel Shaw  
Director, Office of Diversity and Equal Opportunity

4/16/00  
Date

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# Department of Human Rights 2000-2001 Affirmative Action Plan

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## Statement of Commitment

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The Minnesota Department of Human Rights is committed to the provision of equal opportunity to all its employees and applicants for employment and will act in accordance with all equal opportunity/affirmative action laws, directives, orders and regulations of the State of Minnesota. The Minnesota Department of Human Rights has a commitment to affirmatively retain protected group employees.

The department will not discriminate against or harass any employee or applicant for employment because of race, creed, color, sex, national origin, age, marital or family status, disability, status with regards to public assistance, religion, sexual orientation, or membership or activity in a local commission.

I will act affirmatively to prevent discriminatory employment practices from taking place in the department and I will direct department managers and supervisors to do so as well. Affirmative Action considerations will be applied to employment practices including hiring, promotion, demotion, transfer, recruitment (including advertising), layoff, discipline, termination, compensation, assignment and training.

One of the goals of the department is to eliminate the barriers to the employment of qualified persons with disabilities, minorities and women in the State of Minnesota. In keeping with this goal, the department will review, update and maintain its Affirmative Action program in order to eliminate internal barriers to equal employment opportunity and to provide for the employment and advancement of qualified persons with disabilities, minorities and women. The Department of Human Rights has a commitment of affirmatively retrain protected group members/employees.

Any department employee who is found to have violated the department's equal employment opportunity policies and procedures as stated in this Affirmative Action plan will be subject to discipline.

I have appointed Laura Sengil as the department's Affirmative Action Officer and ADA Coordinator. She is responsible for updating and maintaining the department's Affirmative Action Plan; for monitoring all equal employment opportunity activities within the department; and for reporting the effectiveness of the Affirmative Action program as is required by state law. Laura Sengil is responsible to me for administering the department's Affirmative Action Plan.

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## Statement of Commitment (continued)

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Any department employee or applicant for employment who believes that he/she has been discriminated against may contact Laura Sengil. Her telephone number is 651.296.9044; TTY 651.296.1283, she may also be contacted by mail at the department's mailing address. Discrimination complaints may also be filed with the Equal Employment Opportunity Commission.

Janee E. Rosas  
Janee E. Rosas, Commissioner

3-23-00  
Date

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## Responsibilities for Affirmative Action

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### Commissioner

#### 1. Responsibilities

The Commissioner will be responsible for the establishment of affirmative action programs, including goals and time-tables and compliance with all federal and state laws and regulations relating to discrimination.

#### 2. Duties

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

- a. to designate an Affirmative Action Officer (AAO) and include accountability for affirmative action in his/her position description.
- b. to take action, if needed, on complaints of discrimination.
- c. to issue a statement affirming the department's commitment to affirmative action/equal employment opportunity and to ensure that such a statement is disseminated to all employees.
- d. to make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the department.
- e. to actively promote equal employment opportunity.
- f. to report annually to the Governor and the Legislature through the Commissioner of Employee Relations the department's progress in affirmative action.
- g. to notify all contractors and sub-contractors with the department of their affirmative action responsibilities.

#### 3. Accountability

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of Employee Relations and the Director, Office of Diversity and Equal Opportunity for affirmative action matters.

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## **Responsibilities for Affirmative Action (continued)**

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### **Affirmative Action Officer**

#### **1. Responsibilities**

The Affirmative Action Officer (AAO) is responsible for the development, implementation and monitoring of the departmental affirmative action program.

#### **2. Duties**

The duties of the AAO shall include, but not be limited to, the following:

- a. to coordinate and monitor the day-to-day affirmative action activities.
- b. to investigate complaints of discrimination and submit findings to the Commissioner.
- c. to fulfill all affirmative action reporting requirements.
- d. to disseminate the Affirmative Action policy.
- e. to hold exit interviews with all employees to determine reasons for turnover.
- f. to act as the liaison between the department and the Department of Employee Relations (DOER), Office of Diversity and Equal Opportunity (ODEO).
- g. to determine the need for affirmative action training within the department and to initiate the development of such training programs with the assistance of the Training and Development Coordinator, ODEO and Human Resource Development Services divisions at DOER and outside resources as necessary.
- h. to review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action.
- i. to support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- j. to notify the Commissioner of all formal written complaints when received.

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## **Responsibilities for Affirmative Action (continued)**

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### 3. Accountability

The AAO is accountable directly to the Commissioner.

### **Supervisors**

#### 1. Responsibilities

Supervisors are responsible for the implementation of affirmative action in their organizational unit and for equal treatment of all employees and applicants for employment.

- a. to assist the AAO in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- b. to communicate the department's affirmative action policy to assigned staff.
- c. to include responsibility statements for affirmative action/equal employment opportunity in their position descriptions.
- d. to carry out their supervisory responsibilities in accordance with affirmative action/equal employment policies embodied in this plan.
- e. to communicate the department's affirmative action policy to assigned staff.
- f. to maintain a "single standard" principle within the work force so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis.
- g. to provide positive environment in the work place.
- h. to refer complaints or complaints involving another supervisor to the respective division head.

