STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
AFFIRMATIVE ACTION POLICY

Department of Labor and Industry
Affirmative Action Plan
2010-2012

An affirmative action plan is a set of management policies and procedures designed to identify and remove barriers that contribute to disparities in executive branch agencies of state government. This document is the Department of Labor and Industry's Affirmative Action Plan, submitted to Minnesota Management & Budget, Office of Diversity and Equal Opportunity.

July 2010

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AFFIRMATIVE ACTION PLAN TRANSMITTAL FORM
2010 – 2012
DEPARTMENT OF LABOR AND INDUSTRY

Review of the goal units listed below revealed underutilization of the following protected group(s):

PROTECTED GROUPS

EEO JOB GROUP	WOMEN	MINORITIES	PEOPLE WITH DISABILITIES
Officials and Managers	X	X	
Professionals			
Technicians	X		X
Office/Clerical			X
Skilled Craft Worker	X	X	
Service-Maintenance	N/A	N/A	N/A

This biennial plan contains an internal procedure for processing complaints of alleged discrimination from employees and each employee has been apprised of this procedure and the Department of Labor and Industry's affirmative action goals for this fiscal year.

Affirmative Action Officer

7/23/2010
Date

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

Commissioner

7/23/2010
Date

STATEMENT OF COMMITMENT

I affirm the State's strong commitment to affirmative action, equal opportunity and diversity efforts as the Commissioner of the Department of Labor and Industry (DLI). Through our managers and supervisors, DLI will strive to become a workplace where individual differences are valued and respected and where all employees can participate fully in carrying out DLI's mission. I expect our managers and supervisors to successfully implement the intent and spirit of our affirmative action and diversity plans. I expect our employees to conduct themselves in a manner that helps to create a workplace that is free of discrimination. Our combined efforts will ensure that this document is an active Department initiative.

This commitment requires us to seek fair and innovative recruitment, hiring, promotion and retention practices. We are committed to retaining a qualified workforce that reflects the diversity of our customers.

DLI will not tolerate discrimination on the basis of race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, age, disability, sexual orientation, membership or activity in a local commission.

DLI will continue to raise awareness through education to promote an inclusive and service-oriented work environment. All DLI employees must join to offer their talents and commitment to achieve and celebrate the intent of this plan and the spirit of equal employment opportunity laws. I am committed to implementing DLI's Affirmative Action Plan.

The leaders of the Department's efforts for this plan will be the Deputy Commissioner, Assistant Commissioners, the Human Resources Director and me. Questions about this plan can be directed to Gail Krieg at (651) 284-5263.

Steve Sviggum

Steve Sviggum, Commissioner

7/23/2010

Date

RESPONSIBILITIES FOR AFFIRMATIVE ACTION AND ADA

COMMISSIONER

Responsibilities: To oversee and ensure implementation of DLI's Affirmative Action Plan (AAP) in compliance with existing federal and state laws, rules and regulations.

Duties:

1. To appoint or designate an Affirmative Action Officer.
2. To include accountability for the administration of the agency's AAP in his/her position description.
3. To take action on complaints of discrimination as outlined in the AAP complaint procedure.
4. To issue a written statement to all employees affirming support for Equal Opportunity, diversity, and DLI's AAP.
5. To make decisions and changes in policy, procedures, and physical or reasonable accommodations as may be needed to facilitate effective affirmative action practices.

Accountability: Governor directly and indirectly to the Commissioner of Minnesota Management & Budget and the Director of the Office of Diversity and Equal Opportunity.

AFFIRMATIVE ACTION OFFICER

Responsibilities: To administer DLI's AAP.

Duties:

1. To monitor the AAP's objectives.
2. To assist managers and supervisors in their AAP responsibilities.
3. To advise the Commissioner on all matters related to affirmative action and equal employment opportunities.
4. To ensure that complaints of discrimination are investigated and a written summary of the issues and findings are submitted to the Commissioner.
5. To establish annual hiring goals and revise DLI's AAP biennially.
6. To ensure that the AAP is communicated to the agency staff.

7. To oversee DLI's pre-hire review process.

8. To act as the liaison between DLI and the Office of Diversity and Equal Opportunity, Minnesota Management & Budget.

9. To determine the need for affirmative action and diversity training and to initiate the development of appropriate training programs.

10. To review DLI policies, procedures, programs, and reasonable accommodations for persons with disabilities and to oversee DLI's administration of the Americans with Disabilities Act.

Accountability: Commissioner

MANAGERS AND SUPERVISORS

Responsibilities: To ensure compliance with DLI's AAP and to ensure equal treatment of all employees.

Duties:

1. To strive for a hostile-free work environment for all employees and take appropriate steps to correct conflict situations in the work unit.

2. To work with the Affirmative Action Officer designee in identifying and resolving problems and eliminating barriers that inhibit equal employment opportunity.

3. To hire and promote qualified protected class members where a disparity exists and to ensure equal treatment in all aspects of employment for all employees.

4. To communicate and demonstrate a personal commitment to DLI's AAP to all employees in their areas of responsibility.

5. To discuss and document training needs and discuss career planning goals with each employee during performance evaluations.

6. To ensure DLI's AAP is accessible and communicated to all employees in their areas of operation.

Accountability: Assistant Commissioner, Deputy Commissioner and indirectly the Commissioner.

HUMAN RESOURCES DIRECTOR

Responsibilities: The Human Resources (HR) Director is responsible 1) to ensure that HR policies and procedures are administered fairly and are uniformly applied to all employees and 2) to take positive action to remove all barriers to equal employment opportunity within DLI.

