



04 - 0657



# **Strategic Plan To Affirmatively Ensure Equal Employment Opportunity**

**2004 – 2006**

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**B.**  
**EQUAL EMPLOYMENT OPPORTUNITY (EEO)**  
**AND**  
**ZERO TOLERANCE FOR HARASSMENT POLICIES**

**Policy**

The Minnesota Department of Health (“MDH”) has a policy of zero tolerance for discrimination, including unlawful harassment, on the basis of race, color, creed, national origin, sex, age, membership in a local commission, marital status, disability, religion, sexual orientation, marital status and status with regard to public assistance. Sexual harassment is a form of discrimination and is prohibited under this policy. The Department is further committed to ensuring that all employees have a working environment that is free from discrimination, and will work proactively to eliminate barriers that inhibit equal opportunity. The agency will provide and financially support reasonable accommodations requested by qualified individuals with disabilities in all of its’ employment processes that do not create an undue hardship situation. Retaliation against individuals who bring forth a complaint is strictly prohibited. No employee shall intentionally use this policy or related procedure for reason of personal malice or abuse.

**Definitions**

1. Discrimination- unfair treatment, intentional or unintentional, based on an individual’s or groups’ protected class status, which will deprive them of employment opportunities or otherwise adversely affect the individual’s work environment or status as an employee.
2. Sexual Harassment- any behavior that is sexual in nature and is unwelcome, personally offensive, insulting and demeaning where:
  - Submission to or rejection of such conduct is explicitly or implicitly made a term or condition of employment.
  - Submission to or rejection of such conduct is used as a basis for decisions affecting a person’s employment.
  - Such conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, or creating an intimidating, hostile or offensive working environment.
3. Other Harassment- any behavior that is demeaning, offensive, insulting, belittling or degrading and is related to the protected class status of an individual or group. Harassment that is general in nature, and not related to an EEO protected status, is to be pursued under MDH policy 34.50-01.
4. Qualified Person With A Disability[per the Americans with Disabilities Act (ADA)]- an individual who has a mental, physical or emotional impairment that substantially limits his or her ability to perform one or more major life activities  
Or; a person who has record of such an impairment  
Or; is regarded as having such an impairment.

MDH is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. Reasonable accommodations are provided for applicants and employees who both state and are determined to have an impairment which substantially limits their ability to perform a major life activity.

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 agency 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.

### **Standards**

All applicants, employees, vendors, contractors and volunteers of the Minnesota Department of Health are covered by this policy. All employees are responsible for treating co-workers in a manner consistent with this policy. Supervisors have an additional responsibility to maintain a work environment free from discrimination, including harassment.

### **Procedure**

Procedures for carrying out this policy, for requesting a reasonable accommodation and the discrimination complaint process are stated in the MDH Diversity/Affirmative Action Plan. Further requirements may be outlined in the employees' collective bargaining agreements.

*Reference: MDH Affirmative Action Plan*  
*Minnesota Human Rights Act (M.S. 363)*  
*Title VII of the Civil Rights Act*  
*Americans With Disabilities Act*

*Previous Policy Number: 2.00-01*  
*66.00-01*

*Responsible Manager: Valton D. Henderson, Agency Affirmative Action Manager*

*For more information: contact your Human Resource Management representative or*  
*The Office of Workforce Diversity*

*Revised: July 2004*

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# AFFIRMATIVE ACTION POLICY

## Policy

The Minnesota Department of Health will act affirmatively to eliminate under-utilization of protected groups in all facets of employment including, but not limited to: recruitment, selection, promotion, training and retention. The Department shall set reasonable hiring goals and all Department staff who have the authority to make hiring decisions shall adhere to the Department's pre-hire review process as outlined in the MDH Affirmative Action Plan. Affirmative action is a proactive and appropriate approach to ensure that the workforce of the Department reflects the same configuration as the related labor force as a whole. All managers and supervisors with hiring authority, the Human Resource Management staff and the director of the Office of Workforce Diversity are responsible for ensuring adherence to this policy. This policy applies to all competitive and unclassified appointments as described in the below referenced statutes.

## Definitions

1. Protected Groups- Women, people with disabilities, and people of color (African-American/Black; Chicano/Latino/Hispanic; American-Indian/Native-American/Alaskan Native; and Asian/ Pacific Islander) are the groups "protected" by affirmative action.
2. Hiring Goals- The computations analysis to determine hiring goals for MDH has been changed from an eight (8)-factor analysis to a two (2)-factor analysis. A comprehensive definition and explanation of the two (2)-factor analysis is contained within Section "E" of this Plan.

## Procedure

Procedures for carrying out the commitment to affirmative action are stated in this Plan.

*Reference: MDH Affirmative Action Plan*

*Minnesota Statutes 43A.19, 43A.191, 43A09, 43A.421*

*Previous Policy Number: 2.00-01*

*Responsible Manager:*

**Dianne Mandernach, Commissioner**

**Ron Olson, Director, Human Resources Management**

**Valton D. Henderson, Agency Affirmative Action Manager**

*For more information: Your Human Resource Management representative or  
The Office of Workforce Diversity*

*Revised: July 2004*

## C.

### **Communication of Policies and Affirmative Action Plan**

The Minnesota Department of Health's Affirmative Action Plan and Equal Employment Opportunity/Affirmative Action Policies will be communicated and disseminated in a variety of ways:

#### **Internal Communication**

New employees will be informed of the departmental policies and this Plan at their initial orientation session, by their immediate supervisor, and their Human Resource Management representative as the need occurs. Managers and supervisors will be informed of changes in the Plan and his or her responsibilities in administering and implementing it when they occur. They will also discuss the department's position related to EEO and affirmative action, and their role in implementing the Plan, with their staff at staff meetings or other forums at least once every year. In addition, all supervisors' and managers' performance evaluations will include a review of their efforts to implement these initiatives, and they will be held accountable for their actions.

This Plan and related policies will be available on the intranet site of the department, as well as the homepages of Human Resource Management and the Office of Workforce Diversity.

#### **External Communication**

All job postings and department letterhead will include the statement "An equal opportunity employer".

All persons and organizations receiving grants from the department will be informed of the EEO and Affirmative Action policies.

A copy of this plan will be provided to employee bargaining units in the most timely and cost-effective manner.

A copy of this plan will be provided to other interested parties upon request in the most timely and cost-effective manner.

## D.

### **Responsibilities, Duties and Accountability**

Every employee of the Minnesota Department of Health is responsible for adhering to the department's policies related to EEO and affirmative action. Furthermore, all employees are expected to demonstrate respect for each other, our customers, clients and stakeholders. Specific responsibilities and duties are delegated to various positions within the department and are outlined below:

#### **COMMISSIONER OF HEALTH**

The Commissioner has the responsibility to oversee and ensure the implementation of this plan and to further ensure compliance with existing federal and state laws, rules and regulations.

#### **Responsibilities**

- To appoint or designate the department's Agency Affirmative Action Manager and to engage in regular communication with that person to identify pertinent issues in the department
- To include accountability for the administration of the department's Affirmative Action Plan in his/her position description and in the position description of staff reporting directly to him/her
- To include EEO/Affirmative Action and Diversity initiatives in the performance evaluations of all staff who directly report to him/her
- To ensure that the department's managers and supervisors are informed of their individual responsibilities in the area of EEO/Affirmative Action and Diversity and require them to include responsibility statements for these areas in their position descriptions
- To ensure that managers and supervisors are being held accountable, through the Performance Management process, for their responsibilities outlined in this plan
- To take action on complaints of discrimination as outlined in this plan's complaint procedures
- To state to all employees, both verbally and in writing, support for equal employment opportunity, affirmative action, diversity and the contents of this plan at least once per year
- To change policy, procedure or practice as needed to remove barriers to the success of this plan
- To evaluate, along with the Director of Human Resource Management, the performance of the Agency Affirmative Action Manager

#### **Accountability**

To the Governor, and indirectly to the Commissioner at the Minnesota Department of Employee Relations.

