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STATE OF MINNESOTA  
STATEWIDE AFFIRMATIVE ACTION PLAN

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STATE OF MINNESOTA

STATE OF MINNESOTA  
STATEWIDE AFFIRMATIVE ACTION PLAN

Developed by the Minnesota Department of Personnel  
Equal Opportunity Division  
Stanley A. Gardner, State Director  
of Equal Opportunity

February 1978

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## INTRODUCTION

Equal Employment Opportunity is the law. It is mandated by federal, state, and local legislation and executive orders as well as by definitive court decisions. This Affirmative Action Plan outlines the programs through which the State of Minnesota's equal employment opportunity policy will be implemented.

It is essential that all employees of the State - not just the managers and supervisors - understand why and how equal employment opportunity usually requires positive, affirmative action beyond establishment of neutral "non-discriminatory" and "merit-hiring" policies.

Experience in administering equal opportunity laws over the past few years has shown that many discriminatory practices of the past remain so deeply imbedded in basic institutions of society that these practices continue to have an extremely unequal effect on certain groups in our population, even when there is no conscious intent to discriminate.

Many people who suffer effects of past and present discrimination are already qualified for better jobs, but continuing barriers throughout employment systems deny them equal opportunity. The major emphasis of Minnesota's Affirmative Action Program will be on the recognition and removal of these barriers, the identification of persons unfairly excluded or held back, and the action enabling them to compete for jobs on an equal basis.

It is important to understand that affirmative action does not mean the hiring of unqualified people. Rather, it means positive action to utilize the large reservoir of untapped human resources and skills among the protected classes. With this in mind, the effective affirmative action program not only benefits those who have been denied equal employment opportunity in the past, but will also benefit the entire State system.



EXECUTIVE ORDER NO. 168

Providing for the reaffirmation of the establishment of an affirmative action program and repealing Executive Order Nos. 76 and 76A.

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the State of Minnesota is committed by the Minnesota Human Rights Act to actively promote Equal Employment Opportunity throughout State government; and

WHEREAS, the State of Minnesota is committed by Federal laws to formulate an Affirmative Action Program to provide Equal Employment Opportunity in all positions in State government employment; and

WHEREAS, the State of Minnesota has a responsibility to insure the optimum use of the State's human resources and the career development of State employees;

NOW THEREFORE, I order that the State of Minnesota shall take immediate affirmative action to insure equal employment opportunity for all its employees and for all applicants seeking employment in State government. A Statewide Affirmative Action Program shall be established and maintained and shall include, but not be limited to, the following personnel functions: hiring, recruitment, selection, benefits, promotion, transfer, layoff, return from layoff, compensation, equality of wages, and employee development programs such as apprenticeship and training.

1. The Commissioner of Personnel shall be responsible for the overall administration of the State's affirmative action program. The Commissioner shall establish within the Department of Personnel a Division of Equal Opportunity to be managed by a State Director of Equal Opportunity.
2. The State Director of Equal Opportunity, appointed by and directly accountable to the

Commissioner, shall have the authority and responsibility for development, implementation, and administration of the Statewide Affirmative Action Program. The State Director shall be indirectly accountable to the Governor for the success of the program.

3. The State Director of Equal Opportunity shall issue such policies and procedures as are appropriate and in accordance with State and Federal laws and with this order.
4. The State Director shall be responsible for coordinating the State's compliance with all Federal laws, orders, and regulations relating to affirmative action and equal employment opportunity. The State Director is hereby designated as the liaison between the State and Federal governments for all such matters.
5. Each Commissioner or Department Head shall be held accountable directly to the Governor and indirectly to the State Director of Equal Opportunity for his or her department's compliance with this order, with the Statewide Affirmative Action Plan, and with State and Federal laws, regulations, and orders relating

to equal employment opportunity. As such, each Commissioner or Department Head will:

- a. Develop, implement, and maintain in his or her department an affirmative action plan consistent with the Statewide Affirmative Action Plan.
- b. Include in his or her Position Description, Performance Evaluation and Activity Report, and Individual Development Plan specific objectives and plans designed to facilitate affirmative action and equal employment opportunity. Performance will be judged, in part, on the basis of accomplishment in this area.
- c. Require all managers and supervisors to include such objectives and plans in their Position Descriptions, Performance Evaluation and Activity Reports, and Individual Development Plans and will notify them that merit increases will be awarded, in part, on the basis of their accomplishments in affirmative action.
- d. Require the appropriate employees to take such affirmative action-related

training courses as may be made available by the Department of Personnel or the departmental Training Coordinators/Affirmative Action Officers.

6. The State Director of Equal Opportunity shall determine the compliance status of each department and shall report same to the Governor quarterly. The Governor will take any appropriate action to ensure a department's compliance with the Statewide Affirmative Action Plan.
7. This Order supersedes Executive Order No. 76, issued March 1, 1974, and Executive Order No. 76A, issued December 31, 1975. This Order shall be effective fifteen days after publication in the State Register.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 28<sup>th</sup> day of FEBRUARY, 1978.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 28 1978

*Joan Anderson Howe*  
Secretary of State

*Rudy Perpich*  
Rudy Perpich, Governor

Filed according to Law:

*Joan Anderson Howe*  
Joan Anderson Howe  
Secretary of State

2-28-78  
Date

## Office Memorandum

DEPARTMENT PERSONNEL - 3RD FLOOR  
SPACE CENTER BUILDING

TO : All State Employees

DATE: February 10, 1978  
Ref: Governor's Executive  
Order

FROM : Clarence E. Harris  
Commissioner



PHONE: 296-8366

SUBJECT: The Affirmative Action Program for the State of Minnesota

Pursuant to the Governor's Executive Order, I hereby reaffirm the equal employment opportunity policy of the State of Minnesota. The Department of Personnel is firmly committed to this policy and to the assurance that all personnel activities will be conducted without regard to an employee's or an applicant's race, creed, color, sex, religion, national origin, age, marital status, handicap, or reliance on public assistance.

The Department of Personnel further recognizes the need for affirmative action for minorities, women, and handicapped persons and has, therefore, established a Division of Equal Opportunity within the Department to carry out our responsibility for such affirmative action. The Director of Equal Opportunity, Stanley A. Gardner, has developed an effective management program for affirmative action and is in the process of fully implementing this program. The Statewide Affirmative Action Plan, describing the program, is available for public inspection within the Department of Personnel or from each department's or agency's Affirmative Action Officer.

It is important to understand that affirmative action does not mean the hiring of unqualified people. Rather, it means positive action to utilize the large reservoir of untapped human resources and skills among the protected classes. With this in mind, the effective affirmative action program not only benefits those who have been denied equal employment opportunity in the past, but will also benefit the entire state system.

As Commissioner of Personnel, I strongly support the Affirmative Action Program and I request the cooperation of all departments in ensuring that the State of Minnesota's personnel system is free of barriers to equal employment opportunity.

LEGAL BASIS FOR AFFIRMATIVE ACTION

## THE LEGAL BASIS FOR AFFIRMATIVE ACTION

### Definitions

"Equal Employment Opportunity" is an employer's policy that all personnel activities will be conducted in a manner as to assure equal opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees in relation to the specific jobs without regard to race, creed, color, sex, religion, national origin, age, marital status, reliance on public assistance, handicap, or other nonmerit factors except where age, sex, or physical or mental ability is a bona fide occupational qualification.

"Affirmative Action" is the planned, aggressive, coherent, management program designed to provide for equal employment opportunity. The Affirmative Action Plan is the written document through which management ensures that all persons have equal opportunities in recruitment, selection, appointment, promotion, training, discipline, and all other personnel activities. The plan is specifically tailored to the employer's workforce and available skills. It contains specific actions and programs, including goals, timetables, responsibilities, and resources designed to meet identified needs. Affirmative Action is a results-oriented program designed to achieve equal employment opportunity rather than simply a policy to assure non-discrimination. As an ongoing management program, it requires periodic evaluation.

### The History of Equal Employment Opportunity

The courts have ruled that employment discrimination has been prohibited by law as far back as the Civil Rights Acts of 1866 and 1870. In some cases, the Equal Protection Clause of the 14th Amendment to the United States Constitution has also been interpreted as prohibiting employment discrimination. In more recent years, the U.S. Congress has enacted very specific legislation prohibiting employment discrimination and detailing the methods through which equal employment opportunity may be achieved. The most comprehensive of these methods is the requirement for affirmative action and the creation of planned Affirmative Action Programs. The State of Minnesota is subject to this requirement and in order to comply with it and other federal regulations, the Minnesota Human Rights Act and Executive Order Number 37 and its successors were enacted.