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## **Responsibilities for Affirmative Action (continued)**

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### 2. Accountability

Supervisors are accountable directly to the Division Director.

### **Managers**

#### 1. Responsibilities

Managers are responsible for the implementation of affirmative action in their division and for equal treatment of all employees.

- a. to assist in the identification of problem areas and eliminating barriers which inhibit equal employment opportunity.
- b. to communicate equal employment policy and affirmative action program to all employees assigned to their division.
- c. to assist the AAO in conducting periodic audits of training programs, hiring and establish promotion patterns to remove impediments to the attainment of goals and objectives.
- d. to hold regular discussions with supervisors and employees to ascertain that the department's EEO policies are being followed.
- e. to inform and evaluate supervisors on the basis of their equal employment opportunity efforts and results in addition to other criteria.

#### 2. Accountability

Managers are accountable directly to the Commissioner/Deputy Commissioner.

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## **Methods for Communicating the Department of Human Rights Affirmative Action Plan**

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The Department of Human Rights Affirmative Action Officer (AAO) will ensure that all employees are advised of the policy of non-discrimination, the provision of reasonable accommodation, and the procedure for filing a complaint. The material can be provided in alternative formats such as large print, Braille or on tape.

### **Methods for Communicating the Affirmative Action Plan Internally**

1. The AAO will distribute to all supervisory staff, a copy of the full AA plan and a cover letter detailing their responsibility to read, understand, support and implement the plan.
2. The Human Resources Office will post the following documents on the department bulletin board in the employee breakroom:
  - a. the Department of Human Rights Affirmative Action Plan
  - b. the Minnesota Equal Opportunity policy, and
  - c. the name and phone number of the agency's Affirmative Action Officer.
3. Additional copies of the AA plan will be available to employees upon request from the Human Resources Office.

### **Methods of Communicating the Affirmative Action Plan Externally**

1. The Department of Human Rights will include the statement, "an equal opportunity employer," on agency letterheads, job announcements and training opportunity bulletins.
2. A notice of the department's Equal Employment Opportunity policy will be posted in the main lobby, providing an opportunity for everyone doing business directly with the Department of Human Rights to be made aware of the policy.
3. The department's Internet Home Page will include the statement, "an equal opportunity employer."

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## **Policy Prohibiting Harassment/Discrimination**

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### **Definition**

Harassment is any behavior, which is not welcome, which is personally offensive, which therefore, may adversely affect morale and interfere with the employee's ability to perform his/her job responsibilities.

According to the EEOC: "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."

It is the policy of the department to prohibit verbal and physical harassment of its employees based on race, religion, creed, color, age, national origin, sex, sexual orientation, marital status, disability, status with regard to public assistance, or membership or activity in a local commission. Any employee subjected to harassment on any of these basis should file a written complaint with the department's AAO.

The department has posted this policy and will publish it in the employee handbook given to each employee upon hiring. In addition, the AAO will present the policy in orientation to all new employees. The following complaint procedure is part of the employee handbook.

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## **Internal Harassment/Discrimination Complaint Procedure**

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The Department of Human Rights has established the following discrimination complaint procedure to be used by all employees, applicants, or eligible. 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 for information and for access to data and records for the purpose of enabling the Affirmative Action Officer designee to carry out responsibilities under this complaint procedure.

### **Who May File**

Any employee, applicant, or eligible of the Department of Human Rights who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

### **The Complaint Procedure**

The internal complaint procedure provides a method for resolving complaints involving violations of the Department of Human Rights' nondiscrimination policy within the agency. Employees, applicants, and eligibles are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The Affirmative Action Officer designee may contact the Office of Diversity and Equal Opportunity if s/he wants information about filing a complaint.

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## Internal Harassment/Discrimination Complaint Procedure (continued)

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### Filing Procedures

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation(s) may involve discriminatory harassment. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
  - A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer will inform the complainant, in writing, within ten (10) working days.
  - B. If the complaint **is** related to discrimination, the Affirmative Action Officer will, within 10 working days, contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer shall notify the complainant(s) and respondent(s) that s/he has completed the investigation. The Affirmative Action Officer shall then review the findings of the investigation.
  - A. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
  - B. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s) and the respondent(s) dismissing the complaint.

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## Internal Harassment/Discrimination Complaint Procedure (continued)

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4. A written answer will be provided to the parties within sixty (60) days after the complaint(s) is filed. The complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Dispensation of the complaint will be filed with the Commissioner of the Department of Employee Relations within thirty (30) days of final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices act.
7. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state and federal statutes. An investigation may include, but is not limited to, the following types of data:
  - A. Interviews or written interrogatories with all parties involved in the complaint, e.g., complainant(s), respondent(s), and 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.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

**DEPARTMENT OF HUMAN RIGHTS**  
**COMPLAINT OF DISCRIMINATION/HARASSMENT**

**Please Read Before Completion of Form**

Any complaint of discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative 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):	
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Status with regards to Public Assistance <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or activity in a local commission	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:
Describe how you believe that you have been harassed or discriminated against (names, dates, places, etc.):	

OVER

Additional information on your complaint. Use a separate sheet of paper if needed. Attach it to this form.