## ***DIRECTOR OF THE OFFICE OF WORKFORCE DIVERSITY***

The Director of the Office of Workforce Diversity is responsible for developing and administering this plan and monitoring the progress and results on behalf of the Commissioner.

### **Responsibilities**

- To work in partnership with managers and supervisors to assist them in fulfilling their responsibilities in diversity/affirmative action areas
- To assist MDH administrators and Human Resource Management in coordinating and monitoring diversity/affirmative action activities and results
- To investigate complaints of discrimination and report findings to appropriate managers, director of Human Resource Management and the Commissioner
- To disseminate and explain the department's policies and this plan to all employees
- To determine affirmative action and diversity training needs and design, arrange or conduct necessary training and informational activities
- To review hiring practices and proposed selections to ensure that protected group members in areas of disparity are available and considered
- To establish goals and timetables and monitor progress in meeting them in areas where disparities of protected group members exist
- To review policies, procedures, programs relating to diversity/affirmative action and recommend changes where appropriate
- To fulfill all affirmative action reporting requirements
- To advise agency management of the requirement to notify contractors and subcontractors of their affirmative action responsibilities
- To review reasonable accommodations for people with disabilities and to oversee the administration of the ADA within the department
- To maintain records of requests for reasonable accommodation, missed opportunities and complaints of discrimination or discriminatory harassment

### **Accountability**

To the Commissioner of Health, the Assistant Commissioner for Finance and Administrative Management and the Human Resource Management Director.

## **SUPERVISORS AND MANAGERS**

Supervisors and Managers are expected to ensure compliance with the department's EEO and affirmative action policies and this plan. They are further expected to ensure fair and equal treatment of all employees.

### **Responsibilities**

- To strive for a respectful working environment for all employees and to take appropriate steps to correct conflict situations in the work unit. These individuals are expected to work with the Agency Affirmative Action Manager to develop constructive solutions through mediation, discussion and investigation of complaints and to advise all employees of their rights to file complaints
- To work collaboratively with the Agency Affirmative Action Manager and the Human Resource Management Team to identify and eliminate barriers to the success of this plan
- To affirmatively recruit, hire, train and promote qualified protected group members wherever disparities exist and to ensure equal treatment in all aspects of employment for all employees
- To communicate and demonstrate a personal commitment to the department's EEO/AA policies and this plan for all employees in their areas of responsibility
- To objectively assess the performance of all employees and develop, with each employee, a plan for professional development on a regular basis
- To identify and communicate training needs in the areas of equal employment opportunity, affirmative action and diversity to the Agency Affirmative Action Manager
- To ensure that all employees in their work unit are familiar with this plan and related policies and to discuss these concepts at regular staff meetings and other forums
- To be active and visible participants in the department's diversity learning process and to encourage the participation of employees
- To include accountability for the implementation of this plan and related policies in their position description and those of all unit employees
- To communicate progress in this area to their managers. This includes developing, with their managers, performance measures to assess and recognize progress in this area for themselves and their entire work unit

### **Accountability**

Managers and supervisors are accountable to their managers and indirectly to the Commissioner, Deputy Commissioner and Assistant Commissioners.

## ***DIRECTOR OF HUMAN RESOURCE MANAGEMENT***

The Director of Human Resource Management is responsible for ensuring that human resources policies, procedures and practices are administered fairly and are uniformly applied to all employees, and to take positive action to remove all barriers to equal employment opportunity within the Department.

### **Responsibilities**

- To provide leadership to the Human Resource Management Division staff and ensure their adherence to affirmative action principles in the decision making process for all personnel actions
- To ensure that managers and supervisors are adhering to the pre-hire review process as outlined in this plan
- To provide guidance in the development and utilization of selection criteria to ensure, to the extent possible, that it is objective, uniform, and job related
- To identify and resolve problems which inhibit equal employment opportunity and to discuss problems and resolutions with the Agency Affirmative Action Manager
- To discuss with staff, the goals, timetables and strategies of this plan at least once per year

### **Accountability**

To the Commissioner and Assistant Commissioner, Policy Quality and Compliance Bureau

## E.

### Goals and Timetables

The federal government has recently revised the code of federal regulations regarding the quantitative components analysis of affirmative action plans (41 C.F.R. Part 60-2). The two-factor analysis method used in this Plan is in compliance with the aforementioned regulations, and has been approved by the State of Minnesota Department of Employee Relations. The two-factor analysis requires consideration of the following:

- The placement of minorities and women with requisite skills in the “reasonable” recruitment area. The reasonable recruitment area is defined as the geographical area from which the employer either usually or may reasonably seek candidates to fill vacancies (*External factor*)
- The percentage of women and minorities amongst those individuals who may be promoted, trained or transferred within the organization (*Internal factor*)

Once the aforementioned factors are calculated, a comparison is made between the numbers of incumbent women, minority and disabled employees and their estimated availability within the reasonable recruitment area. Any difference between these figures creates an “underutilization” regarding the protected group category. A goal must then be established by the agency to address the underutilization.

This agency’s workforce disparity statistics and hiring goals objectives are set out in the charts on the following pages entitled “Utilization Analysis” and “Goals and Timetables”. Department workforce disparity numbers and hiring goals established for this biennial reporting period were developed using 2000 census data.

While these documents contain specific hiring goals for identified protected groups within MDH, the department is committed to a general goal of increasing the percentage of people of color and disabled individuals within our workforce by 5% for each year of this biennial reporting period.

#### UTILIZATION ANALYSIS - Minnesota Department of Health

EEO Job Group	Protected Group: Minority Employees					
	A	B	C	D	E	F
	Total Number in Group	Total Number of Protected Group	% Protected Group of population	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	67	5	7.5	5.1	3.4	0
Professionals	990	108	11	8	79	0
Technicians	74	8	11	6.8	5	0
Protective Services						
Paraprofessionals						
Office/Clerical	249	37	15	8.2	20	0
Skilled Craft						
Service Maintenance						

Protected Group: Women Employees						
EEO Job Group	A	B	C	D	E	F
	Total Number in Group	Total Number of Protected Group	% Protected Group of population	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	67	38	57	37.8	25	0
Professionals	990	628	63.4	53.8	533	0
Technicians	74	55	74.3	63.1	47	0
Protective Services						
Paraprofessionals						
Office/Clerical	249	210	84.3	67.7	169	0
Skilled Craft						
Service Maintenance						

Protected Group: Disabled Employees						
EEO Job Group	A	B	C	D	E	F
	Total Number in Group	Total Number of Protected Group	% Protected Group of population	Availability % (from Census Tables)	Availability Number	Number Underutilized
Officials and Administrators	67	3	4.5	11.31	8	5
Professionals	990	44	4.4	10.88	108	64
Technicians	74	1	1.4	11.52	9	8
Protective Services						
Paraprofessionals						
Office/Clerical	249	22	8.8	11.56	29	7
Skilled Craft						
Service Maintenance						

**Column**

**A** = Total number of employees in the job group

**B** = Total number of protected group in the job group

**C** = The percentage that the total number of protected group is to the total number in the job group (Column B divided by Column A)

**D** = Availability % (from the Census data, 1 of 8 factors)

**E** = Column A multiplied by Column D (40 times 41.20 = 16.4 rounded to 16 women)

**F** = Comparison of B and E. If B is larger than E, not underutilized, no disparity. If E is larger than B, underutilized, there is a disparity, and a goal would be set reflecting the difference between the number available and the actual number utilized in the job group.