Executive Order Number 76 mandated the establishment of a Statewide Affirmative Action Program and created the Governor's Affirmative Action Office to administer and implement the statewide program. Eventually, to conform with the direction of current thought, the Governor's Affirmative Action Office was replaced by the Equal Opportunity Division of the Department of Personnel under the leadership of the Director of Equal Opportunity. The concept behind this move is that affirmative action should be an integral part of the personnel process. If the job is done properly, the need for affirmative action will eventually no longer exist as all barriers to equal employment opportunity will have been eliminated from the personnel process.

LAWS AND ORDERS REQUIRING EQUAL EMPLOYMENT

	<u>INSTITUTIONS COVERED</u>	<u>PROHIBITS</u>	<u>ENFORCING AGENCY</u>
GOVERNOR'S EXECUTIVE ORDER	All State Departments of the Executive Branch.	Establishes an Affirmative Action Program	Equal Opportunity Division; Department of Personnel.
MINNESOTA HUMAN RIGHTS ACT	All institutions, including labor organizations.	Discrimination in employment, on the basis of race, color, creed, religion, age, national origin, sex, marital status, disability and reliance on public assistance.	Minnesota Department of Human Rights.
TITLE VI, CIVIL RIGHTS ACT OF 1964	All institutions receiving Federal financial assistance.	Discrimination in, exclusion from participation in, or denial of benefits of any program or activity receiving Federal financial assistance.	Each Federal agency which administers grants, loans, or contracts is responsible for the programs or activities funded through its assistance.
TITLE VII, CIVIL RIGHTS ACT OF 1964 (amended by Equal Employment Opportunity Act of 1972)	All institutions with 15 or more employees.	Discrimination in employment (all terms and conditions thereof) on the basis of race, color, religion, national origin, or sex. Also, harassment of employees who file complaints.	U.S. Equal Employment Opportunity Commission (EEOC).
EQUAL PAY ACT OF 1963 (amended by Title IX Education Amendments Act of 1972)	All institutions, including labor organizations.	Discrimination in salaries (including almost all fringe benefits) on the basis of sex.	Wage and Hour Division of the Employment Standards Administration of the U.S. Department of Labor.
AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1968 (amended in 1974)	All institutions, including labor organizations.	Discrimination in compensation, terms, conditions and privileges of employment, and status as employee on the basis of age. (Covers ages 40-65)	Wage and Hour Division of the Employment Standards Administration of the U.S. Department of Labor.
EXECUTIVE ORDER #11246 (amended by Executive Order #11375)	All institutions with federal contracts in excess of \$10,000.	Discrimination in employment (all terms and conditions thereof) on the basis of race, color, religion, national origin, or sex.	Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Dept. of Labor, or the HEW Office for Civil Rights for educational institutions.

OPPORTUNITY AND AFFIRMATIVE ACTION

<u>FILING THE COMPLAINT</u>	<u>WHO CAN COMPLAIN</u>	<u>TIME LIMIT</u>	<u>SANCTIONS/PENALTIES</u>
See Appendix A	See Appendix A	See Appendix A	Placement of an agency in non-compliance status. Legal action under applicable state and federal statutes.
By a sworn complaint form obtainable from the Department of Human Rights.	An individual and/or organization on own behalf or on behalf of aggrieved parties.	6 months	Injunction, back wages, attorney's fees and costs, etc. Violation of this law is a misdemeanor.
By letter to the Chief Official of the administering agency.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	Each agency establishes its own time limit.	Funds may be revoked, delayed or denied. Institutions may be declared ineligible for future awards.
By sworn complaint form available from EEOC or the Minnesota Department of Human Rights.	Any individual, organization, or member of EEOC on own behalf or on behalf of aggrieved parties.	180 days.	EEOC, U.S. Dept. of Justice can file a suit. Injunction back wages, salary increases with interest, etc.
By letter, phone call, or in person to nearest Wage and Hour Division. Names of complainants are confidential.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	No official limit; recovery of back wages limited to 2 years for non-willful and 3 years for willful violations.	Secretary of Labor, or individuals after proper notice, may file suit. Injunction, back wages, salary increases with interest, etc.
By letter, phone call, or in person to nearest Wage and Hour Division.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Secretary of Labor, or individuals after proper notice, may file suit. Injunctive relief, unpaid minimum wages or unpaid over-time compensation.
By letter to OFCCP or to the Secretary of HEW.	Any individual and/or organization on own behalf or on behalf of aggrieved parties.	180 days	Normally, no private right of suit. Affirmative Action plans with numerical goals and timetables are required. Contracts may be delayed or revoked. Back pay is awarded if necessary.

INSTITUTIONS COVERED

PROHIBITS

ENFORCING AGENCY

TITLE IX, EDUCATION  
AMENDMENTS OF 1972  
(Higher Education  
Act)

All educational institu-  
tions receiving federal  
funds through grants  
loans, or contracts.

Discrimination against  
students and employees  
on the basis of sex.

HEW Office for Civil Rights,  
Higher Education Division.

REHABILITATION ACT  
OF 1973, Section  
504.

All Institutions  
receiving federal finan-  
cial assistance from HEW.

Discrimination in employ-  
ment and in the operation  
of programs and activities  
receiving assistance on  
the basis of handicap.

HEW Office for Civil Rights.

FILING THE COMPLAINT

By letter to the Secretary of HEW.

By letter to the Secretary of HEW.

WHO CAN COMPLAIN

Any individual and/or organization on own behalf or on behalf of aggrieved parties

Any individual and/or organization on own behalf or on behalf of aggrieved parties.

TIME LIMIT

180 days

180 days

SANCTIONS/PENALTIES

HEW may authorize Justice Dept. to bring suit. Awards may be delayed or revoked. Institutions may be declared ineligible for future awards.

Normally, no private right of suit. Financial assistance may be delayed or revoked or institutions may be declared ineligible for future assistance.

DELEGATION OF AUTHORITY AND RESPONSIBILITIES

## ABBREVIATIONS AND DEFINITIONS

As used throughout the remainder of this document, the following terms and abbreviations mean:

AA - Affirmative Action

AAC - Affirmative Action Committee

AAO - Affirmative Action Officer

AAP - Affirmative Action Plan; will be designated as "statewide" or "departmental" to differentiate between the Affirmative Action Plan developed for the entire State government by the Equal Opportunity Division and those Affirmative Action Plans developed by individual departments.

DOP - Minnesota Department of Personnel

EEO - Equal Employment Opportunity

EOD - Equal Opportunity Division of the Minnesota Department of Personnel

EEO - Equal Opportunity Officer

Affirmative Action Plan - The written document which describes an employer's programs for achieving equal employment opportunity.

Affirmative Action Program - The various responsibilities and activities by which management intends to achieve equal employment opportunity.

Chief Executive Officer - Commissioners, directors, or other persons designated as being the chief administrators of a major department, e.g., the Commissioner of Personnel, the Director of the State Planning Agency, etc.

Department - Any of the major departments or other entities of the executive branch which are not divisions, subdivisions, or branches of another department.