Information of Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone
1.		( )
2.		( )
3.		( )

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

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

Complainant's Signature

Date

Affirmative Action Officer's Signature

Date

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## Ideal Goals and Annual Goals

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### IDEAL GOALS

Ideal goals for protected group classes are set by bargaining unit or compensation plan. For the Department of Human Rights, ideal goals are:

<u>Protected Groups</u>	<u>% Goal</u>	<u>FTE Goal</u>	<u>FTE Actual</u>	<u>% of Goal</u>
<u>206 AFSCME Clerical (10.50 FTE)</u>				
Female Group	--	--	10.5	--
Minority Group	7.20	.76	4.00	526.32
Persons w/Disabilities	12.82	1.35	2.00	148.15
<u>214 MAPE (38 FTE)</u>				
Female Group	50.30	19.11	22.00	115.12
Minority Group	6.70	2.55	12.00	470.59
Persons w/Disabilities	12.82	4.87	9.00	184.80
<u>216 MMA (6 FTE)</u>				
Female Group	45.70	2.74	3.00	109.49
Minority Group	18.20	1.09	1.00	91.74
Persons w/Disabilities	12.82	.77	1.00	129.87

### 2000 ANNUAL GOALS

The department reports its progress in hiring protected class members based on annual goals. It is the responsibility of the department to set an annual objective for each protected group and unit where a disparity exists.

The department's annual objective should be realistic. Objectives are determined by a review of the current and anticipated vacancies, anticipated turnover and workforce availability.

The AAO and the Commissioner review vacancies and anticipated turnover for the fiscal year. This information combined with the information on existing disparities within units is the basis for goals for the fiscal year.

Given the current projections and anticipated staffing, the department foresees hiring will be on a replacement only basis as business necessity and fiscal constraints permit.

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## **Programs and Program Objectives**

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### **Program: Affirmative Action Education**

**Objective:** Continue to provide education to department supervisors and managers about Affirmative Action and about responsibilities in implementing the Affirmative Action Plan.

**Responsibility:** Affirmative Action Officer and Human Resources Office.

**Completion Date:** Annually.

#### **Action Steps:**

1. Educate/refresh supervisors and managers about their role in implementing the Affirmative Action Plan, creating and maintaining a healthy and humane workplace and specific supervisory responsibilities that contribute to retention of protected group members.

**Objective:** The Affirmative Action Officer will keep the staff informed, updated and aware of Affirmative Action and Equal Opportunity policies, news, training and events.

**Responsibility:** Affirmative Action Officer

**Completion Date:** Weekly/biweekly/monthly/quarterly

#### **Action Steps:**

1. Post Affirmative Action Plan on staff bulletin board and on the website.
2. Distribute weekly/biweekly/monthly/quarterly publications announcing training, conferences, events, etc.

### **Program: Affirmative Action Improvements**

**Objective:** Seriously pursue hiring a supported employment worker.

**Responsibility:** Affirmative Action Officer/Human Resources Director

**Completion Date:** June 20, 2001

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## Programs and Program Objectives (continued)

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### Action Steps:

1. Contact Joanna Morken Hardy, State ADA/Disability Coordinator for more information about the Supported Employment Program.
2. Contact local rehabilitation/vocational organizations for assistance in conducting a job analysis.
3. After completion of a job analysis, identify possible job duties that could constitute a supported employment worker position.
4. Recruit for this position by building relationships with regional rehabilitation/vocational organizations and advertising in publications directed to people with disabilities.
5. Complete a request to employ form and submit to DOER.
6. Interview and hire a supported employment worker.

**OBJECTIVE:** Individual Development Plan Worksheets are used to determine specific training and/or development opportunities to assist with retaining employees.

**Responsibility:** Affirmative Action Officer, Human Resources Director/Training Coordinator, Managers and supervisors.

**Completion Date:** Annually

### Action Steps:

1. Individual Development Plan Worksheets are completed at the time of employees' annual performance evaluation.
2. The Human Resources Director/Training Coordinator reviews the Individual Development Plan Worksheets.
3. The Human Resources Director/Training Coordinator consults with individual supervisors and employees to determine how to most effectively address their needs.

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## **Pre-Employment Review Process**

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The Department of Human Rights will make a good-faith effort to reach the goals of the Affirmative Action Plan; the procedure laid out below will be followed when hiring.

### **Consultation with Managers**

Managers will be kept advised of the goals and disparities for the various occupational categories under their supervision by the AAO.