**GOALS AND TIMETABLES –Minnesota Department of Health**

<b>EEO Job Group</b>	<b>Women</b>			<b>Minorities</b>			<b>People with a Disability</b>		
	<b>Number Underutilized</b>	<b>Goal</b>	<b>Timetable</b>	<b>Number Underutilized</b>	<b>Goal</b>	<b>Timetable</b>	<b>Number Underutilized</b>	<b>Goal</b>	<b>Timetable</b>
<b>Officials and Administrators</b>	0	0	0	0	0	0	5	1	June 2006
<b>Professionals</b>	0	0	0	0	0	0	64	5	June 2006
<b>Technicians</b>	0	0	0	0	0	0	8	1	June 2006
<b>Protective Services</b>									
<b>Paraprofessionals</b>									
<b>Office/Clerical</b>	0	0	0	0	0	0	7	3	June 2006
<b>Skilled Craft</b>									
<b>Service Maintenance</b>									

## F.

### Strategic Objectives – Minnesota Department of Health

#### Mission

The Minnesota Department of Health's mission is to *protect, maintain and improve the health of all Minnesotans*. The Department has created equal employment opportunity, affirmative action and diversity strategic objectives and activities that are an integral part of that mission. Equal employment opportunity, affirmative action and diversity efforts are processes, not programs. These processes involve integrating practices of equal opportunity, affirmative action and diversity into all aspects of agency operations.

#### Strategic Objectives

The Department, through the combined efforts of the Commissioner, Deputy Commissioner, Human Resources Management, Office of Workforce Diversity, division heads, managers, supervisors and staff shall work together to:

- **Ensure that the Department is free from discrimination, harassment and hostility**  
Lessen/eliminate acts of harassment, discrimination, and hostility through continuous learning:
  - Provide consistent and periodic EO/AA/ADA laws and practices training to all MDH staff
  - Partner with other agencies and private sector associates to exchange EO/AA practices, ideas and training methods, which may be utilized to provide relevant and timely information to MDH staff and constituents
  - Join with HRM to educate and train management and staff in the benefits of utilizing alternative dispute resolution techniques internally to resolve workplace disputes and help eliminate hostile work environments
  - Offer opportunities for employees to share diversity learning experiences with their peers during Diversity Partners Action Team (DPAT) quarterly meetings and social cultural learning events

#### Clarify and model appropriate behavior by leaders in agency:

- Persuade all senior and mid-level MDH management to serve as “champions” for diversity, EO/AA, and a hostile-free work environment at MDH in words and action, including, but not limited to: stating support for the department's EO/AA policies and practices, attending EO/AA trainings, DPAT meetings, cultural learning sessions, sponsoring “brown bag” diversity discussion sessions, and encouraging their staff members to participate
- Help establish a process that ensures that MDH administrators and managers are measured and held accountable for their role in accomplishing the agency's equal opportunity and affirmative action policies and practices

Consistently measure agency compliance:

- Work with senior staff and HRM to ensure that all MDH employees are aware of the existence of this Plan, its contents, and their responsibilities (if any) under the Plan
- Provide periodic reports to management and staff that document the status of EEO/AA strategic objectives, staff recruitment goals and employee retention strategies

• **Recruit and Hire a workforce that reflects the increasing diversity of Minnesota**

Establish and maintaining a recruitment process at MDH:

- Identify and recommend local, regional and national recruitment strategies and practices that will attract qualified candidates to the department
- Work with HRM and department hiring authorities to identify current and future staffing needs, particularly in scientific, information technology and emergency preparedness areas
- Partner with division managers and supervisors to create and implement unit-specific recruitment efforts
- Evaluate recruitment outcomes and recommend changes as necessary

Encourage diverse talent to seek opportunities with MDH through cost-effective means:

- Attend local, regional and national recruitment events
- Connect with various MDH units to create an employment opportunity marketing plan that is directed to various diverse groups in a medium which is most appropriate to their needs (such as information in their native language, recruiting efforts routed through community elders, etc.)
- Collaborate with HRM, MDH managers, public and private sector organizations, and community contacts to create and utilize innovative recruitment resources in the search for talent
- Establish new, and strengthen existing networking resources for the purpose of announcing job vacancies, and receiving referrals of specific candidates for open positions
- Assist in the development of a formal MDH internship program for high school and college students, which will prepare them for future, work opportunities within the agency

• **Retain a diverse workforce through the creation and maintenance of employee development opportunities and a positive, nurturing workplace environment**

Help foster an environment where people feel welcome, accepted and valued:

- Assess retention and workplace climate data through employee surveys and other information gathering means. Provide general findings and recommendations for changes in policy and practices to MDH administration, HRM, managers, and supervisors for their review and action
- Assist in the development of an internal mentorship program that will provide employees with opportunities for professional skills development

- Work in conjunction with appropriate MDH administration and HRM to develop, enhance and implement a department succession plan and career development opportunities for staff
- Help support existing employee recognition programs, and propose new events, dependent upon resources.
- Support HRM, managers and supervisors in intervention efforts regarding workplace conflicts

Reduce avoidable turnover of staff:

- Conduct quantitative and qualitative analyses of agency turnover, report findings to HRM and department administration, and issue recommendations to decrease

Provide opportunities for employee self-sufficiency:

- Encourage employees to explore career development and promotion opportunities within the Department, and refer them to resources for assistance
- **Conduct outreach efforts with internal and community partners regarding EO/AA education, training and other joint ventures**
  - Connect with constituent groups to provide EO/AA information, obtain customer feedback and enlist support and assistance in implementing strategic objectives
  - Collaborate with public and private organizations to provide and receive EO/AA training and information
- **Utilize the talents of Diversity Partners Action Team (DPAT) members in the accomplishment of these Strategic Objectives:**
  - All MDH employees are eligible to participate in DPAT. DPAT advises and assists the Office of Workforce Diversity in its effort to recruit, retain, and develop a diverse workforce within MDH so that the agency truly reflects, and is better able to serve, all the citizens of the State of Minnesota
  - DPAT has created six (6) workgroups [*Recruitment, Retention, Workplace Climate, Outreach, Training, and Diversity Best Practices*] to address, promote and sustain diversity/affirmative action initiatives that were identified at an April 6, 2002 strategic planning session. These workgroups will prioritize initiatives within their specific areas, and implement action plans which are in harmony with this Plan's strategic objectives.

## G. RECRUITMENT PLAN

The Department will actively recruit talent from diverse backgrounds for all positions in the agency. Recruitment for agency positions is the responsibility of every manager and supervisor who has authority to make hiring decisions. HRM and OWD will partner with agency managers and supervisors to provide them with guidance and assistance as needed. OWD will also assist by establishing recruitment contact relationships within diverse communities, and providing technical support as needed. The recruitment plan will be paired with the retention plan to form a seamless and comprehensive workforce strategy.

During recent years, the Minnesota Department of Health has significantly increased its efforts to recruit diverse talent. For the Plan period, the department will take a multi-faceted approach to actively recruit protected group members for positions in the agency. Recruitment of individuals with disabilities will be emphasized. We will engage in mutually beneficial partnerships with MDH disability issue -related committees, other state agencies and community organizations designed to provide employment services to people with disabilities as a part of our recruitment efforts.

Listed below are the various methods we will employ in the area of recruitment during the period for this Plan:

### **Internal Recruitment Activities**

Department employees will be informed of MDH recruitment activities, MDH internal positions, and State of Minnesota open positions in a variety of ways, including:

- Direct intranet links to MDH positions
- Internet links to State positions
- DPAT meetings

Position announcements will be distributed via the internet, to various and diverse local, regional and community media publications, community groups, and by way of personal contacts in order to ensure receipt by the widest possible audience. We will periodically review these recruitment efforts to determine the level of success of our efforts.

### **Job & Community Fairs**

The Department will attend job fairs and community fairs (i.e. county fairs in conjunction with county health officials) during the term of this Plan when it is notified and based upon available resources.

### **Recruitment Outreach**

The Office of Workforce Diversity will continue to inform collaborative partners and the general community regarding employment opportunities with the agency. Employment opportunity information will be provided via the Resumix database, the department's internet employment

opportunities site, and other methods outlined within this Plan's goals and objectives section for 2003-2004. Individuals hired through this process will continue to be tracked to measure the department's compliance with its equal access and opportunity policies.