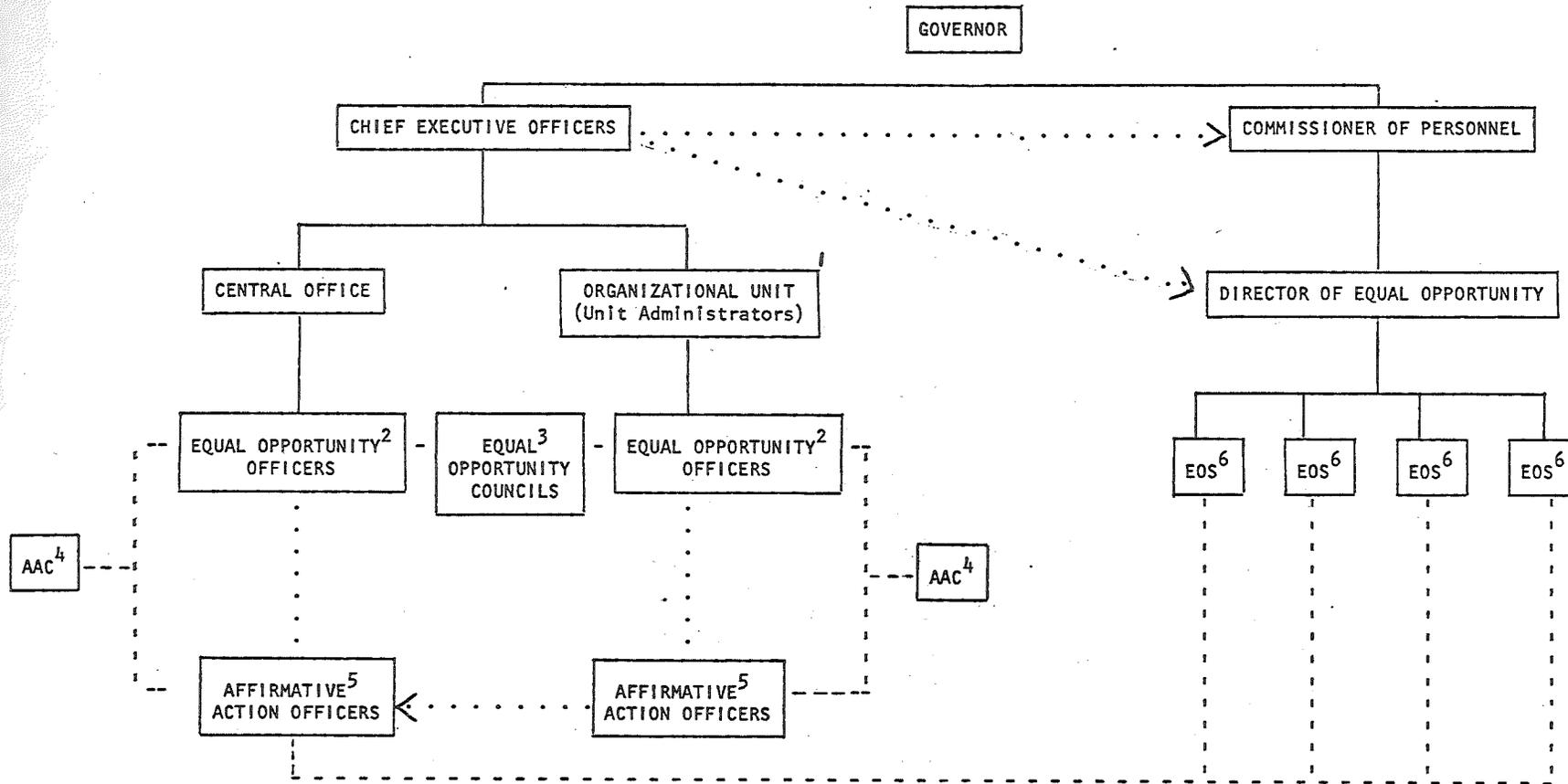
Director - Director of Equal Opportunity.

Organizational Unit - Any division, branch, agency, or institution which is a subdivision of a department.

Policy - A written statement of commitment to equal employment opportunity and affirmative action.

Unit Administrators - Persons who are designated as the head officials of those divisions or institutions which are under the jurisdiction of a major department, e.g., presidents of state colleges, hospital administrators, etc.

FUNCTIONAL ORGANIZATIONAL CHART



<sup>1</sup>The structure beneath number 1 pertains only to those departments which have organizational units, e.g., DPW, University Systems.

<sup>2</sup>The Chief Executive Officers or Unit Administrators may designate themselves as the Equal Opportunity Officers. EOO's are also ex-officio members of the Affirmative Action Committees.

<sup>3</sup>Equal Opportunity Councils exist only in those departments which have organizational units.

<sup>4</sup>Affirmative Action Committees

<sup>5</sup>Ex-officio member of the AAC's

<sup>6</sup>Equal Opportunity Specialists

———— Direct Lines of Authority  
 . . . . Indirect Lines of Authority  
 - - - - Working/Liaison Relationships

## INTRODUCTION

An essential part of any management program is a clear understanding of the roles, responsibilities, and duties of those persons who will be actively involved in the administration and implementation of the program.

The chart on the opposite page outlines the relationships between the people responsible for the many facets of the Statewide Affirmative Action Program. The narrative on the following pages will describe the functions of the individuals involved as well as the activities required of the various departments and agencies.

In reviewing this section and developing your department's affirmative action program, please be aware of those areas identified as optional. Recognizing that the departments are very diverse, we have tried to gear our program to fit both your department's needs and those of the Division of Equal Opportunity. Some things will be mandatory. For example, departments are required to have Affirmative Action Plans, Affirmative Action Committees, Affirmative Action Officers (or persons designated to function as such), Equal Opportunity Officers, etc. For other areas, we have given you some suggestions and examples which you are free to adopt if they will fit your department's structure and/or needs. If they do not, you must develop some equivalent measures for inclusion in your affirmative action plans.

## OUTLINE OF RESPONSIBILITIES

### I. Governor

Responsibilities: The Governor of the State of Minnesota is ultimately responsible for ensuring the establishment, implementation, and success of the State's Equal Opportunity Policy and Affirmative Action Program.

Duties: The Governor, through Executive Order, shall designate those officials responsible for developing, administering, and implementing the State Affirmative Action Program. The Governor shall hold all department heads responsible for the Affirmative Action Programs within their departments.

Accountability: The Governor is directly accountable to the citizens of the State of Minnesota.

### II. Commissioner of Personnel

Responsibilities: The Commissioner of Personnel is responsible for the overall administration of the State's Affirmative Action Program.

Duties: The Commissioner has established and will maintain the Department of Personnel's Equal Opportunity Division to develop and implement the Statewide Affirmative Action Program. The Commissioner will also take any action necessary and within the scope of his/her jurisdiction to remove all barriers to equal employment opportunity within the state service. The Commissioner shall appoint a Director of Equal Opportunity.

Accountability: The Commissioner of Personnel is directly accountable to the Governor.

### III. Director of Equal Opportunity

Responsibilities: The Director of Equal Opportunity is responsible for the development, administration, implementation, and effectiveness of the State's Affirmative Action Program. He/she is also responsible for meeting the reporting requirements of the federal Equal Employment Opportunity Commission and for acting as the liaison between the State of Minnesota and the Federal government for all matters relating to equal employment opportunity and affirmative action.

Duties: The duties of the Director of Equal Opportunity, or his designated representative, shall include, but not be limited to, the following:

1. To serve as the Department of Personnel's AAO.
2. To approve and monitor the affirmative action plans of each department.
3. To inform the AAO's of all applicable federal laws and regulations as they become known and to assist departments in meeting the requirements of same. To act as liaison between state departments and agencies of the Federal government.
4. To conduct, or to assist in the conduct of, affirmative action-related training for AAO's and other department personnel.

5. To establish and monitor statewide goals and timetables for the hiring of minorities and women.
6. To assist each department in establishing its individual goals and timetables for the hiring of minorities and women, and to approve and monitor same.
7. To design, implement, and monitor the internal audit and reporting systems to measure the effectiveness of the Statewide Affirmative Action Program and to submit quarterly and annual progress reports to the Commissioner of Personnel.
8. To review, or to assist in the reviewing of, all personnel policies, rules, and practices to ensure that they are free of barriers to equal employment opportunity.
9. To recommend to the Commissioner of Personnel any action necessary to ensure the provision of equal employment opportunity throughout the state service and to ensure compliance with existing laws and regulations.
10. To issue, with the approval of the Commissioner of Personnel, such policies and procedures relating to equal employment opportunity as are appropriate and in accordance with state and federal laws, regulations, and orders.
11. To ensure that the State's equal employment opportunity policy is communicated to all employees, all applicants for employment, all concerned organizations, and to all firms doing business with the State.
12. To engage in statewide recruitment efforts.

Accountability: The Director of Equal Opportunity is directly accountable to the Commissioner of Personnel.

#### IV. Statewide Affirmative Action Committee

Responsibilities: The Statewide Affirmative Action Committee is responsible for assisting, as requested, and advising the Director of Equal Opportunity in his/her efforts to implement the Statewide Affirmative Action Program.

Duties: The Statewide Affirmative Action Committee shall review various aspects of the Statewide Affirmative Action Program and shall make recommendations for change, revision, and improvement.

Accountability: The Statewide Affirmative Action Committee is accountable to the Director of Equal Opportunity.

#### V. Equal Opportunity Specialists

Responsibilities: The Equal Opportunity Specialists are responsible for acting as liaisons between the Equal Opportunity Division and various state departments, as assigned, for the purposes of providing technical assistance and monitoring the departments' affirmative action efforts.