### **Selection Process: Pre-employment Review**

1. When management decide to fill a vacancy, the AAO/Human Resources Director will be notified.
2. Once notified of the effort to fill a vacancy where a disparity exists, the AAO/Human Resources Director will work closely with the hiring manager, monitoring and collecting data each step of the hiring or promotional process.
3. The Human Resources Director and the supervisor/manager will develop a position description and determine the necessary job-related criteria: knowledge, skills, and abilities.
4. The Human Resources Director determines whether any bargaining unit employees are eligible to bid on the position. If so, the job will be posted for the required length of time. If an employee bidding on the job is successful, the job will be filled in accordance with the union contract.
5. The Human Resources Director ascertains whether an appropriate certification list exists or a job announcement is necessary.
6. If a job announcement is necessary, management, with assistance from AAO/Human Resources Director, will recruit affirmatively for the position. The Human Resources Director will maintain complete documentation of the recruiting to monitor the Department's progress.
7. If an appropriate eligible list exists, the AAO/Human Resources Director will ascertain whether the applicant pool contains candidates who will help the agency reduce the disparity and will insure that the selection procedures used will not result in discrimination against protected groups.

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## Pre-Employment Review Process (continued)

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8. The manager will devise a list of uniform job-related questions. The AAO/Human Resources Director will make sure that they are uniform, appropriate and job-related. However, if the AAO/Human Resources Director is a potential candidate for the vacancy, the Director of Operations will review the questions.
9. The applications/résumés of all candidates will be reviewed by the manager and compared to the qualifications stated in the job announcement. Those candidates who most closely match the qualifications stated in the job announcements will be selected as the pool of candidates to be interviewed.
10. Prior to offering a position to a candidate, the manager will discuss the anticipated selection the AAO to ascertain that the selection is consistent with the Department's Affirmative action Plan goals. These two parties will discuss who will be and who will not be hired by considering candidates on the basis of their knowledge, skills and abilities.
11. If the AAO is dissatisfied with the manager's decision to reject a protected group member, the manager will explain in writing why the protected group person was not selected. The AAO and the Director of Operations will review copies of the written rejection. No selection will be made until such written reasons have been reviewed if the AAO and the Director of Operations believe that the reasons for rejection are insufficient, the selection will be referred to the Commissioner, whose decision is final.
12. The AAO/Human Resources Director will keep documentation on the selection process for all appointments. Data on every appointment, where there is a disparity, will indicate how much opportunity the Department had to act affirmatively and what was actually done.
13. Protected group status is not identified as public data according to the Minnesota Government Data Practices Act. Therefore, information pertaining to the protected group status of applicants and employees will not be disclosed.

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## **Methods of Auditing, Evaluation, and Reporting Program Success**

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To ensure that progress in implementing the agency's affirmative action plan can be monitored and evaluated, the following methods will be used:

The following documentation will be maintained by the agency's Affirmative Action Officer and retained for at least five years. (All documentation will contain, at a minimum, information regarding an individual's job classification, race, sex, and handicap.)

1. Copy of the affirmative action plan.
2. Copies of all certification lists used to fill positions during the preceding twelve month period.
3. A record of all promotions, transfers, new hires, and terminations, along with a record of all temporary, seasonal, or provisional hires.
4. A record of any disciplinary actions taken
5. A record of all discrimination complaints filed.

The Affirmative Action Officer will annually review and analyze the above documentation to determine compliance with affirmative action goals and prepare a summary of hiring practices and disciplinary action to be included in the agency's annual affirmative action report to the Department of Employee Relations.

The Affirmative Action Officer will report any internal complaints to the Commissioner of the Department of Employee Relations within 30 days of final determination.

Any layoff decisions will be reviewed by the Director of Operations and the Human Resources Director/Affirmative Action Officer prior to implementation to determine their effect on agency affirmative action goals and timetables.

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## Reasonable Accommodation Policy

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The Department of Human Rights is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Department of Human Rights to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

### Definitions

1. **Disability.** For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially or materially limits one or more major life activities.
1. **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 enjoy an equal employment opportunity. This accommodation is reasonable if it is effective in eliminating the barrier and does not cause an undue hardship.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

- To assure equal opportunity in the employment process;
  - To enable a qualified individual with a disability to perform the essential functions of a job; and
  - To enable an employee with a disability to enjoy equal benefits and privileges of employment.
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.

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## Reasonable Accommodation Policy (continued)

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### Procedure for Requesting a Reasonable Accommodation - Current Employees

1. The Department of Human Rights will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA Coordinator of the need for an accommodation.
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
  - Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
  - Determine the precise job-related limitation
  - Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
  - Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Department of Human Rights is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.

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## **Reasonable Accommodation Policy (continued)**

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7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation.

### **Procedure for Requesting a Reasonable Accommodation - Job Applicant**

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

### **The Funding of Accommodations**

Funding must be approved by the Department of Human Rights for accommodations that do not cause an undue hardship (M.S. 43A.191(c)).

### **Procedure for Determining Undue Hardship**

1. The employee will meet with the ADA Coordinator to discuss the requested accommodation.
2. The ADA Coordinator will review undue hardships by considering:
  - the nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
  - the impact of the accommodation on the nature or operation of the Department of Human Rights.

### **Appeals**

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure as outlined in this plan.