Duties:

1. To provide leadership to the HR staff in adhering to Affirmative Action principals in the decision making process for all HR actions, such as hiring, promotion, disciplinary actions, layoff and classification.

2. To aid managers and supervisors in the recruitment of members of protected classes where disparities exist at the time of recruitment to fill job vacancies.

3. To initiate and report on specific initiatives that are identified in the AAP.

4. To provide guidance to the HR staff in carrying out the policies and procedures of this AAP.

Accountability: Deputy Commissioner directly and the Commissioner indirectly.

ALL EMPLOYEES

Responsibilities: All employees shall be responsible for conducting themselves in accordance with the policies and procedures of this AAP. Employees will refrain from behavior that would adversely affect the performance of a co-worker with respect to his/her race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, age, disability, sexual orientation or membership or activity in a local commission.

METHODS FOR COMMUNICATING AGENCY'S AFFIRMATIVE ACTION PLAN

The Department of Labor and Industry (DLI) will take the following steps to ensure that all employees are advised of, and understand its policy of nondiscrimination and its interest in actively and affirmatively providing equal opportunity in all employment practices.

INTERNAL

1. Copies of the AAP will be furnished to the Commissioner, Deputy Commissioner, Assistant Commissioners, managers and supervisors. It will be the responsibility of managers and supervisors to communicate the AAP to all employees under their supervision.

2. Electronic copies, that may be printed, will always be available to all DLI employees on all computers supported by DLI servers. Electronic copies are available on the DLI intranet site: http://dlinet.state.mn.us.

3. DLI's employee newsletter will include notification of revisions to the AAP. Other items regarding DLI affirmative action/diversity activities will be included as determined by the Affirmative Action Officer/designee.

4. DLI employees will be informed of internal complaint and reasonable accommodation request procedures.

5. DLI employees will be informed of DLI's Affirmative Action Plan, the name of the Affirmative Action Officer/designee, and where to find the AAP.

6. Affirmative action/diversity training sessions will be conducted for managers and supervisors. The Affirmative Action Officer/designee and HR staff will coordinate this effort.

EXTERNAL

1. A copy of the AAP will be furnished to employee bargaining units.

2. Job application forms, job opening advertisements, and DLI stationery shall bear the masthead "An Equal Opportunity Employer" or "Equal Opportunity Employer."

3. Publications prepared for distribution outside the agency will contain references to the AAP in order to promote equal opportunity/Americans with Disabilities initiatives.

4. A copy of the AAP will be provided to individuals upon request.

5. A copy of the AAP will be posted on the DLI internet.

HARASSMENT/DISCRIMINATION POLICY

Policy

The Department of Labor and Industry's (DLI's) goal is a workplace that respects each individual's dignity. Every employee is responsible for helping to achieve that goal by complying with policies and procedures related to discrimination and sexual harassment. Discrimination and sexual harassment are against the law. DLI abides by federal and state laws that prohibit discrimination and sexual harassment.

It is DLI's policy to maintain a working environment free of discrimination and sexual harassment, intimidation or coercion. Discrimination against or sexual harassment of any employee by any other employee is not tolerated.

Responsibilities:

The DLI Commissioner, Deputy Commissioner, Assistant Commissioners, Human Resources Director or Affirmative Action Officer, supervisors and managers are responsible for implementing this policy. The DLI Cabinet serves as a top-management forum for policymaking about discrimination and sexual harassment.

If an investigation of a complaint of discrimination or sexual harassment produces evidence that discrimination or harassment has occurred, appropriate disciplinary action will be taken, up to and including discharge.

Retaliation will not be tolerated against any employee who has participated as a complainant or a witness in any DLI proceedings involving discrimination or sexual harassment. No employee shall use this policy or related procedure for reason of personal malice or abuse.

The following are examples of conduct for which disciplinary action, up to and including discharge, may be taken:

1. Use of any offensive or demeaning terms that have a discriminatory or sexual connotation;

2. Adverse treatment or negative comments regarding race, color, creed, religion, national origin, gender, sexual orientation, marital status, status with regard to public assistance, age, disability or membership in a local commission;

3. Objectionable physical proximity or physical contact;

4. Repeated unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;

5. Any indication, expressed or implied, that an employee's job security, job assignment, conditions of employment or opportunities for advancement depend or may depend on the granting of social or sexual favors to any other employee, supervisor or manager;

6. The deliberate or careless creation of an atmosphere of discrimination, sexual harassment or intimidation;

7. The deliberate or careless expression of jokes or remarks of a discriminatory or sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive; and

8. The deliberate or careless dissemination of materials (such as cartoons, articles, pictures, computer images or files) that have a discriminatory or sexual content to employees who may find such materials offensive.

Any employee who feels that she or he is being subjected to illegal discrimination or sexual harassment in any form, or believes he or she has witnessed illegal discrimination or sexual harassment, should promptly contact their supervisor, manager, DLI Assistant Commissioner, Deputy Commissioner or DLI's Affirmative Action Officer or Human Resource Director.

The DLI Commissioner is responsible for the application of this policy within DLI; each manager and supervisor has the responsibility within his or her unit. This responsibility includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment and compliance with the framework of this policy. All employees must be informed that discriminatory harassment is unacceptable behavior and each supervisor will be responsible for orienting his or her staff members to DLI's policy.