Duties: The duties of the Equal Opportunity Specialists shall include, but not be limited to, the following:

1. To monitor recruitment and hiring efforts of assigned agencies on a periodic basis.
2. To assist assigned agencies in the recruitment of qualified protected class persons.
3. To assist agencies in developing and implementing viable affirmative action programs, including goals and timetables.
4. To perform other related work as required.

Accountability: The Equal Opportunity Specialists are accountable directly to the Director of Equal Opportunity.

#### VI. Chief Executive Officers

Responsibilities: The Chief Executive Officers are responsible for the establishment of Affirmative Action Programs, including goals and timetables, within their respective departments and for their individual departments' compliance with all existing federal and state laws and regulations.

Duties: The duties of the Chief Executive Officer shall include, but not be limited to, the following:

1. To designate a top executive as the department's Equal Opportunity Officer, or to act as the Equal Opportunity Officer him/herself, if so desired.
2. To appoint the members of the Affirmative Action Committee.
3. To take action, if needed, on complaints of discrimination.
4. To issue a statement affirming his/her support of the State's equal opportunity policy for his/her own department and to ensure that such statement is disseminated to all employees.
5. To make such decisions and changes in policy or procedure as may be needed to facilitate effective affirmative action in his/her department.

Accountability: The Chief Executive Officers are accountable directly to the Governor and indirectly to the Commissioner of Personnel and the Director of Equal Opportunity for personnel and affirmative action matters.

#### VII. Equal Opportunity Officer

Responsibilities: The Equal Opportunity Officer shall be responsible for the administration of the department's Affirmative Action Program.

Duties: The duties of the Equal Opportunity Officer shall include, but not be limited to, the following:

1. To chair the Equal Opportunity Council, if in existence.
2. To recommend policy, procedure, or program changes to the Chief Executive Officer.
3. To keep the Chief Executive Officer fully informed of the department's progress in affirmative action.
4. To sit as an ex-officio member of the Affirmative Action Committee to advise the committee on matters relating to policy and management.
5. To ensure that the Chief Executive Officer's policies and directives regarding affirmative action are carried out.

Accountability: The Equal Opportunity Officers are directly accountable to their immediate supervisors and indirectly to their Chief Executive Officers for purposes of affirmative action.

#### VIII. Affirmative Action Officers

Responsibilities: The Affirmative Action Officers are responsible for the implementation and maintenance of the departmental Affirmative Action Program.

Duties: The duties of the Affirmative Action Officers shall include, but not be limited to, the following:

1. To coordinate and to monitor the day to day affirmative action activities.
2. To investigate complaints of discrimination.
3. To fulfill all affirmative action reporting requirements.
4. To sit as an ex-officio member of the Affirmative Action Committee and the Equal Opportunity Council (if existing).
5. To ensure the dissemination of the department's EEO Policy.
6. To hold exit interviews with all protected class employees to determine reasons for turnover.
7. To act as the liaison between the department and the Equal Opportunity Division for purposes of affirmative action.
8. To notify all contractors and subcontractors with the department of their affirmative action responsibilities.
9. To determine the need for affirmative action training within their departments and to initiate the development of such training programs with the assistance of the department's Training and Development Officers, the Equal Opportunity and Training Divisions of the Personnel Department, and outside resources as may be necessary.
10. To review and recommend changes in policies, procedures, and programs to facilitate affirmative action.
11. To support and participate in the recruitment and selection of protected class persons for employment, promotion, and training opportunities.
12. To maintain contacts with protected class resources for recruitment purposes.

Accountability: The Affirmative Action Officers are accountable directly to their immediate supervisors and indirectly to the Equal Opportunity Officers.

#### IX. Affirmative Action Committees

Responsibilities: The Affirmative Action Committee shall be responsible for monitoring the department's progress in affirmative action.

Duties: The duties of the Affirmative Action Committees shall include, but not be limited to, the following:

1. To make determinations on complaints and to recommend remedial actions to the Chief Executive Officers of their respective departments.
2. To serve as a forum for transmitting employee concerns regarding affirmative action to management.
3. To review and to recommend changes in the department's Affirmative Action Plans.

4. To identify problem areas and to propose solutions for same.
5. To perform such other activities as may be outlined in the Departmental Affirmative Action Plans.

Accountability: The Affirmative Action Committees are accountable to the Chief Executive Officers of their departments for the effectiveness of their activities.

#### OPTIONAL STRUCTURE OF DEPARTMENTS WITH ORGANIZATIONAL UNITS

The Director recognizes that some departments, such as Public Welfare and the State University System, may need another administrative layer in order to effectively carry out their Affirmative Action Programs. We have suggested a structure, illustrated on the organizational chart beneath the number "1", which you may be able to adapt for your use. If not adaptable, you may include a structure of your own design in your Affirmative Action Plans which will be submitted to EOD for approval.

The following narrative describes the functions of those involved in the structure which we have suggested.

##### I. Unit Administrators

Responsibilities: The Unit Administrators are responsible for the compliance of their organizational units with the Affirmative Action Plans of the central office and for developing individual Affirmative Action Plans for their organizational units, if required by the Chief Executive Officers of their departments.

Duties: The duties of the Unit Administrators shall be the same as those of the Chief Executive Officers except that these shall be limited to the jurisdictions of their individual organizational units. Their duties shall also include any other activities as may be directed by their Chief Executive Officers or by their Department Affirmative Action Plans.

Accountability: The Unit Administrators are accountable directly to their immediate supervisors and indirectly to the Chief Executive Officers of their departments for their compliance with the departmental policies and plans relating to affirmative action.

##### II. Equal Opportunity Officers

Responsibilities: The Equal Opportunity Officer shall be responsible for the administration of the department's Affirmative Action Program within his/her organizational unit, or for the administration of the individual Affirmative Action Program of his/her organizational unit if such is required by the Chief Executive Officer of the department.

Duties: The duties of the Equal Opportunity Officer shall be the same as those of the central office Equal Opportunity Officer, with the following changes:

1. They are members of the Equal Opportunity Council which is chaired by the central office Equal Opportunity Officer.
2. The word "Chief Executive Officer" is replaced by the term "Unit Administrator."

Accountability: The Equal Opportunity Officers are accountable directly to their immediate supervisors and indirectly to the Unit Administrators (or the Chief Executive Officer if, for example, the EOO is a Unit Administrator) for purposes of affirmative action.

### III. Affirmative Action Officers

Responsibilities: The Affirmative Action Officer is responsible for the implementation and maintenance of the department's (or organizational unit's) Affirmative Action Program.

Duties: The duties of the Affirmative Action Officers shall be the same as those of the central office Affirmative Action Officers, with the following changes:

1. They are not ex-officio members of the Equal Opportunity Council.
2. They do not act as liaisons between their institutions or agencies and the Equal Opportunity Division.
3. They work very closely with the central office Affirmative Action Officers for all of their activities.

Accountability: The Affirmative Action Officers are accountable directly to their immediate supervisors and indirectly to their local Equal Opportunity Officers and to their central office Affirmative Action Officers.

### IV. Affirmative Action Committees

The responsibilities, duties, and accountability of the institution or agency Affirmative Action Committees are identical with those of the central office committees excepting the change of words "Chief Executive Officer" to "Unit Administrator."

### V. Equal Opportunity Councils\*

Responsibilities: The Equal Opportunity Councils shall serve as the primary link between the central office and the organizational units for affirmative action purposes. They shall consist of the Central Office EOO, the Central Office AAO (ex-officio), and the Organizational Unit EOO's.

1. To coordinate affirmative action throughout the department.
2. To serve as a forum for expressing and proposing solutions for any problems that the institutions or agencies encounter in implementing affirmative action.
3. To recommend to the Chief Executive Officer changes in policies, practices, and programs to facilitate affirmative action.

\*Please note that the Equal Opportunity Councils exist only in those departments which have organizational units.

4. To monitor the department's overall affirmative action efforts and compliance with the Statewide Affirmative Action Program.

Accountability: The Equal Opportunity Councils are accountable to the Chief Executive Officers of their departments.

DEPARTMENTAL AFFIRMATIVE ACTION PLANS

## DEPARTMENTAL AFFIRMATIVE ACTION PLANS

In order to effectively monitor the State of Minnesota's affirmative action efforts, EOD requires each department to develop and establish its own Affirmative Action Program. A Departmental Affirmative Action Plan, describing the program, must be submitted to the Director for approval before the programs may be implemented. This section outlines the basic components which must be included in the Departmental AA Plans.