190 E. 5<sup>th</sup> Street, Suite 700, St. Paul, MN 55101

**EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION**

Name of Employee	Classification	Date of Request
Division/Work Unit		
<ul style="list-style-type: none"> <li>• Attach additional sheets for questions below, if necessary.</li> </ul>		
1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.		
2. Type of accommodation requested to perform essential function(s):		
3. Which essential function(s) of your job will the requested accommodation allow you to perform?		
4. Why is the requested accommodation necessary to perform the essential job function(s)?		
5. How will the requested accommodation be effective in allowing performance of the essential job function?		
Additional Comments		
Signature of Employee		Date
Signature of Supervisor		Date
Signature of Manager		Date

*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.*



190 E. 5<sup>th</sup> Street, Suite 700, St. Paul, MN 55101

### REASONABLE ACCOMMODATION AGREEMENT

*This form is to be completed by the Department's Affirmative Action Officer after the reasonable accommodation decision had been made. The signatures on the bottom of this form indicates and agreement between the employee and the Department to the specific accommodation.*

Name of Employee		Name of Supervisor/Manager	
The request for reasonable accommodation to the needs of the above named employee with a disability was:  <input type="checkbox"/> ACCEPTED <input type="checkbox"/> DENIED  Justification for the decision (indicate specific factors considered):  			
If reasonable accommodation was approved, was the employee's suggestion accepted?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partially  Reason:  Describe specific accommodations to be made:  Cost Estimate:			
<i>I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Department will become the property of the State of Minnesota.</i>			
Signature of Employee		Date	
Signature of Commissioner		Date	
Signature of Affirmative Action Officer		Date	

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## Retention Program

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The Affirmative Action Officer, Laura Sengil, Human Resources Director, is responsible for overseeing the retention activities for the Department of Human Rights.

The department is making every effort to retain protected group employees. The Affirmative Action Officer will continue to conduct exit interviews of all staff leaving the department. Information from the exit interviews, along with statistical data from SEMA4 regarding turnover and retention will be compiled, analyzed, and presented to management with the intent of retaining specific groups.

The department will continue to create and maintain a respectful environment for all employees by offering annual training to all employees, and requiring training for new employees, on the following topics: Migrant Farm Community; Aged Community; Gay/Lesbian/Transsexual Community; Sexual Harassment; Somali Community; African-American Community; Individuals with Disabilities; Hate Crimes; Equal Employment Opportunity Commission (significant case law); Attorney General's Office (definition of disability and significant case law pertaining to Human Rights). Supervisors and managers are educated about their role in creating and maintaining a healthy and humane workplace and about specific supervisory responsibilities that contribute to retention of protected group members.

Mentoring is provided for new staff. Assignments are made upon completion of the trainee period or within two weeks of hire, whichever is applicable.

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## **Retention Program (continued)**

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### **Separation Analysis**

Separation data, for the period of July 1, 1997 – June 30, 1999, was collected and analyzed. Data includes unlimited classified and unlimited unclassified positions.

During this period, 29 employees left the agency on their own volition, through lay-off or through discharge. Twelve employees were temporary or student workers whose appointments ended. Of this group, nine were male, 20 were female; five were minorities and one was a person with disabilities. Including all women, minorities and persons with disabilities, 22 were protected group members.

Of the 17 permanent employees who terminated, there were 10 females. Six left specifically to accept other positions within state service; one retired; one relocated to Georgia; one was dismissed; and one was laid off (she was placed in another state agency). Of the seven males, four left specifically to accept other positions within state service (all promotional opportunities that the Department of Human Rights could not offer); and three resigned voluntarily for unknown reasons.

Analysis of this data appears to show that separation patterns of non- and protected group employees are not significantly different and that the primary reasons for separation is that employees are moving on to other positions for promotional opportunities or their temporary appointment ends. Relative to other state agencies, positions within the department are classified at a mid-level and since this is the smallest department and with limited positions, employees may need to go elsewhere for advancement and other experiences. In addition, the work of this department frequently exposes employees to experiences/opportunities with other state agencies, other governmental entities and private sector firms.

### **Mobility And Career Advancement**

Employees receive information regarding mobility and career advancement through the regular posting of vacancies, posting of training opportunities (state and non-state programs), regular posting of the Minnesota Career Opportunities Bulletin; and the posting of other career opportunities with other governmental entities.

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## **Recruitment Program**

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### **Recruitment Activities – 1998 - 2000**

#### **Sources Used**

State of Minnesota Career Opportunities Bulletin; State of Minnesota World Wide Web - Internet Job Listing; agency website; State of Minnesota Telephone/TTY Job Information Line; Minnesota Job Service - Department of Economic Security; Various publications (Star Tribune, St Paul Pioneer Press, Asian-American Press, The Circle, The Spokesman, MN Women's Press, Focus Point, La Prensa)

#### **Costs Incurred**

Cost of ad placement \$10,650 (to recruit for Communications Officer, Director of Operations, and Deputy Commissioner)

#### **Results**

Approximately 325 résumés were received for the Director of Operations position; of which approximately 25 were well qualified and given further consideration. Approximately 50 résumés were received for the Deputy Commissioner position, of which the majority was well qualified. Approximately 125 résumés were received for the Communications Officer position, of which approximately 25 were well qualified. All three of these positions were filled by this recruitment effort. The Minnesota Department of Human Rights is proud of its' very diverse workforce where no disparities exist.