Discrimination/sexual harassment complaint procedure

The discrimination complaint process applies to complaints that allege discrimination or sexual harassment because of an individual's race, color, creed, religion, national origin, gender, marital status, status with regard to public assistance, age, disability, sexual orientation or membership or activity in a local commission.

Complaints that are determined by the Affirmative Action Officer/HR Director to be general harassment rather than illegal discrimination or sexual harassment may be referred to the appropriate manager or supervisor.

General provisions

1. Any employee or job applicant who feels that he or she has been subjected to discriminatory behavior(s), or who believes he/she has witnessed such behaviors, is encouraged to report the information to their supervisor or manager, assistant or deputy commissioner, DLI's Affirmative Action Officer or Human Resource Director or union representative.

2. Complaints that are determined by the affirmative action officer to be general harassment rather than illegal discrimination or sexual harassment may be referred to the appropriate manager or supervisor.

3. In the course of a complaint investigation, all data and documentation associated with the complaint will be maintained in accordance with the Minnesota Government Data Practices Act. Those filing a complaint or serving as a witness shall do so without fear or coercion, reprisal or intimidation.

4. Complaints will **not** be accepted after an individual terminates employment with DLI 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 from DLI.

5. Employees may elect to directly file a complaint with DLI's Commissioner in lieu of with their supervisor, manager, DLI Assistant or Deputy Commissioner, or the Affirmative Action Officer or Human Resources Director or union representative.

6. The complainant shall be advised of his or her right to file a charge of discrimination within 365 after the occurrence with the Commissioner of the Minnesota Department of Human Rights, the federal office of the Equal Employment Opportunities Commission or an attorney in private practice.

7. Regardless of the outcome of an investigation, DLI will take no adverse or retaliatory action against an employee who reports conduct she or he considers to be in violation of DLI's policy against discriminatory harassment.

1. Informal (not mandatory) Complaint Procedure

An employee (complainant) who has a complaint of discrimination or sexual harassment may bring it to the attention of his or her supervisor(s) in an attempt to reach **a** satisfactory resolution. The supervisor will look into the matter and will give the complainant an oral or written resolution response within 10 working days.

If the complaint is against the supervisor or if the complainant feels uncomfortable discussing the complaint with the supervisor, he or she may present the complaint orally to the manager, DLI Assistant or Deputy Commissioner, or the Affirmative Action Officer or Human Resources Director. This initial step shall provide for a determination as to whether the complaint is a discrimination complaint and, therefore, appropriate to be addressed through the formal process. If at all possible, every effort shall be made to resolve the matter through the informal process.

2. Formal Complaint Procedure

Employees are encouraged to use DLI's *Complaint of Discrimination* form to bring forth a formal complaint of discrimination. The forms are available from the Human Resources office and copies can be made from the form in this plan. Electronic copies are also available on DLI's intranet site at http://dlinet.state.mn.us. The written complaint should be submitted to DLI's Affirmative Action Officer or Human Resources Director. Employees are encouraged to bring complaints forward as quickly as possible, however the complaint shall be filed within 365 calendar days after the occurrence.

Step 1: After receipt of a formal complaint, the Affirmative Action Officer shall determine whether the complaint alleges discrimination against the individual's protected class, e.g., race, creed, color, religion, national origin, gender, status with

regards to public assistance, age, disability, sexual orientation or membership or activity in a local commission. The Affirmative Action Officer or Human Resources Director will attempt to make an initial determination of a complaint at this step in five to ten calendar days from receipt.

If the complaint is timely and proper for resolution through this complaint procedure, it shall be investigated. If the complainant is suffering irreparable harm in the absence of immediate action, the Affirmative Action Officer or Human Resources Director may take whatever action is deemed appropriate to improve the working environment for the complainant while the complaint is being investigated.

Step 2: The complaint shall be investigated within a reasonable timeframe. The complainant will be kept informed of the investigation status by the Affirmative Action Officer or Human Resources Director.

Step 3: The investigator shall prepare a written report for the Affirmative Action Officer or Human Resources Director.

Step 4: The Affirmative Action Officer or Human Resources Director shall review the investigation report with DLI's Assistant Commissioner, Deputy Commissioner and Commissioner and, if deemed necessary, take appropriate corrective action up to and including discharge when the investigative findings give merit to the complaint allegations.

Step 5: A final written response will be issued within 60 calendar-days after the formal complaint is filed.

Step 6: The Affirmative Action Officer or Human Resources Director is responsible for communicating the results of an investigation.

Step 7: The disposition of the complaint will be filed with the Commissioner of Minnesota Management & Budget within 30 calendar days of final determination.

Note: Certain modifications to this procedure may exist in the various collective bargaining agreements/plans covering employees of this department. Please refer to the appropriate bargaining agreement/plan for specific language that may apply.

Minnesota Department of Labor and Industry Formal Discrimination Complaint

Please Print or Type

Name		Phone
Work Unit	Supervisor	Job Title

Information on your complaint

I was discriminated against because of my following protected class characteristics:

☐ Race ☐ Gender ☐ Color ☐ Creed ☐ Religion ☐ Disability ☐ Marital Status ☐ Age
☐ National Origin ☐ Sexual Orientation ☐ Status with regard to public assistance
☐ Membership or activity in local commission

Why do you believe you were discriminated against because of your protected class characteristics?		
Who discriminated against you	Work unit(s)	Job title(s)

When did the most recent incident occur?