### WHO MUST SUBMIT A DEPARTMENTAL AFFIRMATIVE ACTION PLAN?

- A. All departments with twenty-five (25) or more employees or members must submit a Departmental Affirmative Action Plan in conformance with the Statewide Affirmative Action Plan.

NOTE: Those departments which contain several organizational units, such as DPW and the State University System, may find it necessary to require separate affirmative action programs and plans from each of their organizational units. In such cases, those departments must submit the plans of each organizational unit as part of the total Departmental Affirmative Action Plan. The plans of the organizational units must follow the provisions of the Statewide Affirmative Action Plan in addition to any further instructions or inclusions which may be required by their departments.

- B. Those with fewer than twenty-five (25) employees or members must submit a report semiannually to EOD, such report listing the numbers of minorities, females, and handicapped persons who are employees or members. Those boards, commissions, or councils whose members are all statutorily designated are exempt from this reporting requirement.

### WHEN MUST THE DEPARTMENTAL AFFIRMATIVE ACTION PLANS BE SUBMITTED?

All Departmental Affirmative Action Plans must be submitted to the Director within three (3) months of the issuance of the Statewide Affirmative Action Plan.

### WHAT SHOULD THE DEPARTMENTAL AFFIRMATIVE ACTION PLANS CONTAIN?

Departmental Affirmative Action Plans should include, but not be limited to, all of the following:

- A. A transmittal letter to the Director signed by the Chief Executive Officer, the Equal Opportunity Officer, and the Affirmative Action Officer. (The Director's letter of approval should later be added.)
- B. A written Equal Employment Opportunity policy and statement of commitment to affirmative action signed by the Chief Executive Officer.
- C. A statement of purposes and objectives.

- D. A list of the names and titles of those persons designated as being responsible for directing and implementing the Affirmative Action Program.
  - 1. Specify responsibilities of the Equal Opportunity Officer
  - 2. Specify responsibilities of the Affirmative Action Officer or such other person as may be designated as functioning as the Affirmative Action Officer.
  - 3. Specify responsibilities and accountability (performance review and appraisal) of all managers and supervisors.
  
- E. An outline of the communication methods in which the department's EEO policy and commitment to affirmative action will be disseminated.
  - 1. Internally: to all employees and unions.
  - 2. Externally: to sources and potential sources of recruitment, potential protected group applicants, to those with whom the department does business, and to the community at large.
  
- F. Goals and timetables to improve utilization of minorities and females in each area where underutilization has been identified. While no goals or timetables will be set for the handicapped at this time, this section should also outline the department's commitment to the hiring of handicapped persons whenever possible.
  
- G. A description of the internal audit and reporting systems which will be used to monitor and to evaluate the department's progress in each aspect of its affirmative action program.
  
- H. A copy of the Department's discrimination complaint procedure.
  
- I. A section on the AAC.
  - 1. List the names and job titles of the members.
  - 2. Describe the duties and responsibilities of the AAC.
  - 3. Describe the composition of the membership and the administrative details (how long members serve, etc.)
  - 4. List the dates, times, and locations of AAC meetings.
  - 5. Include a statement to the effect that all department employees are welcome to attend AAC meetings.
  
- J. Specific programs designed to meet the department's goals and timetables and to further effectuate the State's policy of equal employment opportunity.

This is the heart of a department's affirmative action program. The department's entire employment system should be reviewed to identify barriers to equal employment opportunity and the necessary changes should be made to increase employment and advancement opportunities for minorities, women, and handicapped persons. The following areas should be reviewed:

- 1. Recruitment: advertising, resource contacts, internal posting of vacancies and use of EOD's resume bank and recruiting assistance.

2. Selection process: job requirements, job descriptions, standards and procedures, pre-employment inquiries, application forms, testing, and interviewing.
3. Upward Mobility System: assignments, job progressions, transfers, seniority, promotions, interviewing, and training.
4. Wage and Salary Structure.
5. Benefits and Conditions of Employment.
6. Layoff, Recall, Termination, Demotion, Discharge, Disciplinary Action, etc.
7. Union Contract Provisions affecting above procedures.

#### HOW SHOULD DEPARTMENTAL AFFIRMATIVE ACTION PROGRAMS BE DEVELOPED?

The Departmental Affirmative Action Programs should be consistent with the Governor's Executive Order and with the Statewide AAP. The EOS assigned to each department will provide advice and assistance, as needed, in developing a viable Affirmative Action Program. The following discussion will help departments determine what types of activities they will need to undertake in order to develop a good management program and to present it in a written format.

##### A. The Transmittal Letter

The transmittal letter basically presents the Departmental AAP to the Director of Equal Opportunity and requests approval of the plan. It may include such other information as may be desired.

##### B. The EEO Policy and Statement of Commitment

1. The Chief Executive Officer should issue a firm statement of personal and official commitment to the state's policy of equal employment opportunity for all persons without regard to race, creed, color, sex, religion, national origin, age, marital status, handicap, or reliance on public assistance.
2. It should state the Chief Executive Officer's unequivocal approval and support of the Statewide and the Departmental Affirmative Action Programs for the employment of minorities, women, and handicapped persons.
3. It should identify the AAO and the executive who will act as the department's Equal Opportunity Officer.
4. It should emphasize the responsibility of all managers and supervisors for affirmative action in their jurisdictions and should stress that performance reviews and appraisals will include an evaluation of their progress (or lack of progress) in this area.
5. It should include a statement of the positive benefits of affirmative action to the department, e.g., fuller utilization of human resources, equality of employment conditions for all employees, etc.
6. It may include such other information as may be desired.

##### C. Statement of Purposes and Objectives

This statement should include objectives which are practical and within reach.

D. Persons Responsible for Affirmative Action in the Department

This section should present no problems. Departments should refer to the outline of responsibilities contained in the Statewide AAP. They may include such other responsibilities as may be desired.

E. Communication/Dissemination of EEO Policy

There are many ways in which the department's EEO policy can be disseminated, both internally and externally. All communications should carry the stamp of approval of top management, including that of any governing board or commission (e.g., Board of Education for the Education Department). The department's EEO policy should be disseminated at least annually. The following are suggested methods of dissemination:

Internal

1. Letter or memorandum from the Chief Executive Officer to every employee annually and to each new employee during orientation.
2. Posting of policy on all bulletin boards.
3. Inclusion of policy in newsletter, annual report, supervisor's handbook, policy and procedure manual, and other appropriate publications.
4. Orientation session for new employees.
5. Policy-orientation sessions for all managers and supervisors.
6. Posting of AAC agendas and minutes and list of members and their phone numbers.

External

1. Advertisements for positions should include the phrase "An Equal Opportunity Employer."
2. Letters and copies of the policy should be sent to labor organizations, employee associations, community organizations, recruitment resources, and to agencies which specialize in services or programs related to minorities, women, and handicapped persons.
3. All persons or organizations doing business with the department should be informed of the policy and advised that the department will do business only with those who comply with the State's policy.
4. The State Telephone Directory should list the designated AAO for the department.

F. Goals and Timetables

As previously stated, goals and timetables must be set for minorities and women, excluding the handicapped at this time. Please refer to the Goals and Timetables section of the Statewide AAP.

G. Internal Audit and Reporting Systems

A department's internal audit and reporting system will include those reporting and auditing functions required by EOD as well as such other activities as may be deemed necessary or desirable by the EEO or the AAO. Please refer to the Reporting section of the Statewide AAP.

## H. Discrimination Complaint Procedure

Every department must have some kind of discrimination complaint procedure. In the appendices, there may be found a suggested procedure. Departments may adopt the suggested procedure or may develop one of their own.

## I. Affirmative Action Committee

The section on the AAC is fairly simple. Departments should refer to the outline of responsibilities contained in the Statewide AAP. They may include such other responsibilities as may be desired. The composition of the AAC membership must be representative of all racial and ethnic groups, both sexes (including white males), and diverse job categories. This section should also detail the length of terms served by members, the size of the membership, and other such administrative information. The size of the membership shall be a minimum of five employees and a maximum of fifteen, unless exceptions are approved by the Director. Members are appointed by the Chief Executive Officer or the Unit Administrator, whichever is appropriate.

## J. Specific Programs

Departments should take every opportunity to inform EOD of those areas in the personnel system which create barriers to the department's AA efforts and should feel free to suggest possible remedies.