#### **Other Methods Used**

The Human Rights Officer 1 – Trainee exam has been open for application on a continuous basis and is posted on the Department's website (and also on DOER's website).

#### **Job Fairs Attended/Projected**

None attended. We do not anticipate attending any job fairs in the near future. The Department of Human Rights receives ample applications and job interest because our exams are open continuous and advertised on our website and DOER's website.

#### **Strategies**

We project little or no turnover in the next year. Strategies to recruit for projected vacancies and resources to be used to improve recruitment of persons with disabilities will include sending job announcements to: Access Press (a publication which targets people with disabilities); Vocational Rehabilitation and State Services for the Blind (divisions of the Department of Economic Security); and the State Council on Disability.

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## **Recruitment Program (continued)**

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### **Internship Program Opportunities**

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with the Human Resources staff to formalize and implement the specific internship arrangement in accordance with the Administrative Procedure 21E.

### **Recruitment**

The Human Resources Director 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 our recruitment activities by making materials available in alternate formats and meeting locations are accessible.

### **Supported Work**

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

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## **Building Evacuation Procedures**

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In the event of an emergency, the Department will provide for the safe exit of all individuals, both employees of the agency and those visiting the agency in accordance with the Emergency Procedures Manual for the Army Corps of Engineers Centre and the Emergency Action Plan in the Department's Administrative Policies and Procedures Manual, which is attached to this plan.

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## **Weather Emergencies**

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The memorandum from the Commissioner of the Department of Employee Relations regarding Winter/Weather Emergencies is posted on the Department of Human Rights Bulletin Board. The Department's Administrative Policies and Procedures Manual, which is distributed to all employees, also lists the procedure on weather emergencies.

In case of emergency all employees who are deaf or hard of hearing will receive notification, if at work, by the supervisor or designated backup staff. If a weather emergency is called after work hours, employees who are deaf or hard of hearing can obtain official notification by watching weather broadcasts on KSTP, WCCO or KARE 11 Television. Broadcasts are closed captioned. In addition, if employees who are deaf or hard of hearing prefer, they may arrange for notification at home from their supervisor or designee. If an emergency, which affects the employee, is called, the supervisor or designee may use the Minnesota Relay Service (1-800-627-3529) to contact the employee using the TTY.

Minnesota  
Department of  
Employee  
Relations

Leadership and partnership in  
human resource management

*Memo*

DATE: November 14, 1997

'97 NOV 18 AM 08

TO: Agency Heads  
Human Resource Directors/Designees

DEPT. OF ADMIN.  
PERSONNEL SERVICE

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.

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.

**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

cfg/weather/m-weather

Emergencies and disasters are unpredictable and strike without warning. It is for this reason The Army Corps of Engineers Centre has implemented organization, preplanning and training of its employees for effective emergency action. Failure to prepare for an emergency in advance may result in death and injury to personnel as well as loss or damage to facilities, property, equipment and the productivity of our department.

**EMERGENCY PROCEDURES**

**Medical**

**1. Call 911 (9-911)**

Give the following information:

- 1) Army Corps of Engineer Centre - 190 Fifth Street East
- 2) 7th Floor, Suite 700
- 3) Type of illness, injury or symptoms

**2. Call Building Management - 221-1949**

Provide them with the same information as above.

If emergency occurs after regular business hours, **page building security personnel at 538-4488**. Enter your telephone number (i.e. 296.5674) and hang up. Security will return your call immediately.

Building management/security will have someone meet emergency units at the main building entrance and if possible have someone meet emergency units at elevators on 7th floor.

**3. Do not move the injured or ill person(s).**

**Tornado**

**1. If you hear a tornado warning\***

Move away from the perimeter of the building and exterior glass. Close doors to these areas if possible. People with disabilities will be assisted by designated "buddies" who are identified at the time of hire.

**Go to enclosed areas of the building core:**

- Elevator Lobbies
- Corridors
- Stairwells

Do not go to the first floor lobby or outside the building.

**2. Position yourself by protecting your head as much as possible.**

**3. Wait for the warning to be lifted.**

<b>DO NOT USE ELEVATORS</b>
<b>BE PREPARED TO MERGE WITH PEOPLE EVACUATING FROM OTHER FLOORS</b>
<b>WATCH FOR FIRE FIGHTERS COMING UP THE STAIRS</b>

- 5) If heavy smoke is present, crawl to the exit.
- 6) Help those who may need assistance.
  - People with mobility impairments should go to the stairwell accompanied by their designated "buddies" to wait for assistance from the fire fighters.
- 7) All staff will gather at the southeast corner of 4th and Sibley Streets (near The Depot). Supervisors will make sure their staff is accounted for.
- 8) Supervisors shall take an employee count and report any missing employees to the designated Emergency Leader.
- 9) Emergency Leader will relay information to Fire Fighters regarding people that may need rescue.