Date	Time	Location

Describe the incident(s) in detail, with the most recent incident first (include names, types of behaviors, location, dates and witnesses). Add as many pages as necessary. If you have documents you believe are relevant to your complaint, please attach them to this complaint form.

Relief Requested:

Did you file this complaint with another agency: Yes ☐ No ☐ If yes, which agency? _____

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

Signature	Date
Received by	

POLICY AND PROCEDURES
REASONABLE ACCOMMODATION
THE AMERICANS WITH DISABILITIES ACT (ADA)
TITLE I – EMPLOYMENT

POLICY

The Minnesota Department of Labor and Industry (DLI) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the DLI 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. Gail Krieg, Human Resources Director, is DLI's ADA Coordinator and responsible for ADA compliance.

DEFINITIONS

DISABILITY: For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities.

UNDUE HARDSHIP: An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of DLI.

DISCRIMINATION: Differing treatment, intentional or unintentional, of an individual in any term or condition of employment based on race, creed, color, religion, national origin, gender, status with regards to public assistance, age, disability, sexual orientation or membership or activity in a local commission. Discrimination may also include conduct by a supervisor or co-workers that creates a hostile work environment based on sex or race. Discrimination and harassment based on these protected classes may violate the Minnesota Human Rights Act, Title VII or the Civil Rights Act, the Age Discrimination in Employment Act, the Rehabilitation Act, or the Americans with Disabilities Act.

Reasonable accommodation

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

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

Reasonable accommodation applies to three aspects of employment:

a. To assure equal opportunity in the employment process;

b. To enable a qualified individual with a disability to perform the essential functions of a job; and

c. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure - Current employees and employees seeking promotion

1. The DLI will inform all employees that this accommodation policy can be made available in accessible formats.

2. The employee shall inform their supervisor or the ADA Coordinator of the need for an accommodation.

3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.

4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:

a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.

b. Determine the precise job-related limitation.

c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.

d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the DLI is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.

6. The ADA Coordinator will provide a decision to the employee within 10 working days following the employees request.

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

Procedure - Job applicants

1. The job applicant shall inform the ADA Coordinator of the need for an accommodation. The ADA Coordinator will discuss the needed accommodation and possible alternatives with the applicant.

2. The ADA Coordinator will make a decision regarding the request for accommodation within 3 working days and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for funding accommodations

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

Definition

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

Procedure for determining undue hardship

1. The employee will meet with the ADA Coordinator to discuss the requested accommodation.

2. The ADA Coordinator will review undue hardships by considering:

a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and

b. The impact of the accommodation on the nature or operation of the (agency name).

3. The ADA Coordinator will provide a decision to the employee.

Appeals

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

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

Supported work

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

EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION

This information will be used by the Department of Labor and Industry (DLI) or any other person, including the agency's legal counsel, who is authorized by DLI to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that is necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if I refuse to provide it, DLI may refuse to provide reasonable accommodation.

Please Print or Type

Employee	Classification	Date of Request
Division	*Statement of Limitations (Attach medical statement if requested by manager)	

*Attach additional sheets for questions below if necessary.

Please describe the nature of your disability, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.	
Type of accommodation requested to perform essential function(s):	
Which essential function(s) of your job will the requested accommodation allow you to perform?	
Why is the requested accommodation necessary to perform the essential job function(s)?	
How will the requested accommodation be effective in allowing performance of the essential job function?	
Signature of Employee	Date
Signature of Supervisor	Date
Signature of Manager	Date
Additional comments:	

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

PROGRAMS AND PROGRAM OBJECTIVES

1. Strive to achieve a more diverse workforce that represents the diversity of Minnesota.

ACTION STEPS	EVALUATION
a. Study and report on the workforce diversity within each division, work unit and job classification group.	a. Management has statistical information on the diversity of DLI workforce to develop recruitment.
b. Identify DLI's recruitment efforts for protected groups in specific job classifications where underutilization exists for those groups.	b. Determine recruitment strategies (colleges, community-based organizations, etc.) and methods to reach specific applicants.
c. Use community outreach, electronic and print mediums to expand recruitment efforts.	c. Greater accountability and interest in workforce composition can be identified between diversity programs and some improvement in protected group representation.
d. Develop diversity recruiting networks	d. Networking or advertisement with diversity organizations results in increased numbers of protected group members recruited into the workforce.

ASSIGNMENT: Managers, supervisors and HR staff.

TARGET DATE: Ongoing

PROGRAMS AND PROGRAM OBJECTIVES

2. DLI has a vested interest in the retention of a diverse workforce.

ACTION STEPS

a. DLI's HR staff will assist managers to identify training needs on topics pertinent to our employees to bolster diversity and inclusion programs.

b. DLI's HR staff will assist managers to better understand the impact of diversity initiatives on retention, engagement and employee attitudes.

EVALUATION

a. Performance reviews will address individual development plans that may identify such training programs.

b. Collect, review and analyze separation data out of SEMA4 system and exit interview data. Work with managers and supervisors to evaluate and use information for retention.

ASSIGNMENT: HR staff, Managers and Supervisors

TARGET DATE: Quarterly / Yearly

PROGRAMS AND PROGRAM OBJECTIVES

3. Promotes and sponsors Diversity Awareness and events.

ACTION STEPS	EVALUATION
a. Develop monthly diversity communiqués or events for each historical month to promote diversity awareness.	a. Strong inclusion initiatives boost participation and engagement.
b. Plan Diversity Celebration Lunch and Learn sessions.	b. Diversity committee boasts awareness through educational messages, materials and events.
c. Develop training that celebrates differences and supports understanding of all of the communities we serve.	c. Training sessions will be offered to all all employees on diversity topics.