With this in mind, departments should review the personnel areas listed in Paragraph J of the previous section (after the utilization analyses have been completed) to determine the causes of any underutilization found and to develop specific programs to eliminate barriers to equal employment opportunity. The specific programs developed must each include the following information:

1. Objective(s) to be achieved.
2. Specific action steps, i.e., methods for achieving the objectives.
3. Assignment of responsibilities to individuals or to groups of individuals (e.g., AAC, AAO, Training Coordinator, etc.).
4. Target dates for completion.
5. A procedure for evaluating the department's progress toward achieving each objective.

The types of programs that could be developed if deemed necessary may include, but not be limited to, the following:

### A. Recruitment

1. Specific plans to recruit for positions where underutilization has been demonstrated, based upon a review of positions, turnover rates, and patterns of vacancies.
2. Maintaining contacts with all sources of qualified protected class applicants.
3. Ensuring that any recruitment literature is relevant to women, minorities, and handicapped persons.

B. Selection Process

1. Periodic reviews of qualification requirements to ensure that they are job-related.
2. Review of position descriptions to ensure proper classification.
3. Review of E & T scales, written tests, and other selection devices.
4. Training in proper interviewing techniques for those employees who conduct oral exams or selection interviews.
5. Development of an applicant tracking system to discern any barriers in the selection process.
6. Ensuring careful job analysis for examination preparation and validation purposes.

C. Upward Mobility

1. Develop a prospectus of anticipated vacancies.
2. Survey the workforce to locate protected class persons who are trainable for prospective job openings.
3. Create training programs for lower grade employees who are underutilized or who demonstrate potential for advancement.
4. Restructure jobs and establish bridging classes between occupational levels (e.g., clerical - bridging class - professional) to facilitate progression within occupational area.
5. Publicize upward mobility programs and opportunities within each organizational unit and throughout the department.
6. Develop a "skill bank" to match underutilized employees with available job opportunities.
7. Encourage innovative job assignments such as job rotation - mobility assignments and work out of class assignments.
8. Conduct sensitivity/awareness seminars for all employees to encourage acceptance of upward mobility programs for minorities and women.
9. Provide career counseling on a one-to-one basis and in seminars.

D. Wage and Salary Structure

Departments shall ensure that employees are not working out of classification, that new employees are compensated on an equal basis according to their qualifications, etc. The wage and salary structure will be reviewed on a continuous basis.

E. Benefits and Conditions of Employment

"Conditions" may include a wide variety of things from negative attitudes to job assignments to accessibility of the work area. Departments should review their entire organization to determine what, if any, conditions exist which might create problems for protected class persons. For example, if it is determined that a large number of current employees are resistant to the hiring of handicapped persons, a department might sponsor sensitivity awareness seminars for all employees on the problems of the handicapped and their capabilities for functioning in a work situation.

F. Layoff, Recall, Termination, Demotion, Discharge, Disciplinary Action, etc.

1. Documentation of the reasons for taking any of the aforementioned actions with regard to a protected class employee.
2. Conducting exit interviews to ascertain reasons for voluntary or involuntary terminations.

There may be many other kinds of specific programs which a department could develop -- those listed here are merely examples. The Equal Opportunity Specialists from EOD will work closely with their assigned departments to assist in developing programs, in writing the Departmental AAP, and in any other activities for which assistance or advice is requested.

NOTE: Any proposed change in a Departmental AAP must be approved by the Director of Equal Opportunity.

SPECIFIC PROGRAM OBJECTIVES

## SPECIFIC PROGRAM OBJECTIVES

The most essential part of an affirmative action plan is the identification of barriers to equal employment opportunity and the development of specific programs to eliminate those barriers. The Equal Opportunity Division has evaluated the State's personnel process and has identified several areas which present barriers. These areas and the programs developed to remedy the problems are described in this section.

### Recruitment

- A. OBJECTIVE: To increase AAO credibility and thus, their effectiveness in recruiting as well.

<u>Action Steps</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
1. All AAO's will receive training in personnel management.	DOP Training	12/31/78
2. AAO's will be given more effective recruitment support.	EOD	Ongoing
3. AAO's will be clearly identified within each department.	Chief Executive Officers	Annually

### Evaluation Procedures

1. The Training Division will report quarterly to EOD the names and departments of those persons completing the training.
2. AAO's will be asked to evaluate EOD's recruitment assistance on a quarterly basis.
3. EOD will check the Departmental AAP's for a policy statement which includes identification of the AAO.

- B. OBJECTIVE: To identify additional methods of reaching potential minority, female, and handicapped applicants and to improve the current methods.

<u>Action Steps</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
1. Improve the current "Minnesota Career Opportunities" bulletin.	EOD and DOP Recruiting and Selection Division	July 1, 1978
2. Investigate the possibility of using signs in MTC busses.	EOD	July 1, 1978
3. Hold informational seminars for individuals from recruitment resource agencies.	EOD/AAO's	Annually

4. Improve the current Directory of Statewide Recruitment Resources

EOD

September 1, 1978

Evaluation Procedures

1. AAO's will be asked to determine whether or not they are locating more protected class applicants.
  2. Resource agencies will be asked for feedback on the informational seminars and on their degree of success in placing referrals with the State.
- C. OBJECTIVE: To make more people aware of the existence of the resume bank and to improve its effectiveness.

<u>Action Steps</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
1. To publicize the resume bank.	EOD	July 1, 1978
2. To expand the base of the resume bank by seeking more referrals from outside resource agencies.	EOD/AAO's	July 1, 1978 and ongoing
3. To improve resume retrieval by computer application, if possible.	EOD and DOP Planning and Data Services Division.	July 1, 1978
4. To improve applicant screening.	EOD	Ongoing

Evaluation Procedures

AAO's and Personnel Managers will be asked to evaluate the usefulness of the resume bank on an annual basis.

- D. OBJECTIVE: To allow more time for effective recruiting and for representation of minorities, women, and handicapped persons among the applicants.

<u>Action Step</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
1. Classifications will be reviewed to determine which classes may be opened continuously for application and examination.	EOD, Recruiting & Selection Division, departmental Personnel staff.	June 1, 1978
2. There will be greater advance notice for those positions which are open on a limited basis.	Recruiting & Selection Division	April 1, 1978 and ongoing

## Evaluation Procedures

1. The applications for those classifications which are opened continuously for the first time will be reviewed to determine whether or not the action taken has allowed the objective to be met, i.e., that there are more and better qualified protected group members among the applicants.
2. AAO's will be asked to determine whether or not the greater advance notice has allowed them to recruit more effectively.

## Selection Standards & Procedures

- A. OBJECTIVE: To ensure that written examinations do not have a disparate impact upon any protected class.

<u>Action Step</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
To ensure that all tests are valid, ten examinations per year will be reviewed.	Recruiting & Selection Division	July 1, 1978 and ongoing

### Evaluation Procedure

The Recruiting and Selection Division will report annually to EOD those examinations which have been reviewed for validity.

- B. OBJECTIVE: To enable more protected group applicants to be "reachable" on eligibility lists.

<u>Action Steps</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
1. Continue to support affirmative action legislation.	EOD, Recruiting & Selection Division	Ongoing
2. A survey will be conducted to determine the effectiveness of current pre-service training programs in placing protected classes.	EOD, AAO's	December 31, 1978
3. Pre-service training programs will be developed, where feasible, for those classes where serious underutilization prevails.	EOD, AAO's Training Coordinators	July 1, 1979

## Evaluation Procedures

1. Hopefully the Minnesota Legislature will adopt H.F. 1402, thus allowing the Commissioner of Personnel to add names of protected group applicants to certification lists on which they are underrepresented.

2. If the results of the survey lead to the development of additional pre-service training programs, such programs will be evaluated one year after their introduction to determine their success in training and placing protected group members.

Upward Mobility

- A. OBJECTIVE: To allow employees who have participated in inservice training programs to move more easily into higher level positions.

<u>Action Steps</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
1. The possibility of developing "bridging" classes between occupational levels (e.g., clerical - bridging class - professional) to accommodate inservice training for individuals preparing to assume professional level responsibilities will be investigated.	EOD, AAO's	December 31, 1978 and ongoing
2. Entry level positions will be opened on a competitive basis or on a departmental promotional basis or both, depending upon the request of the department.	Departmental Personnel Managers DOP Recruiting & Selection Division	July 1, 1978

Evaluation Procedures

1. Where such classes are developed, their success will be evaluated one year after their introduction.
  2. EOD and AAO's will determine whether this process is successful in promoting employees who have participated in inservice training programs.
- B. OBJECTIVE: To increase the awareness of supervisors and managers to the needs of their female employees and to encourage acceptance of upward mobility programs for women.