**Evacuation**

1. Form a line leading to the stairwell. The Safety Committee Members will be equipped with flashlights to assist with the safe evacuation of staff.
2. Proceed to the stairwell and proceed to exit the building.
3. "Buddies" will be assigned to each person with a disability or who uses a wheelchair (arrangements will be made in advance based on individual needs).
  - Assist person to safe area (the top of the stairwell).
  - Alert Fire Department personnel of situation and location.
4. Be prepared to merge with people evacuating from other floors.
5. Remain calm.

**Power Failure**

1. If there appears to be no emergency other than power failure, remain in your office and await instructions or information from building management.
2. Should another emergency be evident, follow the instructions in the emergency section for that situation.

**ADMINISTRATION**

**EMERGENCY ACTION PLAN**

3. If there is a power failure, the building has a battery-operated exit lighting system which will power emergency lights for the stairwells and exit corridors, enabling you to vacate the building.

**Building Security**

The Army Corps of Engineers Centre is monitored by surveillance cameras 24 hours daily, additionally building security personnel are available during the following hours:

Monday - Friday	3:00 PM - 9:00 PM
Saturday	7:00 AM - 1:00 PM
Sunday	10:00 AM - 3:00 PM

If you should notice suspicious behavior by any unknown person(s) on 7th floor during these hours listed, page building security personnel at **538-4488**. Enter your telephone number (i.e. 296-5674) and hang up. Security will return your call immediately.

The **Downtown Police Foot Patrol Unit** has a Rapid Response to Downtown Problems Voice Pager System. The foot patrol hours are:

Monday - Friday	7:00 am - 10:00 PM
Saturday	10:00 am - 8:00 PM

This Rapid Response System is for nuisance activities in the Downtown Saint Paul area:

- Drunkenness
- Panhandling
- Disorderly conduct
- Suspicious activities

How to Use the Rapid Response System:

1. Dial **229-1997**
2. After the recorded message, give a clear description of the activity you are reporting: where, what, physical descriptions of people involved, etc.
3. Your message is broadcast immediately to all foot patrol officers via a one-way broadcast system

**For serious crimes or emergencies,  
CALL 911 (9-911 using a state phone).**

**Bomb Threat**

1. **Remain calm and get as much information as possible:**

- Where is the bomb?
- What time will it go off?
- What does the bomb look like?
- What is the method of activation?
- What kind of package or box?
- What is the method of deactivation?
- Why did you set the bomb?
- What is your name, address, phone number?

<b>BACKGROUND NOISES HEARD:</b>	
<input type="checkbox"/> Music	<input type="checkbox"/> Children or babies
<input type="checkbox"/> People talking	<input type="checkbox"/> Machine noise
<input type="checkbox"/> Cars or trucks	<input type="checkbox"/> Typing
<input type="checkbox"/> Airplane	<input type="checkbox"/> Other _____
<b>VOICE OF THE CALLER:</b>	
<input type="checkbox"/> Man	Approximate Age _____
<input type="checkbox"/> Woman	
<input type="checkbox"/> Teenager	
<input type="checkbox"/> Child	Drinking <input type="checkbox"/> Yes <input type="checkbox"/> No

2. **Call 911 (9-911)**

Give them the information obtained from the threat call plus:

- Army Corps of Engineer Centre, 7th Floor
- 190 East 5th St., Suite 700
- Department of Human Rights
- Your name

3. **Call Building Management at 221-1949.**

If emergency occurs after regular business hours, **page building security personnel at 538-4488**. Enter your telephone number (i.e. 296.5674) and hang up. Security will return your call immediately.

4. **Look throughout the office for suspicious objects.**

**DO NOT TOUCH SUSPICIOUS OBJECTS**

5. **Evacuate the building, if necessary.**

**POLICIES**

The health, safety, and well-being of department employees and members of the public is of primary concern to the management of the Department of Human Rights. Therefore, the commissioner (or designee) may authorize the evacuation or closing of the department office at such time as s/he, in his/her best judgment, believes an emergency exists which threatens or endangers department employees and/or the public.

However, only the commissioner of the Department of Employee Relations has the authority to authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared (refer to Holidays/Leaves of Absence section for further information regarding the authorization and payment for time off in an emergency).

**LOCAL EMERGENCY SITUATIONS**

Some emergency situations affect only a specific location such as the department office, the Army Corps of Engineer Centre, or the downtown St. Paul area. Such situations are likely to come to the immediate attention of department staff or building management. This section outlines the department procedures for dealing with such situations, which may or may not require an evacuation of the building or closing of the office.

**Emergency Leader**

In order to ensure accurate information on emergencies is obtained and transmitted promptly to staff in this building and to assure that inaccurate information that might cause a panic is not circulated, it is necessary to inform the highest-ranking manager or supervisor present. For the purposes of this policy, this person is designated as the "Emergency Leader." The Emergency Leader will be responsible for getting the information necessary to clarify the facts of the emergency and for making the decision as to whether to evacuate or close the office.