We will provide information to all individuals interested in working for MDH to educate them on the state hiring system and career opportunities with MDH as these requests occur. This information will also be made available to current temporary or unclassified MDH staff that want to learn how to gain access to permanent employment with the agency.

We will also continue and enhance our partnership with managers and supervisors through education regarding recruitment strategies, providing them access to multi-cultural resources, and by encouraging them to participate in various internal and external department recruitment and outreach efforts.

### **Mailing Lists/Electronic Notification**

A list of recruitment resources will be available to all managers and supervisors through the department intranet system. Electronic notification lists will be added as changes arise.

### **Advertising**

In addition to advertising specific vacancies in community newspapers, the department will invest additional resources (as available) in image advertising which represents the agency as an equal opportunity employer with a strong commitment to workforce diversity. We will utilize all free "e-zine"(electronic boards), and free postings of internships and job opportunities with the University of Minnesota School of Public Health, national universities, medical organizations and diversity groups.

We will improve our system to track and report the success of advertising efforts by reviewing our efforts on a quarterly basis. We will also provide information regarding certain employment trends as they become available.

### **Visibility**

The Human Resource Management division, the Office of Workforce Diversity, the Communications Office, the Office of Minority and Multicultural Health (OMMH) and other agency program staff will continue to partner in representing the agency at community events.

### **Educational Outreach**

We will continue to work with area learning institutions to educate youth about MDH careers. We will broaden our current relationships to include schools in greater Minnesota as well as increasing the number of MDH employees involved in the process. We will also explore the creation and management of paid and unpaid internships as well as job shadowing experiences for students in a variety of fields. This office will also develop training materials that will orient managers and supervisors to diversity and affirmative action best practices.

## **Relationships**

We will strengthen our current relationships with community partners (serving people with disabilities, people of color and women) as well as develop new ones. These relationships will be cultivated through:

- In-service learning opportunities for MDH staff
- Immersion experiences in the community (i.e. Roosevelt High School Health Careers Magnet Program)
- Partnerships with a wide variety of community organizations (i.e. diversity roundtables and institutes, professional organizations, educational institutions, churches, non-profit organizations, etc.)

We will explore the possibility that incentives will be provided for agency staff that volunteer to conduct informational sessions, participate in internal and external mentorship programs, and serve on business advisory committees in community social service organizations.

We will offer in-service learning forums for community resource contacts to present information about their services to MDH staff through our DPAT quarterly meetings. Community immersion experiences will be offered as they arise. Partnerships with other organizations will conserve resources and add value to our efforts.

## **Supported Employment**

We will recruit candidates for supported employment positions from local community resources that provide employment services to people with disabilities such as: St. Paul Rehabilitation Center, Kaposia, Access To Employment, Rise and Minnesota Resource Center (MRC).

## H.

### RETENTION PLAN

The Minnesota Department of Health will strive to affirmatively ensure equal employment opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on under-represented individuals. The responsibility for these retention efforts to be successful lies with all employees. The department's retention strategy is a multi-faceted approach, guided by the Health Steering Team, agency management, HR Director, Director of Workforce Diversity and Retention & Employee Development Coordinator. The current incumbent of the Retention & Employee Development Coordinator position is Jill Sondergaard.

Through experience, we have found that the best way to retain valuable employees is to provide them with a variety of mechanisms to feel supported within the workplace. Our primary focus will be: to anticipate future needs for talent, cultivate our employees' knowledge, skills, and abilities in order to prepare them for advancement opportunities, and to continuously enhance all of our efforts so that employees view the Department as a preferred place in which to work.

To improve the rate of retention of talented employees, we will continue with current efforts and integrate new approaches. These efforts will consist of:

- Conducting quantitative and qualitative analysis of agency turnover
- Advising agency leadership of trends and solutions
- Implementation of efforts to reduce turnover in areas identified through analysis
- Implementation of efforts to create and promote employee development opportunities
- Encourage employees to seek out career development opportunities

#### **Conducting quantitative and qualitative analysis of agency turnover**

- Quantitative Analysis - We will continue to monitor the patterns of separation and other employment trends that may affect turnover. Quantitative data will be available on both a quarterly and annual basis
- Qualitative Analysis - In order to apply the most appropriate turnover reduction strategies, first, the cause of turnover behavior must be determined. We will accomplish this task via interviews, surveys, focus groups and by other information-gathering methods. Qualitative information will be available on both a quarterly and annual basis

#### **Advising agency leadership of trends and solutions**

- Each quarter, the Health Steering Team (Commissioner, , Assistant Commissioners, division directors) will be provided with a "snapshot" of employee retention data (quantitative and qualitative)
- Twice per year, the Retention & Employee Development Coordinator will meet with division directors to advise them of their own divisional trends and make recommendations to remedy disproportionate patterns

- High-level data analysis will be available on the department intranet for all employees. This information will be updated quarterly.

### **Implementation of efforts to reduce “avoidable” turnover:**

A number of creative efforts to reduce avoidable turnover will be implemented during the 2004-2006 Plan. Avoidable turnover includes voluntary resignations of classified and unclassified positions. We will also review transfers to other state agencies and non-certifications (employees who do not pass the designated probation period). The efforts will be based on trends identified through data analysis, which includes, but is not limited to:

- Employee Orientation
- Employee Surveys
- Performance Management
- Early Conflict Intervention
- Workforce Planning
- DPAT (Diversity Partners Action Team)
- Employee Recognition
- Mentorship
- Professional Development

### **Employee Orientation Efforts**

- Managers and supervisors new to the department will be offered a special orientation opportunity. This effort is currently organized by the Center for Workforce Development.
- All new employees are offered a New Employee Orientation Session, which is a half-day program that provides information about agency resources (including EEO/AA and diversity).

### **Employee Surveys**

Organizations that continue to assess their work environment and listen to the opinions of their employees are more likely to respond to areas in need of improvement.

Exit Surveys are given to departing employees (surveys started November 1999), as well as Six Month Retention Surveys given to employees who have been in their current position for at least six months (surveys started November 2000). The intent of each survey respectively, is 1) to learn why employees leave employment, and 2) to learn why employees seek employment and stay. In June 2002, the Department of Employee Relations (DOER) asked to take this process over, so that it could administer statewide exit and new employee surveys. Plans have recently changed with regards to their statewide survey reporting system, therefore; our office has resumed the surveys as of March 2004. We will continue to provide survey interpretation and analysis to our Agency management, as well as high-level reporting to the entire agency, highlighting positive areas and areas in need of improvement.

We are currently in the development and implementation phase of a “pulse taker” workplace attitude survey and plan to administer this survey annually or biannually. The purpose of this

survey is to obtain employees' opinions about their current employment experience with the MN Department of Health. The questions are designed to measure worker engagement and are linked to business outcomes such as retention, productivity, public service, customer engagement and safety. This survey will be used to help update a summary regarding workplace climate and to identify where and how our organization can improve.

### **Work Environment Improvement**

Employers who provide a safe environment where employees are free to share their ideas and opinions are more likely to retain diverse talent. This Agency is committed to workforce development and open communication, and OWD will partner with divisions and work units to accomplish these aims. We will work to implement methods to gather feedback from our employees through focus groups that encourage interactive, authentic dialogues.

### **Performance Management**

When employees are clear about their expectations, have constructive feedback on an on-going basis and work with their supervisors to construct an individual development plan they are less likely to leave an organization. A performance management toolkit was developed and is available via the intranet as well as in document format.

Human Resources Management provides on-line information to agency management regarding the number of completed performance reviews within a one-year time period, and the number of updated position descriptions within a three-year time period. This office will work towards a goal of assisting and encouraging managers, supervisors and administrators in the completion of performance reviews and individual development plans of all MDH staff during the time period for this Plan. OWD will be available to work with supervisors and representatives of the bargaining units upon request to identify barriers employees have in meeting performance expectations and work on initiatives that will produce measurable results.