ASSIGNMENT: HR staff, Managers and Supervisors

TARGET DATE: Quarterly / Yearly

Hiring Goals/
Goals and Timelines

Department of Labor and Industry (DLI) recognizes that its employees are its most valuable resource. The successful evolution of DLI depends on the support and performance of all employees in achieving its stated mission. Accordingly, DLI will strive to become an employer of choice by providing those programs and services, which support employees in the performance of their jobs, enhance the spirit of teamwork and quality of life, and provide for employee well being from hire through separation from the DLI.

To that end, DLI will ensure compliance with equal employment opportunity laws and other governmental regulations as they relate to recruitment, selection, placement, compensation and treatment of employees while enhancing the validity and effectiveness of related HR Management systems. DLI is continually striving to increase the numbers of minority persons, women, and persons with disabilities in order to reach its targeted goals.

ROLES AND RESPONSIBILITIES:

Management staff and the HR staff jointly hold responsibility for achieving agency-hiring goals.

MANAGEMENT STAFF WILL:

- Plan for HR activity;
- Set annual employment/hiring goals to include affirmative action and diversity goals;
- Recruit qualified applicants in a working partnership with HR staff;
- Hire staff; and
- Balance opportunities for current and future new employees.

HR STAFF WILL:

- Provide information to management staff necessary for setting employment/hiring goals and making hiring decisions as it impacts affirmative action compliance status, and as it impacts the agency's commitment to a diverse workforce;
- Recruit qualified applicants using both broad and targeted approaches;
- Commit to specific tasks throughout the hiring process in partnership with management staff, and ensure that timelines are jointly established towards reaching successful hiring;
- Track and report information regarding our hiring activity so that diversity; affirmative action goals and good faith efforts through recruitment and retention can all be recognized; and
- Provide monthly agency affirmative action handling reports as required or requested.

Department of Labor and Industry
Underutilization

"Underutilization" means having fewer women, minorities or people with disabilities in a particular job group than would be expected by their availability. The method of establishing goals for 2010 included use of EEO Job Group categories, and a two-factor analysis of the workforce to determine underutilization. The two-factor analysis consisted of EEO job group availability percentages for women, minorities and people with disabilities from 2000 U.S. Census EEO data and DLI Agency Appointment Summary data as of June 2, 2010. DLI assessed internal workforce availability percentages or those available for promotion or transfer who are members of a protected group already in the agency's workforce. Using appointment data for Fiscal Year 2007, DLI weighted the percent of hires from external (U.S. Census) and internal (DLI) workforce.

EEO Job Group	% of external hires	% of internal hires
Officials & Administrators	0%	100%
Professionals	25%	75%
Technicians	33%	67%
Office/Clerical	50%	50%
Skilled Craft	100%	0%

The utilization analysis demonstrates that DLI is underutilized in the following EEO Job Groups: Women in Officials & Administrators, Technicians and Skilled Craft; Minorities in Officials & Administrators and Skilled Craft; People with a disability in Office/Clerical and Technicians.

DLI believes the two-factor analysis and subsequent utilization analysis is an accurate reflection of our current workforce and underutilization.

UTILIZATION ANALYSIS FOR DLI
July 2010

UTILIZATION ANALYSIS FOR DLI

Protected Group						
Women						
EEO Job Group	Total Number in Group	Total Number of Women in Group	% Women in the Group	Availability %	Availability Number	Number Underutilized
Officials and Administrators	24	11	46%	62.5%	15	4
Professionals	264	118	45%	35.6%	94	0
Technicians	6	4	67%	87.8%	5	1
Protective Services	N/A	—	—	—	—	—
Paraprofessionals	N/A*	-	-	-	-	-
Office/Clerical	111	98	88%	73.1%	81	0
Skilled Craft	43	1	2%	7.8%	3	2
Service Maintenance	N/A	—	—	—	—	—

*Included in Professionals

Protected Group						
Minority						
EEO Job Group	Total Number in Group	Total Number of Minority in Group	% Minority in the Group	Availability %	Availability Number	Number Underutilized
Officials and Administrators	24	2	8%	20.8%	5	3
Professionals	264	30	11%	8.5%	22	0
Technicians	6	1	16%	2.2%	.13	0
Protective Services	N/A	—	—	—	—	—
Paraprofessionals	N/A*	-	-	-	-	-
Office/Clerical	111	11	10%	10%	11	0
Skilled Craft	43	2	5%	7.1%	3	1
Service Maintenance	N/A	—	—	—	—	—

*Included in Professionals

Protected Group						
People with a Disability						
EEO Job Group	Total Number in Group	Total Number of Disabled in Group	% Disabled in the Group	Availability %	Availability Number	Number Underutilized
Officials and Administrators	24	1	4%	4.2%	1	0
Professionals	264	14	5%	5.0%	13	0
Technicians	6	0	0%	17.2%	1	1
Protective Services	N/A	—	—	—	—	—
Paraprofessionals	N/A	-	-	-	-	-
Office/Clerical	111	12	11%	13%	14	2
Skilled Craft	43	5	12%	11.6%	5	0
Service Maintenance	N/A	—	—	—	—	—

*Included in Professionals

GOALS AND TIMETABLES for DLI

Women				Minorities			People with a Disability		
EEO Job Group	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable	Number Under-utilized	Goal	Timetable
Officials and Administrators	4	1	2010-2012	3	1	2010-2012	0		
Professionals	0			0			0		
Technicians	1	0*	2010-2012	0			1	0*	2010-2012
Protective Services	---			---			---		
Office/Clerical	0			0			2	1	2010-2012
Skilled Craft	2	1**	2010-2012	1	0**	2010-2012	0		
Service Maintenance	---			---			---		

As vacancies occur, DLI will make a good faith effort to hire 1 woman and 1 minority in the Officials & Administrators EEO Job Group; 1 person with a disability in the Office/Clerical EEO Job Group; 1 woman and 1 minority in the Skilled Craft EEO Job Group.