Normally, the Emergency Leader will be the commissioner. This, however, may not always be possible. The Emergency Leader is determined by which of the following individuals, in the order listed, is present in the office at the time of the emergency.

1. commissioner
2. Any manager present (in the following order)
  - deputy commissioner
  - human resources director
3. Any supervisor present (in the following order)
  - fiscal manager
  - any other supervisor

Bomb Threats, Threatening Weather, Power Outages, and Other Emergencies

The department may find out about real or potential emergencies in a number of ways. These include, but are not limited to, the following:

1. The building management may phone the reception desk with the information or the receptionist may receive a call from some other source, including someone making a threat. The receptionist will relay that information and/or refer the call to one, and only one, person - the Emergency Leader. The receptionist will try to contact one of the above persons (in the order listed) until s/he reaches one to whom the information about the emergency can be conveyed.
2. Warning sirens may be sounded or information may be broadcast over emergency/weather radio or public radio or television. In these situations, an emergency leader should be designated and that person should initiate the appropriate action.
3. Some situations, such as power outages, are immediately apparent without some notice being received. Again, an emergency leader should be designated and that person should initiate the appropriate action.

The Emergency Leader must make an immediate assessment as to how imminent and how real the potential emergency is. If s/he judges sufficient lead-time exists, s/he should attempt to obtain the best information possible before initiating a course of action. Otherwise, the Emergency Leader should authorize an immediate evacuation and obtain further information following the evacuation.

Time permitting, the Emergency Leader should coordinate actions with those of the Army Corps of Engineer Centre building management, the police, or the fire department to assure that accurate information is received, shared, and acted upon quickly.

The Emergency Leader is also responsible for notifying the Commissioner of Employee Relations of the situation and the action to be taken, or already taken, in response at the earliest practical opportunity.

In the event that the emergency leader believe that no evacuation is necessary, he or she will call a meeting of all staff in the conference room and will discuss the facts know about the emergency situation. If anyone wants to leave the building even though the Emergency Leader has decided that evacuation is not necessary, he or she may do so but the lost time will be deducted from the employee's annual leave.

Fire Alarms (See 'Emergency Action Plan' section for additional information)

In the event of a fire alarm, all staff is to evacuate the office immediately. After the evacuation, staff should congregate at the corner of 4<sup>th</sup> and Sibley Streets (near The Depot) beyond the threat of any present danger. Only then is the Emergency Leader determined. The Emergency Leader will take charge and determine the appropriate course of action.

**ADMINISTRATION**

**CLOSING THE OFFICE IN AN EMERGENCY**

Closing the Office

As a general rule, staff is not authorized to leave work for the day unless they are specifically instructed to do so by the Commissioner or Emergency Leader. Many emergencies that may require an evacuation of the office are temporary and may not require closing the office and sending of staff home. Unless staff are authorized to leave work, they must return to work at the office once the emergency situation has been resolved and it is appropriate to do so.

**WEATHER EMERGENCIES**

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?

The commissioner of the Department of Employee Relations receives notification for 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 road conditions, snowplowing information and transit operations obtain from local law enforcement. The commissioner of Employee Relations considers all of the information from these sources and then decides if it is necessary to declare an emergency and close state office.

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.

**PROCEDURE**

Closing of State Offices Before the Start of the Work Day

The commissioner of Employee Relations 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 workday (8:00 a.m.). The Department of Employee Relations will 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.

**Closing of State Offices After the Start of the Work Day**

If an emergency is declared during the business day, the commissioner or deputy commissioner will be notified by telephone and fax prior to the declaration. The commissioner of Employee Relations will also notify the media of the declaration. Once notification is received, the commissioner or deputy commissioner will relay the information to staff and allow them to leave immediately. If offices are closed during the workday, the remainder of the day, up to the end of the employee's normally scheduled workday is considered weather emergency leave.

Employees will not receive pay for weather emergency leave unless the commissioner of Employee Relations declares a weather emergency and authorizes payment. An employee who chooses not to report to work or who leaves early because of inclement weather, absent such a declaration, will be charged annual leave or leave without pay as appropriate.

**TIME OFF IN EMERGENCIES**

**POLICY**

Only the commissioner of Employee Relations has authority to approve payment to employees for time off work during natural or man-made emergencies. The commissioner or deputy commissioner may close the office in response to a local emergency situation but the department cannot assure the affected employees that they will not be charged leave time for the time off work.

If the commissioner of Employee Relations declares a weather emergency closing for all or part of the State, the human resources director will inform the staff and will send a memo detailing how to treat the emergency period on the Bi-weekly Time Report.

**PROCEDURE**

- a. Employees who report to work and are then sent home shall not be paid for more than their regularly schedule hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.
- b. Employees who are required by the commissioner or deputy commissioner to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.
- c. Employees on approved sick or prearranged vacation leave shall not have such leave time restored to their balances.
- d. Employees on any approved leave without pay shall not be paid for any emergency leave time.
- e. 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 department ceases operations during the regular shift.

- f. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the commissioner of the Department of Employee Relations authorizes a longer time period.