### **Early Conflict Intervention**

Employers who quickly respond to employee disputes are less likely to lose valuable employees. The department strongly believes in early detection and intervention of employee conflicts. The department will continue its current efforts to retain employees by resolving conflicts at the earliest possible occasion. The Human Resources Management team, including the Office of Workforce Diversity, provides support and guidance to managers and supervisors to resolve conflicts. The OWD and HRM staff will meet with work units as needed and make referrals to the Employee Assistance Program as appropriate.

### **Workforce Planning**

Recent human resources staffing data has shown that MDH will experience a rapid growth in retirement rates. OWD and HRM will monitor the retirement rates and provide these projections to agency management. A coordinated approach will be developed that will provide resources and information on specific steps to be taken to consider issues such as demographic staff composition, cultural sensitivity, human relations aptitude, diversity dynamics and inclusive processes.

## **DPAT (Diversity Partners Action Team) – our employee network group & diversity council**

All MDH employees are eligible to participate in DPAT. DPAT advises and assists the Office of Workforce Diversity in its effort to recruit, retain, and develop a diverse workforce within MDH so that the agency truly reflects, and is better able to serve, all the citizens of the State of Minnesota. DPAT has a standard bimonthly meeting time at our Distance Learning & Communication Center. We are utilizing videoconferencing equipment to incorporate interactive meetings with all of our metro buildings, as well as our Greater Minnesota District Offices. This technology has given us the opportunity to save on commute time and affords our employees greater flexibility in “attending” the meetings. Each meeting has a cultural education component, in which internal employees and external partners are invited to make presentations.

DPAT has created six (6) workgroups [*Recruitment, Retention, Workplace Climate, Outreach, Training, and Diversity Best Practices*] to address, promote and sustain diversity/affirmative action initiatives that were identified at an April 6, 2002 strategic planning session. These workgroups will prioritize initiatives within their specific areas, and implement action plans which are in harmony with this Plan’s strategic objectives.

### **Employee Recognition**

OWD will explore ways in which employees will be recognized for their contributions. Some of the methods may include: 1) an “All Employee Appreciation Day”, which would be an annual celebration event to thank all employees for their contributions and to talk about the successes and challenges for the department; 2) a formal recognition program to recognize individual employees and workgroups; 3) a database or intranet website mechanism to share “thank you’s” and “good job” notices between employees. This mechanism would also include letters from the department’s stakeholders, recognition of program accomplishments, employee highlights, and community and civic awards employees receive; 4) Length of Service Awards (10yr., 20yr., and every five (5) years thereafter). These initiatives (as well as others) will be contingent upon approval from agency leadership.

### **Mentorship**

Mentoring is a process of developing relationships. Mentors may assist with personal career development as well as technical training. Relationships are generally sought out because another person has certain attributes, wisdom, and experience, which that person desires. The nature of the mentorship depends on the participants, their efforts, capabilities and needs. We will seek to create a formal mentorship program within the department that may be utilized by MDH staff, as well as college and high school students. The creation and operation of the program will be dependent upon the existence of departmental resources, including staff.

### **Professional Development**

The Office of Workforce Diversity, through the Retention & Employee Development Coordinator, will advise MDH employees regarding courses concerning career development and career training and re-training opportunities in conjunction with the Center for Workforce Development.

The Retention & Employee Development Coordinator will work with MDH administrators,

HRM staff, managers and supervisors to ensure that employee learning and professional advancement are created, and that employees are informed of these opportunities. Our office will continue to provide information to employees regarding the variety and abundance of “work life balance” and multicultural community resources that are available within their geographic areas.

### **Separation Analysis**

Our efforts, which began in 1998, have resulted in the identification of trends in turnover that have led us to implement additional research. We found that the separation reports available to agencies statewide do not provide the data required to submit a compliant affirmative action plan. We continue to work on overcoming these challenges and we have developed our own reconciliation/tracking system to complement the technology available through the state. Our analysis of separation includes quantitative (numbers) and qualitative (narrative) data.

### **The following information is contained within Appendix A of this Plan:**

- Separation Analysis for Calendar Years 2002 – 2003

## I.

### **Internal Auditing and Reporting**

The Minnesota Department of Health is required by federal and state law to maintain various personnel records for the purpose of preparing reports. To meet this requirement, a centralized reporting system has been established and will be maintained by the Human Resource Management Division and the Agency Affirmative Action Manager (the Director of Workforce Diversity).

The department will evaluate its progress in the following ways:

- Through automated systems (Access, SEMA4, Crystal Reports) progress is measured and communicated to agency management including all division directors and executive team members who shall disseminate that information to their respective areas of responsibility
- A pre-review of layoff decisions will be conducted to determine any adverse impact on protected group employees
- Employment interview methods will be randomly reviewed to ensure that all selection criteria are objective and job related
- Quarterly reports on hiring and separation rates will be generated, compiled and distributed to agency leaders
- Evaluations of all training will be conducted at the time of the training session to determine whether or not they meet the intended objectives

## J.

### WORKFORCE PLANNING

The Minnesota Department of Health will act affirmatively to recruit and hire qualified individuals from protected groups. The following process describes the steps necessary prior to a supervisor making an offer of employment.

#### WorkForce Planning Process

<b>Responsible Entity</b>	<b>Action Required</b>
<b>Human Resource Management in partnership with Supervisors and Managers</b>	Ensure that position descriptions accurately reflect the required knowledge, skills and abilities required to perform the essential functions of the position. Revise as required.
<b>Human Resource Management</b>	Upon receipt of a request to fill a position, the HRM staff will notify the supervisor of unmet affirmative action goals.
<b>Supervisors &amp; Managers</b>	If a new job announcement is necessary, the hiring supervisor will be encouraged to target recruitment activities that will address any unmet goals. Supervisors are further encouraged to utilize the Recruitment Checklist. Individuals in the resume bank database will be notified of all agency postings.
<b>Supervisors &amp; Managers</b>	<p>Job related and objective questions will be prepared and asked during the interviews consistently to all candidates. Supervisors are encouraged to review interview questions with the agency affirmative action manager or HRM rep. to ensure that they are based on objective, job-related criteria.</p> <p>If the hiring manager chooses to hire a candidate that is not a protected group member and a disparity exists where there is a qualified protected group member in the candidate pool, the manager/supervisor will be asked to provide information related to the objective, job-related criteria for which the hiring decision was based.</p>
<b>Senior Leadership</b>	Managers and supervisors will be accountable to Senior Leadership for meeting affirmative action goals.

Affirmative attempts to eliminate under-utilization can be undertaken at several points in the employment process. OWD and senior management of the Agency will encourage all hiring supervisors to consider the following issues during the course of employing individuals in the agency. The following questions address the areas in which supervisors can affirmatively ensure equal employment opportunity:

❖ **Anticipating a Need**

- What is the composition of the current staff complement?
- Is there under-representation within the agency/division/unit?
- What is the current capacity of staff to understand and meet the needs of a diverse constituency?

❖ **Establishing a Position**

- What knowledge, skills and abilities are needed in order to perform the essential functions of the position?
- Who will be most impacted by the work of this position?
- Are there any special skills required (such as bi-lingual capability or specific cultural sensitivity)?
- Are there affirmative action goals for this job group?

❖ **Identifying Recruitment Resources**

- What media resources are available? Are they targeted to address under-utilization?
- What internal resources are available (including staff within the agency)?
- What electronic notification methods are available?
- What relationships with recruitment sources exist?
- What external events/activities can be used to promote this position?

❖ **Assessing Composition of the Applicant Pool**

- Does HRM indicate that there is a diverse pool of qualified applicants for this position?
- If the pool is not diverse, can the position be re-posted?