Vacancies will be filled according to the applicable labor agreements and plans that require the agency to first consider employees who have been laid off before recruiting for a more diverse workforce. Where DLI is able to appoint through other means, it will initiate recruitment efforts to achieve its affirmative action hiring goals.

*DLI cannot anticipate any hiring or turnover in the Technicians EEO Job Group during plan year 2010-2012; therefore, no hiring goal has been set. In the event that we do have a vacancy in the Technicians EEO Job Group, we will make a good faith effort to recruit and hire either 1 woman or 1 disabled group member.

**In FY10, DLI experienced layoffs in the Skilled Craft EEO Job Group. If vacancies occur during plan year 2010-2012, the agency is required to first consider employee who can be recalled from layoff. Therefore, no hiring goal has been set. In the event that we are able to recall from layoff, we will be able to address the number underutilized in the women category.

Auditing, Evaluating, Reporting Program Success

DLI will audit, evaluate, and report on its AAP on a continual basis. DLI will maintain records that will include data on hires, turnover, recruitment activities, recruitment sources/resources, complaints, and resolutions. HR staff will continually audit its functions to accomplish organization objectives, including examining DLI's turnover, exit interview data, recruiting activities, and training. Success indicators will include:

- attainment of goal achievement;
- maintenance and improvement in goal achievement where disparities exist;
- training of all new employees in harassment/discrimination policy and reporting procedures;
- and completion of specific initiatives outlined in this AAP.

In addition, the following steps will be taken during the biennium to strengthen the efforts to achieve the goals of this Affirmative Action Plan:

Pre-Employment Review

Objective:

To establish action steps to be taken, in order to meet DLI's Affirmative Action goals when filling classified and non-classified vacancies. A pre-hire review is required for all hiring decisions in EEO Job Groups in which disparities exist.

Policy

It is the policy of DLI that no offer of employment will be made by the hiring manager/supervisor to a non-protected group applicant for a position where a protected group member has applied and makes the finalist pool for the position and a disparity exists in the job group, until the HR Director or her/his designee has reviewed and approved the rationale given for hiring the non-protected group applicant. Supervisors and managers are not to disclose information to anyone regarding the protected group status of any applicant for a position. The protected group status of an individual is identified as private data; in accordance to the Minnesota Government Data Practices Act, Minnesota Statute § 13.43, Subd. 21, which governs the collection and disclosure of all government data, including personnel data.

Pre-Review Process

1. The hiring supervisor/manager will consult with HR staff on all hiring decisions, and prior to any job offers where there is an opportunity to hire affirmatively and the supervisor/manager wishes to forgo that opportunity.

2. The HR Director or her/his designee will advise the hiring supervisor/manager to provide sufficient justification for the decision to hire a non-protected group member, which will include the following information and/or documentation:

   a. The job posting and/or public announcement, position description;
   b. The structured interview questions including ratings of all the interviewed applicants;
   c. The resumes or applications of the job applicants in the finalist pool; and
   d. A written detailed explanation of the reasons why the non-protected group applicant is the best choice for the position, including the minimum qualifications and preferred qualifications, (e.g., knowledge, skills, abilities, education, experience, training, certifications) that the non-protected group finalist possesses for the position.

3. The HR Director/designee will review the justification documentation and inform the hiring supervisor/manager of his/her decision within one week.

4. All non-selected applicants will be notified of their standing at the conclusion of the hiring process.

5. Documentation related to hiring decisions is maintained according to the Department's record retention schedule.

Pre-Review Process for Lay-Off

When layoffs become necessary, the HR Director/designee conducts an analysis of DLI's workforce to determine the effect they may have on agency affirmative action goals and timetables, and ensures the applicable terms of the bargaining agreements/plans are being followed.

Hiring Procedures

1. HR staff will advise managers and supervisors of protected group disparities by EEO Job Group for all goal units on a monthly basis.

2. A pre-hire discussion will occur between the hiring supervisor and manager, and the HR office to assure DLI will apply affirmative standards throughout the hiring process, to ensure these standards are promoted and maintained, and examine areas where DLI needs to make or should make improvements.

3. Each supervisor/manager who determines to fill a vacancy, will from his/her knowledge of the job, and from the written job description/job class specification determine which duties are most important for successful job performance. For each of the major job duties the supervisor/manager must decide what job-related skills, education, knowledge, and abilities are required for successful job performance.

4. Each hiring supervisor who determines to fill a position must submit a formal request with the required approvals to the HR office following the established departmental procedures and guidelines for position filling.

5. HR staff will work closely with the hiring supervisor in an effort to eliminate a disparity where a request to hire has been made.