<u>Action Steps</u>	<u>Assignment of Responsibility</u>	<u>Completion Date</u>
To develop and implement sex awareness training program for supervisors and managers if IPA funding is secured.	EOD, DOP training Division	February 1, 1979.

Evaluation Procedure

Participants, instructors, and AAO's will be asked to evaluate the program and its effectiveness.

The objectives outlined in the preceding pages will be reviewed on an annual basis. Completed objectives will be deleted, new objectives will be added, and current objectives may be modified if necessary. Departments are encouraged to submit their suggestions for additional objectives to the Director in writing.

INTERNAL AUDIT AND REPORTING SYSTEM

## INTERNAL AUDIT AND REPORTING SYSTEM

The State of Minnesota is required by the U.S. Equal Employment Opportunity Commission to maintain personnel records for the purpose of preparing its State and Local Government Information Report, commonly referred to as the EEO-4. This report, as well as the EEO-6 which must be completed by educational institutions under the State's jurisdiction, consists of a breakdown of all state employees by race and ethnic group, sex, job category, and salary range.

In order to meet this requirement, EOD has established a centralized reporting system. The system, which will include quarterly and annual reports and such other reports as may be later requested by the Director, will allow EOD to monitor and evaluate the State's progress in its affirmative action efforts. For the first time, all reports will be submitted on a fiscal year basis instead of on a calendar year basis. All reports shall be submitted to the Equal Opportunity Specialist assigned to each department as follows:

### Quarterly Reports

1. Quarterly reports shall be submitted no later than the end of the last full weeks in October (1st Quarter), January (2nd Quarter), April (3rd Quarter), and July (4th Quarter). Cutoff dates will be supplied in advance.
2. They shall be submitted (in the format prescribed by EOD) by all departments which are required to have Departmental Affirmative Action Plans. (See page 13).

### Annual Reports

1. Annual reports shall be submitted no later than the end of the last full week in August of each year by all departments which are required to have Departmental Affirmative Action Plans.
2. They shall consist of a thorough narrative, with statistics and charts as necessary, describing the department's progress in meeting its goals and objectives for affirmative action, as outlined in the Departmental AAP.

Both the quarterly and the annual reports will be used by the Director of Equal Opportunity to assess each department's progress and to determine whether or not a "good faith effort" is being made to achieve equal employment opportunity. In the event that a department is placed in a status of noncompliance by the Director of Equal Opportunity, the Director may require monthly status reports and any other information which may be deemed necessary. The EOD will work closely with the department in order to rectify the noncompliance status.

From time to time, EOD and/or a Federal enforcement agency may decide to do an intensive on-site audit and evaluation of a department's efforts to comply with the laws, regulations, and orders mandating affirmative action. This audit and evaluation will be very thorough. Departments should have available the following information which will be needed by the investigating team:

1. A copy of the department's Affirmative Action Plan.
2. Copies of any work force and/or utilization analyses done within the past two (2) years.

3. Copies of any certification lists used during the past twelve (12) months.
4. A list of all provisional employees including job classification, minority status, sex, and handicap, if any.
5. A list of all seasonal and temporary hires for the past twelve (12) months by job classification, minority status, sex, and handicap, if any.
6. A list of all promotions, transfers, new hires, terminations, and exit interviews for the past twelve (12) months, including the job classification, minority status, sex, and handicap, if any, for each employee concerned.
7. A list of all disciplinary actions taken during the past twelve (12) months including the job classification, minority status, sex, and handicap, if any, of each employee involved as well as the dates of such action and the reasons for the actions.
8. A list of all training courses offered during the past twelve (12) months including the name, job classification, minority status, sex, and handicap, if any, of each employee taking each course. The list should also show the hours required for each course, the hours completed by each participant, and the results, if any, of the training.
9. A list of all recruitment resources utilized during the past twelve (12) months, the minority status, sex, and handicap, if any, of any job applicants recruited from each source, and the result of the recruitment effort.
10. Copies of any personnel policies or procedures that are unique to the department, including those relating specifically to affirmative action.
11. A list of all discrimination complaints filed during the past twelve (12) months, the basis for each complaint, the result or current status of each, and the job title, minority status, sex, and handicap, if any, of each complainant.
12. Copies of the minutes of the Affirmative Action Committee meetings and copies of those of the Equal Opportunity Council meetings, if applicable.

The investigating team may require such other information as it may deem necessary in order to make a complete evaluation of the department's efforts to achieve equal employment opportunity. The investigating team may interview a sampling of employees from all job categories or may use survey questionnaires to elicit additional information.

Please note that any of the aforementioned audit and reporting procedures may be waived, augmented, or changed by the Director at any time. Departments, in designing their own internal audit and reporting systems, are free to adopt such procedures as may be desired.

GOALS AND TIMETABLES

GOALS AND TIMETABLES WILL BE ADDED AT A LATER TIME

APPENDICES

## APPENDIX A

### DISCRIMINATION COMPLAINT PROCEDURE

To ensure equality of opportunity in the state service, the Equal Opportunity Division (EOD) of the Personnel Department has established this discrimination complaint procedure for those departments which do not already have such a procedure as an approved part of their Affirmative Action Program. All employees have access to this procedure or to whatever equivalent procedure is in use in their department. This procedure is designed to attempt to resolve problems internally before seeking redress from an outside authority. While all employees have the right to file their complaints with the Minnesota Department of Human Rights or other enforcement agencies at any time, we urge them to use this internal procedure before doing so. Anyone filing a complaint under this procedure shall do so without fear of coercion, reprisal, or intimidation.

#### DEFINITIONS

"Complainant" means the person who files the complaint of discrimination.

"Day" means a working day.

"Department" means any agency, division, board, institution, or other entity of the executive branch of the state government which is using this procedures.

"Employee" means any employee of a department using this procedure. This term shall include, but not be limited to, all classified and unclassified employees, regardless of whether they are seasonal, temporary, part-time, full-time, pre-service trainees, probationary, provisional, unlimited, student workers, or intermittent employees.

"Respondent" means a person or an entity against whom a complaint of discrimination has been filed.

"State Government" means the government of the State of Minnesota.

#### RESPONSIBILITY OF DEPARTMENT EMPLOYEES

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

#### WHO MAY FILE

Any employee of a department of the state government who believes that he/she has been discriminated against by reason of his/her race, creed, color, sex, age, national origin, religion, reliance on public assistance, marital status, or handicap may file a complaint under this procedure.

## THE COMPLAINT PROCEDURE

The discrimination complaint procedure consists of two parts: an informal procedure and a formal procedure. The informal procedure is identical with that outlined in the Grievance Procedure of the Personnel Rules, Minn. Rule Persl. 177(a). The formal procedure, however, departs from that described in Minn. Rule Persl. 177(b) while still allowing the complainant to revert to the formal step in that rule if the Affirmative Action Officer should determine that the complaint is not an equal opportunity complaint, but rather a personnel concern. Therefore, the discrimination complaint procedure shall be as follows:

### Informal (Minn. Rule Persl. 177(a))

A grievance shall be presented by the employee to the immediate supervisor within 10 days after the occurrence of the event giving rise to the grievance. The supervisor shall give an oral or written answer within 5 days after such presentation and thereafter the parties shall have 5 days to attempt to resolve the grievance by mutual agreement.

### Formal

If the complaint is not satisfactorily resolved through the informal procedure, and the complainant wishes to enter into the formal step of the procedure, the complaint must be filed, within 7 days of the receipt of an answer from the supervisor, with the Affirmative Action Officer (AAO) or, in lieu thereof, with the Personnel Officer who is responsible for affirmative action in the individual department against which a complaint is being filed. In the event that the respondent is the AAO or the Personnel Officer, the complaint may be filed with EOD.

1. The complaint is filed by completing the "Complaint of Discrimination Form" to be provided by the AAO. The AAO will provide assistance in filling out the form, if needed.
2. The AAO will determine at the time the complaint is filed whether or not it falls within the area of equal employment opportunity, i.e., the complainant is alleging a violation of his/her right to equal employment on the basis of race, creed, color, etc.
  - a. If it is determined that the complaint is not related to equal employment opportunity but rather to general personnel concerns, the AAO will immediately so inform the complainant so that he/she may pursue the formal step of the grievance procedure outlined in Minn. Rule 177(b) within the time limit specified.
  - b. In the situation described in (a) above and in other situations in which it is determined that the complaint is not related to equal employment opportunity, the AAO shall verbally inform the complainant and shall follow it up by sending him/her a certified letter stating that the complaint has been dismissed, including the reasons for the dismissal, and referring him/her to the proper authority, if any, to handle the grievance. The letter should be sent within 2 days of the receipt of the complaint.