❖ **Selecting Competent, Caring and Committed Staff**

- Do candidates possess the required knowledge, skills and abilities to perform the essential functions of the position?
- Do they possess the capacity to understand and meet the needs of those impacted by the work?
- Have they demonstrated the ability to work in diverse team environments?

❖ **Retaining Diverse Talent**

- Does staff have the needed training, support and feedback to be successful?
- Is the work culture conducive to their professional growth?
- Are there support mechanisms in the agency that will assist them in being productive?

❖ **Measuring Performance**

- Have they demonstrated competence in performing the essential job functions?
- What accomplishments have they made?
- What contributions have they made to the agency-wide affirmative action and diversity goals and objectives?
- Have they demonstrated an ability to interact effectively with co-workers and stakeholders?
- What development goals would assist them in being more effective in their work?

# WORKFORCE PLANNING

## Affirmative Recruitment Checklist

This checklist is a tool that can be used by hiring managers and supervisors as they seek to attract diverse applicants. Please keep in mind that resource lists, such as this one, can change without notice and the source(s) may no longer be available. Most of the resources listed below are based out of the Twin Cities metropolitan area. Resources in Greater Minnesota may be accessed through local community newspapers and organizations. The Office of Workforce Diversity is available to assist you in searching for this information. If you wish to submit sources to be considered for addition to this checklist, and/or you are looking for details regarding these sources or any additional resources that are on file, please contact the Office of Workforce Diversity. This checklist will be updated periodically.

***NOTE: Prior to posting a position in any of the following ways, supervisors are expected to work with their HR Team Leader to ensure that the posting meets departmental requirements. Supervisors are encouraged to complete a checklist for all positions where external applicants are sought.***

### Print Media Sources

Source	Utilized
Insight News	
MN Spokesman/Recorder	
One Nation News	
Asian American Press	
Asian Pages	
Hmong Times	
Korean Quarterly	
La Prensa de Minnesota	
La Voz Latina	
Latino Midwest News	
Native American Press	
The Circle	
Access Press	
Lavender Magazine	
Minnesota Women's Press	
Minneapolis Star Tribune	
St. Paul Pioneer Press	
Community/Neighborhood Newspapers	
Other:	

**Radio/Television Media Sources**

<b>Source</b>	<b>Utilized</b>
KMOJ Radio Employer's Roundtable	
KFAI Talk Forums	
Public Radio	
Other:	

**Internal Resources**

<b>Source</b>	<b>Utilized</b>
All employee e-mail and Weekly Briefing announcements	
Human Resources – HR Team Leaders	
Diversity Partners Action Team – meeting announcements	
HRM and OWD intranet job opportunities website	
Other:	

**External Notification Methods**

<b>Source</b>	<b>Utilized</b>
Electronic mail notification lists (schools, colleges, associations, community organizations)	
MDH employee referral contacts	
Promoting employment opportunities at job fairs and community events	
MDH employment opportunities Internet website	
Minnesota Department of Employee Relations website	
University of Minnesota School of Public Health website	
Employment opportunities posted at statewide Minnesota Workforce Centers	
Additional FREE employment posting websites	
Other:	

## K.

### **Internal Complaint Procedure**

This procedure applies to complaints, which allege discrimination (including harassment) on the basis of race, color, creed, religion, national origin, gender, marital status, membership or activity in a local commission, status with regard to public assistance, disability, age or sexual orientation. Prohibition of discrimination is described in the policy, which is also part of this plan. Sexual harassment is a form of discrimination based on gender and is covered by this procedure.

#### **General Provisions**

- Any employee, applicant or eligible who believes that he or she has been subjected to discriminatory behavior or who believes he or she has witnessed such behaviors is encouraged to report this information
- MDH will work to ensure that no adverse or retaliatory action will occur to an employee who reports conduct which is alleged to be a violation of this policy
- In the course of a complaint investigation, all documentation associated with the complaint is considered confidential. The status, however, is public information
- Complaints will not be accepted after an employee terminates employment with the Department or if the same matter is being pursued simultaneously through another formal grievance or appeal process, unless the complaint is directly related to the employee's separation
- Complaints that are not based on one of the protected characteristics mentioned above shall not be resolved through this procedure
- The complainant through the Affirmative Action Manager, shall be advised of his or her right to file a charge of discrimination within 365 days after the occurrence of the event with the Commissioner or the Department of Human Rights or the Equal Employment Opportunity Commission or other legal channels

#### ***Internal Formal Procedure***

Prior to filing an internal formal complaint under this procedure, employees are encouraged to first consult with the agency Affirmative Action Manager to determine if it is an appropriate matter for resolution under this procedure. If the issue is one appropriate for resolution through this Plan, the Affirmative Action Manager will advise the employee on how to proceed, including the completion of the discrimination complaint form (attached). If not, the employee will be advised of other options for resolution. Initial determination of the appropriate method of resolution will be made within 10 working days from the date the complaint is received.

Employees should file the formal complaint within 30 days of the occurrence of the event giving rise to the complaint. Complaints filed between 30 and 365 days of the event may, at the discretion of the Affirmative Action Manager, be accepted and investigated.

### **Step 1**

The formal complaint should be presented to the Department's Affirmative Action Manager within 30 days of the occurrence of the event, giving rise to the complaint. After receipt of a formal complaint, the Affirmative Action Manager shall determine whether or not the complaint alleges discrimination based on the individual's protected group characteristic (race, creed, color, sex, age, marital status, national origin, disability, religion, reliance on public assistance, membership or activity in a local commission or sexual orientation).

If the complaint is timely and proper for resolution through this complaint procedure, the Affirmative Action Manager shall immediately initiate an investigation. If the complainant is suffering irreparable or immediate harm in the absence of immediate action, the Affirmative Action Manager may take whatever action is necessary to remedy the situation while the complaint is being investigated.

### **Step 2**

Within 60 days from the date the complaint is received, the Affirmative Action Manager shall investigate the complaint. If extenuating circumstances inhibit meeting the 60-day timeframe, a written explanation of extension will be issued. The investigation may include interviews with or statements from all parties involved including the complainant, respondent, complainant's supervisors, witnesses and co-workers as well as a review of all pertinent records or documents relating to the complaint.

### **Step 3**

The Affirmative Action Manager shall prepare a report of his or her findings resulting from the investigation of the complaint. The report shall be presented to the responsible party in the Department who is authorized to take action to resolve or correct the matter. Such corrective action may include discipline up to and including discharge when the investigative findings give merit to the complaint allegations. A letter of disposition will be issued to the complaining party within 5 working days from the date that the investigation is complete.

**\* NOTE:** Certain procedural requirements exist in various union contracts, which apply to complaints of alleged sexual harassment. For more specific information regarding these requirements, please refer to the applicable contract or inquire with the Affirmative Action Manager. Disposition of complaints will be filed with the Commissioner of Employee Relations within 30 days of final determination.

# Minnesota Department of Health

## Internal Formal Discrimination Complaint Form

The information you provide on this form will be used as part of the investigative process in determining if any MDH policy related to equal employment opportunity has been violated. The statements you provide in this complaint form, and any subsequent statements you make related to this complaint, will be used by the EEO Officer and others who require access to the data in order to determine if a violation of departmental procedures has occurred. If it is determined that a violation has occurred, disciplinary action may be taken against the responding party and/or other individuals found to be responsible for the improper activity/action.

In the event that any disciplinary or remedial action is taken, the information you provide may be used in subsequent hearings or proceedings related to this matter and you may be compelled to appear and provide information at such proceedings. The information may also be released to other persons and/or entities as required or allowed by law and/or upon direction by proper authority and/or pursuant to court order.