6. HR staff will conduct a job analysis for vacant jobs or position descriptions will be revised, if applicable.

7. HR staff will provide a roster of applicants and resumes to the hiring supervisor. The applicant pool will be further assessed using job-related criteria. Any additional assessment criteria will be consistently applied to the applicant pool. The finalist pool will include those members of the applicant pool who have been determined to best meet the qualifications for the vacant position who may be legally appointed to the position.

8. The most qualified applicants will be offered an interview by phone, e-mail or mail.

9. HR staff will:

   - Ensure affirmative action goals and disparities are considered in the selection process;
   - Ensure that the skills needed for the job have been adequately identified;
   - Ensure conformity with the mix of competencies (knowledge, skills, abilities and attitudes required to fulfill the job role);
   - Ensure agreement with the degree of proficiency expected in each area;
   - Ensure that the hiring supervisor/manager and HR staff have collectively planned the interviewing content, and the interview questions target these job-related competencies;
   - Ensure the job-related interview questions have the same meaning regardless of a person's cultural background; and

- Ensure all job-related interview materials, including questions, responses, and notes are maintained in a secured environment.

10. Interviews will be conducted by the supervisor and an interview panel. Panelists will have a copy of each applicant's application/resume, excluding protected or private information. HR staff will meet with or may provide the hiring supervisor and the interview panel with effective and affirmative interviewing tips and guidelines.

11. Interview documentation will be maintained according to the Department's record retention schedule.

12. HR Director or Affirmative Action Officer or designee will ensure the qualifications of all job applicants are compared, and the hiring decision is based on all available evidence of qualifications and the requirements of the job.

13. All applicants will be notified of their standing at the conclusion of the hiring process.

14. All documentation related to the position filling process will be maintained in a requisition hiring file maintained by HR, and will include: "greensheet" request, copy of audit cover sheet (if applicable), position description, org. chart, job posting (if applicable), roster of candidates including date of issuance and expiration, interview questions and responses, outcome of interviews by score, compensation above the minimum requests and approvals, reference checking documentation, resume of hired applicant, Monitoring the Hiring Process form, and the justification including rationale for the hiring decision.

AFFIRMATIVE ACTION AUDIT PROCESS

1. A Monitoring the Hiring Process (MHP) form will be completed for each hiring decision in job groups and EEO-4 categories where disparities exist. The MHP form will be retained according to DLI's record retention schedule. MHP data will be tracked and reported to ensure affirmative action goals are being addressed.

Assignment: HR Staff

Target Date: Quarterly

2. Complete a hiring decision memo for every non-affirmative hire summarizing interview results and addressing affirmative action. The memo will be reviewed with HR to ensure compliance with DLI's pre-employment review process. A copy of the memo will be maintained in the hiring requisition folder and with the MHP form.

Assignment: HR Staff, Supervisors and Managers

Target Date: Ongoing

4. Prepare reports on the total number of hires, number of affirmative action appointments, number of justified appointments, and the number of missed opportunities for EEO Job Groups where disparities exist.

Assignment: HR Staff

Target Date: Quarterly

3. The HR Director will advise top management of Affirmative Action Plan effectiveness and submit recommendations to improve affirmative hiring. This will occur more frequently if the need arises.

Assignment: HR Director

Target Date: June and December

Audit procedures are designed to ensure that state agencies have comprehensive programs and procedures that comply with all federal, state and local laws related to affirmative action and equal employment opportunity including the American with Disabilities Act. MMB Administrative Procedure 19.2 provides additional guidance on the MMB led agency desk audits and agency on-site audits.

SEPARATION ANALYSIS

Separation analysis for DLI employees from FY beginning July 1, 2007 to FY ending June 30, 2009 were determined by incorporating all resignations, terminations, non-certifications, dismissals, retirements and lay-offs. Deaths were not included.

We had 30 separations for FY 2008. Of these, 2 (6.5%) were dismissal or non-certification; 22 (71%) were resignations; 6 (19.4%) were retirements.

FISCAL YEAR 2008 ANALYSIS

GROUP	NUMBER SEPARATED	% OF TOTAL SEPARATED EMPLOYEES	SEPARATED % OF TOTAL WORKFORCE 453 (AS OF 7/1/08)
White	26	86.7%	5.74%
Ethnic/Racial Minority	4	13.3%	.88%
Persons w/Disabilities	2	6.67%	.44%
Women	14	46.7%	3.09%

We had 13 separations for FY 2009. Of these, 1 (6.7%) were dismissal or non-certification; 7 (46.7%) were resignations; 5 (33.3%) were retirements.

FISCAL YEAR 2009 ANALYSIS

GROUP	NUMBER SEPARATED	% OF TOTAL SEPARATED EMPLOYEES	SEPARATED % OF TOTAL WORKFORCE 463 (AS OF 7/1/09)
White	12	92.3%	2.59%
Ethnic/Racial Minority	1	7.70%	.22%
Persons w/Disabilities	0	0.00%	0.00%
Women	3	23.1%	.65%

SEPARATION ANALYSIS

The separation numbers indicate that, even with an increase in the numbers of our total workforce, there was a decrease in separations among the protected group members and the total workforce. The reasons for separation did not reveal problems related to race, gender or disability. DLI experiences the majority of turnover in its' largest EEO Job Group – Professionals, and expect to experience turnover in the next years based on the analysis of the conditions in the agency.

Although these separation numbers reveal improvement among the loss of protected group members in comparison to the previous plan year, DLI continues to be challenged to reduce costs, and reduction of staff during this plan year through involuntary means could have an effect on the overall makeup of our workforce. DLI has developed a Workforce Plan that includes separation analysis methods and adverse impact, and each DLI Division addresses separations within its' work units and job classes.