- c. If the complaint is related to equal employment opportunity, the AAO will, within 2 days of the receipt of the complaint, send a copy of the complaint by certified mail to all parties named as respondents. The copy shall be accompanied by a letter outlining the basic facts of the complaint and requesting a response to the allegations from the respondent(s) within a specified period of time.
3. The respondent(s) shall, within the time period specified by the notification letter, provide the AAO with a written answer setting forth his/her understanding of the situation or causes giving rise to the complaint. If the respondent(s) fail to provide the answer within the specified time period, the allegations contained in the complaint will be considered to be denied by the respondent(s) and the AAO shall proceed to investigate the case.
4. Keeping in mind that all data collected may at some point become evidence in civil or criminal legal proceedings against the respondent pursuant to Minnesota Statutes Chapter 363 or the appropriate federal statutes, a thorough investigation may include, but not be limited to, the following types of data:
  - a. Interviews or written interrogatories with all parties involved in the complaint: complainant, respondent, their respective witnesses, officials having pertinent records or files, etc.
  - b. All records pertaining to the case whether they be written, recorded, filmed, or in any other form.
5. At the conclusion of his/her investigation, the AAO shall review the findings and shall submit a summary of these to the Affirmative Action Committee (AAC).
6. The AAC shall review the summary provided by the AAO and shall make a determination on the complaint or shall do so after referring the case back to the AAO if further investigation is deemed necessary. (Note: any member of the AAC who is involved in the complaint as the complainant, as a respondent, or as a witness of either shall not be present during the review or the discussion of the case by the AAC.)
7. If the AAC believes that there is sufficient evidence supporting the complaint, it shall prepare a recommendation for corrective action along with a timetable for such action.
  - a. The AAC shall send, by certified mail, copies of its determination and recommendations to the AAO, the complainant, and the respondent(s).
  - b. The AAO shall hold a meeting between the complainant and the respondent(s) in an attempt to settle the complaint through conciliation.
  - c. If the conciliation attempt is unsuccessful, the AAO will so notify the AAC in writing. The AAC will send a letter by certified mail to the Chief Executive Officer (or Unit Administrator) of the Department which shall include the AAO's summary of the complaint, the AAC's

determination and recommendations, and the AAO's notice that the conciliation attempt was unsuccessful. The letter will request that the necessary action be taken to carry out their recommendations.

- d. If the conciliation attempt is successful, a conciliation agreement shall be prepared and signed by the complainant, the respondent(s), and the AAO. The AAC, as well as each signatory, shall receive a copy of the agreement.
8. If the AAC believes that there is insufficient evidence to support the complaint, it shall prepare a letter to that effect dismissing the complaint and shall send copies of it by certified mail to the complainant and the respondent(s).
  9. In the event that the complaint procedure has been carried through on a local level, e.g., an outstate institution within the Department of Public Welfare, a complainant who is dissatisfied with the determination, or with the results of the determination, of his/her complaint may appeal his/her case to the AAO in the central office of the department.
    - a. The central office AAO shall review the local agency's determination and action taken to resolve the complaint and shall recommend to the EOC either reversal or support of same.
    - b. The EOC shall approve or reject the AAO's recommendation and shall then transmit the recommendation and the statement of approval or rejection to the Chief Executive Officer.
    - c. The Chief Executive Officer shall accept the recommendation or shall reject it and direct the local agency to take such action as may be deemed appropriate by the Chief Executive Officer. The complainant will be notified of the Chief Executive Officer's decision and/or action.
  10. The AAO shall maintain records of all complaints and any information or data pertaining to them.
  11. The entire complaint procedure should be completed within 60 days of the filing of the complaint.
  12. All documentation associated with a complaint shall be considered private information during the course of an investigation. After an investigation is completed, all documentation become public information. This is in accordance with the Data Privacy Act.

COMPLAINT OF DISCRIMINATION

Information on the Complainant (You)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Department: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Information on the Respondent (Person who discriminated against you)

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Department: \_\_\_\_\_ Division: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Others who discriminated against you: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Information on the Complaint

Check One: Race \_\_\_\_\_ Sex \_\_\_\_\_ Color \_\_\_\_\_ Creed \_\_\_\_\_ Religion \_\_\_\_\_ Handicap \_\_\_\_\_ Marital Status \_\_\_\_\_  
National Origin \_\_\_\_\_ Age \_\_\_\_\_ Reliance on Public Assistance \_\_\_\_\_

Date most recent act of discrimination took place: \_\_\_\_\_

If you have filed this complaint with another agency, please give name of that agency: \_\_\_\_\_

Describe how you have been discriminated against, giving names, dates, places, etc.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

Additional information on your complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Information On Witnesses Who Can Support Your Case

<u>Names</u>	<u>Addresses</u>	<u>Phone Numbers</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

APPENDIX B

USE OF THE RESUME BANK

Resumes of minorities, women, and handicapped persons are gathered from many sources including individual applicants, referral agencies, department Personnel Officers, and department Affirmative Action Officers. All resumes are assigned to one or more of the 46 occupational categories listed below and are then filed in the resume bank.

The resume bank can then be used in the following ways:

1. The Equal Opportunity Specialist notifies individuals whose resumes are in the bank of competitive job openings for which they appear to be qualified.
2. Departments contact EOD to request referrals from the resume bank for positions available within the departments.
3. EOD contacts the departments to offer referrals from the resume bank upon receiving notification of unclassified or provisional positions.
4. Department AAO's and Personnel Officers visit EOD and personally review resumes in the bank.

Departments should be sure to notify EOD as to the status of applicants referred from the resume bank.

Occupational Categories

Accounting & Auditing . . . . .	001
Agriculture . . . . .	002
Architecture . . . . .	003
Automotive Equipment - Maintenance . . . . .	004
Automotive Equipment - Operation . . . . .	005
Bench Work Occupations & Handcrafts . . . . .	006
Building & Construction Trades . . . . .	007
Clerical - General . . . . .	008
Clerical - Specialties . . . . .	009
Clerical - Stock . . . . .	010
Data Processing . . . . .	011
Education . . . . .	012
Electronic Communications . . . . .	013
Engineering . . . . .	014
Entry Level Professional . . . . .	015
Equal Opportunity . . . . .	016
External Employment Service . . . . .	017
Food Preparation & Service . . . . .	018
General Office Administration . . . . .	019
Grounds Maintenance & Janitorial Services . . . . .	020
Guidance & Counseling . . . . .	021
Health . . . . .	022

Occupational Categories Continued

Information/AV/Graphic Arts . . . . .	023
Insurance/Investment . . . . .	024
Law . . . . .	025
Law Enforcement/Security . . . . .	026
Machinery & Equipment Manufacturing & Repair . . . . .	027
Miscellaneous . . . . .	028
Natural & Physical Sciences . . . . .	029
Office Machine & Equipment Operation . . . . .	030
Personnel . . . . .	031
Planning . . . . .	032
Public & Business Administration . . . . .	033
Purchasing, Inventory, Retailing . . . . .	034
Real Estate/Appraisal . . . . .	035
Rehabilitation Therapy . . . . .	036
Social Work . . . . .	037
Sociology & Psychology . . . . .	038
Stationary Engineering . . . . .	039
Statistics . . . . .	040
Student . . . . .	041
Sub-Professional Entry Level . . . . .	042
Summer . . . . .	043
Traffic Safety & Motor Vehicle Licensing . . . . .	044
Transportation, Trade & Utility Regulation . . . . .	045
Workplace Regulation . . . . .	046

## APPENDIX C

### REVISED RACE/ETHNIC CATEGORIES

The U.S. Equal Employment Opportunity Commission has recently revised its race/ethnic categories for the purposes of reporting employment statistics on the EEO-4 form (for state and local governments) and on the EEO-6 form (for educational institutions). The revised categories are defined as follows:

1. White, not of Hispanic Origin. -- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. Black, not of Hispanic Origin. -- Persons having origins in any of the Black racial groups of Africa.
3. Hispanic. -- Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.
4. American Indian or Alaskan Native. -- Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
5. Asian or Pacific Islander. -- Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

With regard to the Statewide Affirmative Action Plan, the term "minority" includes all of the aforementioned categories except the first, "White." Thus, when departments are preparing employment statistics by race or ethnic category they should use these categories.