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Name	Division/Section/Unit	Phone
Job Title	Supervisor	

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Which protected status do you feel was the basis for the alleged discrimination? (check all that apply)

- |                                  |                                   |   |   |  |
|----------------------------------|-----------------------------------|---|---|--|
| <input type="checkbox"/> Race    | <input type="checkbox"/> Color    | <input type="checkbox"/> Religion             | <input type="checkbox"/> Age                              | <input type="checkbox"/> Reprisal for filing |
| <input type="checkbox"/> Marital | <input type="checkbox"/> National | <input type="checkbox"/> Status with regard   | <input type="checkbox"/> Sexual                           | <input type="checkbox"/> prior complaint     |
| <input type="checkbox"/> Status  | <input type="checkbox"/> Origin   | <input type="checkbox"/> to public assistance | <input type="checkbox"/> Orientation                      | (Date filed: _____)                          |
| <input type="checkbox"/> Sex     | <input type="checkbox"/> Creed    | <input type="checkbox"/> Disability           | <input type="checkbox"/> Membership in a local commission |  |

Please describe the reason (or reasons) you believe that you were discriminated against. Describe the incident(s) in detail, with the most recent incident first (include names and types of behavior). Attach additional sheets if necessary. If you have documentation you believe is relevant to your complaint, please attach it to this complaint form.

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**Who do you feel discriminated against you?**

Name	Division/Section/Unit	Job Title
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When did the most recent incident occur?

Date	Time	Location
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Were there any witnesses? If so, who

Name	Division/Section/Unit	Job Title	What did they observe?

What remedy (ies) would resolve this matter to your satisfaction?

**\*\* Note: There is no guarantee that your remedy request(s) will be granted.**

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Did you attempt resolution of this matter through any other process, such as a union grievance, mediation or other process? If so, please specify.

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Did you file this complaint with any other agency? If so which agency and where is it in the process?

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I hereby certify that the information I provided in this complaint is true and correct to the best of my knowledge.

Signature	Date
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Received by	Date
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## L.

### **Reasonable Accommodations & Employment of People with Disabilities**

#### ***Policy***

The Department of Health is committed to recruit, select and retain qualified people with disabilities. Accommodations will be provided to qualified individuals, whether an employee or job applicant (including employees seeking promotion), when such accommodations are directly related to performing a job or competing for a job. Expenses incurred in this process can be funded by the indirect cost pool allocation or by the division/section/unit budget. Accommodations will not be provided for non-job related personal needs including transportation to and from work.

Examples of such accommodations may include, but are not limited to:

- modification of equipment or assistive devices such as special telephone equipment, TTY/TDD communication equipment, or audiovisual aides
- job site modifications such as equipment height, addition or outlets, relocation of job site to an accessible area, special parking facilities or other types of similar modifications
- job restructuring such as flexible work hours or removal of marginal job functions
- support services such as interpreters, job coaches or readers
- reassignment to a vacant position for which the employee is qualified

Accommodations will be made when:

- A person has been determined to have a disabling condition as defined by the law; and
- the department knows of the disability; and
- the person seeks an accommodation; and
- the accommodation is necessary to enable the person to perform the essential functions of the job or to enjoy the same benefits and privileges; and
- the accommodation is reasonable, does not impose an undue hardship, and does not pose a genuine direct threat

#### **Supported Work Program**

The Department will support and encourage the use of the State's Supported Work Program. This program is designed to provide people with severe physical, mental health and developmental disabilities employment opportunities within State Government. The use of this program will be encouraged through the cooperation of managers and supervisors. Each Division of the Department will analyze the requirements of this program and determine the extent to which it might be of value in each Division. Specific positions will be identified which could provide the type of work and development envisioned by this program.

The Agency Affirmative Action Manager will monitor the implementation and administration of this program and provide assistance and advice to managers and supervisors regarding its use.

## **Definition of Disability Status and Establishment of a Reasonable Accommodation**

In order to qualify for a reasonable accommodation under this plan, an individual must have a disability as defined by the Americans with Disabilities Act and the Minnesota Human Rights Act. The definition consists of three parts:

- 1. A physical, mental or emotional impairment that “substantially limits” the ability to perform one or more major life activities.** Major life activities are functions that are of central importance to daily life, such as: seeing, walking, talking, hearing, breathing, thinking, lifting, personal hygiene, etc. A “substantial limitation” is defined as an impairment which severely restricts or prevents a person from performing activities of central importance to his/her life. The impairment’s impact must also be either long-term or permanent.

Persons claiming a disability must present information that clearly shows that the impairment is substantial. Submission of a simple medical diagnosis will not be sufficient to establish disability status under the ADA. The existence of a disability will be determined on a case-by-case basis, and this review will include, among other things, an analysis of the impact that the impairment has on the individual, the anticipated duration and the nature and severity of the impairment.

Following a review of the aforementioned considerations, including discussions with the employee, his/her supervisor, and the employee’s medical provider, a workplace accommodation may be provided by MDH.

- 2. The person is regarded as having such an impairment.** This prong of the definition protects individuals from being discriminated against if they are regarded as having an impairment that substantially limits any activity of central importance in a person’s life.
- 3. The person has a record of having such an impairment.** Even when an individual no longer has an impairment that substantially limits a major life activity, they are protected from being discriminated against if they have a record of such an impairment.

## ***Process for Employees Requesting a Reasonable Accommodation***

### **Step 1**

The employee or applicant must inform the department or his/her supervisor that there is a need for a reasonable accommodation under this process. They do not have to use the words “disability” or “reasonable accommodation”, but they must indicate that they have a condition, which necessitates a modification to their job or the application process. This disclosure can be provided to the supervisor or manager, the Human Resource professional who is an ADA designee, or to the Affirmative Action Manager, who serves as the Department’s ADA Coordinator. Employees are encouraged to use the Reasonable Accommodation Request form, but its use is not required.

### **Step 2**

Upon receipt of a disability recognition/accommodations request (either informally or in writing from an employee or his/her supervisor, the ADA Coordinator will meet with the employee and/or the supervisor to review the employee’s job’s essential functions, and the individual’s specific accommodations requests to determine the specific abilities and limitations that relate to the essential functions of that position. The ADA Coordinator will then identify any barriers to job performance and discuss how these barriers could be overcome with an accommodation.

During this consultation, the supervisor and employee may be asked to identify potential accommodations and assess how effective each would be.

The supervisor or manager will forward the following information to the ADA Coordinator for his/her review and action: name of employee, his/her accommodations request, verified or anticipated cost of the accommodation, and anticipated duration of such accommodation. If the accommodation requested will cost \$5,000 or more, the ADA Coordinator will forward the request along with his or her recommendations to the agency head within three (3) working days.

When the ADA Coordinator or Designee receives an accommodations request inquiry from an employee or supervisor, he or she will meet with the employee to gather facts about the accommodations request, and obtain authorization to acquire information from the employee's treating physician, therapist or other professional who is familiar with the employee's condition. Authorization will be granted only by way of a written release form. The ADA Coordinator will then send a letter of inquiry to the employee's physician seeking information that will assist him or her in determining if the employee's condition meets the definition of a disability, such as data about the impact that the disability has on the employee's ability to perform his/her job (with or without the accommodation(s)), and any accommodations recommendations from the physician.

All medical information will be retained in a confidential file that will be separate from the employee's personnel records. The supervisor or manager will be provided only information about the impact of the impairment in relation to the employee's job duties and the accommodations recommended.

### ***Process for Applicants Requesting a Reasonable Accommodation***

All initial communication between a job applicant and a supervisor or personnel officer 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. Applicants must indicate what accommodation is necessary to help them compete for the position.

If an applicant indicates a need for an accommodation, the supervisor or personnel office will review and grant the request and provide the accommodation requested in accordance with existing laws and policies.

As a part of the approval process, the supervisor or manager should forward all relevant information to the ADA Coordinator, including: name of applicant, accommodation request made, actual/potential cost of the accommodation and anticipated duration of such accommodation.

**\* Note: Denials of Requests** - All denials of requests for accommodations or determinations of non-eligibility under the ADA will be documented and kept on file by the ADA Coordinator. The employee/applicant will be notified of the denial in writing and advised of their right to file a complaint of discrimination under the affirmative action plan procedure and their right to file a complaint with the Minnesota Department of Human Rights or the U.S. Equal Employment Opportunity Commission or any other appropriate agency.

**Minnesota Department of Health**  
**Employee Request Form for Reasonable Accommodation**

*The information you provide on this form will be used as part of the reasonable accommodation process in determining the responsibilities of MDH under the Americans with Disabilities Act (ADA). The statements you provide in this accommodation request form, and any subsequent statements you make related to this request, will be used by the ADA coordinator and/or designees in order to determine eligibility under the ADA and appropriate accommodations and any other action that should be taken.*

*This data will be handled as "confidential" and will be retained separate from any personnel files of the requesting employee. Supervisors and managers will not be given specific information related to diagnosis or medical condition. They will only be advised of their responsibilities under the ADA and any needed accommodations identified through this process.*

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<b>Employee Name</b>	<b>Date of Request</b>
<hr/>	
<b>Division/Section/Unit</b>	<b>Job Title/Classification</b>

\*\*\*\*\*

**1. Do you have an impairment that substantially limits your ability to do things that are of central importance to people's lives (such as walking, lifting, seeing, hearing, concentrating, etc)? If so, please describe the impact that the impairment(s) has on you, including the how long it will last and severity of the impairment.**

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**2. How does your condition impair your ability to perform your job duties?**

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**3. What type of reasonable accommodation are you requesting? Please be specific.**

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**4. Which essential job functions will this accommodation allow you to perform\*? How?**

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**\* Please attach your position description**

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\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**ADA Coordinator/Designee**

\_\_\_\_\_  
**Date**

**FOR AGENCY USE ONLY**

\*\*\*\*\*

\_\_\_\_\_ **Approved/Date**

\_\_\_\_\_ **Disapproved/Date (A written explanation to the requesting employee must be provided)**

**Before the work day**

When a weather emergency is declared by the Commissioner of Employee Relations, the announcement will be made over WCCO radio (830 AM), before the start of the workday that agencies will be closed, except for essential employees.

Supervisors should follow the steps outlined below to ensure that employees who have hearing impairments receive the information.

Consult with employees prior to the emergency to determine what appropriate action and method of notification works best for that employee.

If the employee has a TDD/TTY machine, the supervisor may make arrangements with the employee to contact them through the Direct Connect Minnesota Relay Service.

If another method of notice is possible and appropriate, the supervisor shall use this method.

# APPENDIX A

## Minnesota Department of Health Separation Analysis 2002-2003

### **Female:**

In 2002, female employees made up 68.30% of the agency (946 female employees out of a total of 1385) and male employees made up 31.70 % of the agency (439 employees out of a total of 1385). There were 148 female employees and 45 male employees who separated out of a total of 193 separations. The female employee separation rate (# of separations/representation size in agency) is 15.64%, while the male employee separation rate is 10.25%. Female employees represented 76.68% of the total separations.

In 2003, female employees made up 68.35% of the agency (950 female employees out of a total of 1390) and male employees made up 31.65% of the agency (440 employees out of a total of 1390). There were 134 female employees and 45 male employees who separated out of a total of 179 separations. The female employee separation rate (# of separations/representation size in agency) is 14.11%, while the male employee separation rate is 10.23%. Female employees represented 74.86% of the total separations.

**The analysis reveals that female employees are separating at greater rates than male employees, even though they have a higher representation percentage in the agency.**

### **Employees of Color:**

In 2002, employees of color made up 11.05% of the agency (153 employees of color out of a total of 1385) and non-minority employees made up 88.95% of the agency (1232 employees out of a total of 1385). There were 36 employees of color and 157 non-minority employees who separated out of a total of 193 separations. The employees of color separation rate (# of separations/representation size in agency) is 23.53%, while the non-minority employee separation rate is 12.74%. Employees of color represented 18.65% of the total separations.

In 2003, employees of color made up 11.37% of the agency (158 employees of color out of a total of 1390) and non-minority employees made up 88.63% of the agency (1232 employees out of a total of 1390). There were 23 employees of color and 156 non-minority employees who separated out of a total of 179 separations. The employees of color separation rate (# of separations/representation size in agency) is 14.56%, while the non-minority employee separation rate is 12.66%. Employees of color represented 12.85% of the total separations.

**The analysis reveals that employees of color are separating at higher rates than non-minorities, even with having a lower representation percentage in the agency. However, the changes in the separation rates from 2002 to 2003 show a significant improvement and we attribute this to efforts made in the recruitment, development and retention of employees of color.**

### **Employees with Disabilities:**

In 2002, employees with disabilities employees made up 5.85% of the agency (81 employees with disabilities out of a total of 1385) and non-disabled employees made up 94.15% of the agency (1304 employees out of a total of 1385). There were 6 employees with disabilities and 187 non-disabled employees who separated out of a total of 193 separations. The employees with disabilities separation rate (# of separations/representation size in agency) is 7.41%, while the non-disabled employee separation rate is 14.34%. Employees with disabilities represented 3.11% of the total separations.

In 2003, employees with disabilities made up 5.76% of the agency (80 employees with disabilities out of a total of 1390) and non-disabled employees made up 94.24% of the agency (1310 employees out of a total of 1390). There were 6 employees with disabilities and 173 non-disabled employees who separated out of a total of 179 separations. The employees with disabilities separation rate (# of separations/representation size in agency) is 7.50%, while the non-disabled employee separation rate is 13.21%. Employees with disabilities represented 3.35% of the total separations.

**The analysis reveals that employees with disabilities are separating at lower rates than non-disabled employees, which is comparable to their lower representation percentage in the agency. However, this does not preclude us from being concerned about their separations. The numbers may have more significance if employees were more apt to self-disclose their disability status.**

### **Layoff List:**

Due to the State's budget reduction, we did experience more layoffs in 2003, than we have in previous years; however, tremendous efforts were made by Human Resources and Agency Management to keep these persons within the agency and placed in eligible positions. We had one employee who opted to retire and two employees who remained on the Layoff List. In analyzing the layoffs, there is no evidence of disproportionate patterns of layoffs for protected status groups.

### **Retention Plan:**

The focus for the next two years is to significantly decrease the separation impact on female, employees of color and employees with disabilities. The following provides a snapshot of continuing current efforts, as well as the integration of new approaches. For more detailed information of each, please see the section labeled Retention Plan:

- Conducting quantitative and qualitative analysis of agency turnover (this mechanism complements methods of auditing, evaluating, and reporting program success). We will be looking at a variety of ways to measure and report this data.
- Advising agency leadership of trends and solutions
- Implementation of efforts to reduce voluntary turnover



# Minnesota Department of Health

## Affirmative Action Plan

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**A.**  
**STATEMENT OF COMMITMENT**

August 5, 2004

Ms. Ann Schluter  
Deputy Commissioner of Human Resources and EEO/Diversity  
Minnesota Department of Employee Relations  
200 Centennial Office Building  
St Paul, MN 55155

Dear Ms. Schluter:

I am submitting for your review the 2004-2006 Affirmative Action Plan of the Minnesota Department of Health. We are firmly committed to the goals in the plan, including equal opportunity in employment, and access to our programs, facilities, and services. The plan is aligned with our agency's overall strategic directions, operational goals and statewide priorities.

I am especially proud of the steps we have outlined to affirmatively and aggressively attract and retain diverse talent during the term of the plan. We will also dedicate our efforts towards the creation of a workplace climate that is as free from harassment, discrimination, and hostility as possible. The Department will also partner with state agencies, the private sector and the community in the implementation of its affirmative action initiatives during this plan period.

Sincerely,

Dianne M. Mandernach  
Commissioner  
P.O. Box 64882  
St. Paul, MN 55164-0882