RECRUITMENT STRATEGIES

DLI's recruitment efforts will be open to all persons, regardless of race, creed, color, religion, national origin, gender, status with regards to public assistance, age, disability, sexual orientation or membership or activity in a local commission.

DLI's recruitment efforts may include, but not be limited to, internal announcements, State of Minnesota Career website, newspaper advertisements, advertisements in publications targeted to women, minorities and/or people with a disability and the internet.

Total recruitment expenses for Fiscal Year 09 were $129.79. DLI did not participate in any job fairs during the previous year and does not anticipate participating in any upcoming job fairs.

DLI has used the following recruitment and advertising sources:

ASSE (American Society of Safety Engineers)
AIHA (American Industrial Hygiene Association)
St. Paul Pioneer Press
MN Workforce Centers
Job postings at State colleges and universities with Safety, Industrial Hygiene & Vocational Rehabilitation related-degree programs.
Networking at State colleges and universities with Safety, Industrial Hygiene & Vocational Rehabilitation related-degree programs.

INTERNSHIPS

DLI uses interns, where appropriate, as an additional method of recruitment. See Internship Program Procedures.

RETENTION STRATEGIES

The Department of Labor and Industry strives to affirmatively ensure equal employment opportunity by retaining a diverse, talented and qualified workforce. The responsibility for these retention efforts lies with the HR Director and HR staff in consultation with managers and supervisors.

If employees are satisfied with their work, co-workers and supervisor and feel they are compensated adequately for the work they perform, statistically turnover will decrease. Therefore it is a goal of the agency to look at ways to improve these items through the following retention efforts.

1. Determine why employees are dissatisfied before they make the decision to leave. This is accomplished by conducting job satisfaction survey's asking employees why they are thinking about leaving. HR, managers and supervisors are then able to take corrective measures where possible to retain employees.

2. HR, managers and supervisors will identify additional employee recognition strategies so employees feel valued and appreciated.

3. Identify terms and conditions of employment that impact retention. HR, managers and supervisors will develop internal management strategies to address quality of life flexibilities and incentives.

4. Exit interviews are given to all departing employees. The exit interview data is compiled and combined with separation reports. The information is shared with managers, so that corrective actions can be made.

5. DLI will also provide employees with mediation services for conflict resolution through the Minnesota Alternative Dispute Resolution Office. Conflict resolution is recommended for situations with the potential of becoming a formal complaint.

POLICY AND PROCEDURES
INTERNSHIP PROGRAM

STATUTORY REFERENCE: Minnesota Statute § 43A.02, Subd. 24
ADMINISTRATIVE PROCEDURE: 21E

OBJECTIVES

To provide paraprofessional work opportunities and practical learning experiences for selected students to enhance their academic preparation while exposing them to state government employment. Internship positions can provide an opportunity for initiating and implementing DLI Affirmative Action efforts.

POLICY

An internship is a paraprofessional work experience (paid or unpaid) that is directly related to a specific academic program; only students who are currently pursuing a degree directly related to the internship duties may be selected. To qualify as an internship, the work experience must result in academic credit or fulfill an academic requirement of an accredited educational institution. Normally, an internship lasts one quarter or semester or a specified number of hours; occasionally, however, there are circumstances in which an internship would be less than or greater than one quarter or semester. Appointments may be part-time or full-time as appropriate to meet the academic requirements of the internship, with the supervisor responsible for any intern evaluation requirements.

An intern is not a state employee and is not eligible for state benefits (i.e., no insurance, annual leave, sick leave, holiday pay or seniority/service credit). Internship positions are not intended to replace or be considered equivalent to the full scope of an unlimited state position and completion of an internship with DLI does not imply any on-going or future employment commitment with the Agency or the State of Minnesota.

PROCEDURES:

RECRUITMENT AND SELECTION

The recruitment and selection of interns is the responsibility of the supervisor.

The HR staff can assist the supervisor in the recruitment of interns in the following ways:

1. By identifying contact individuals at educational institutions with formal internship programs.

2. By making available to the supervisor internship applications that are kept on file.

COMPENSATION AND BENEFITS

Internships may be paid or unpaid. When payment is involved, the rate of pay shall be at least equivalent to the State Minimum Wage but no higher than the minimum salary rate for the related state job classification.

If assigned to travel status during an internship, an intern may be reimbursed for expenses in the same manner and amounts as provided in the Commissioner's Plan.

All forms of payment are considered to be taxable income and must be processed in a manner that ensures that taxes are deducted.

ACTIONS AND RESPONSIBILITIES

STEP	ACTION	RESPONSIBILITY
1.	Review budget to ensure funding is available (if internship is paid).	Supervisor/Chief Financial Officer
2.	Identify need for intern, determine if paid or unpaid internships will be accommodated, and complete HR Greensheet Form. When all necessary approvals are obtained, Supervisor will work with HR to identify recruitment and job posting announcement needs.	Supervisor/HR
3.	Ensure that the student applicants complete an "Internship Application" form.	Supervisor
4.	Supervisor will interview and select the intern and complete the "Internship Agreement" form. (The form requires the supervisor's signature, the intern's signature, and the intern's faculty advisor's signature prior to the first working day.). Submit completed documents to HR as soon as possible, but prior to the Intern's starting date.	Supervisor

EMERGENCY AND BUILDING EVACUATION PROCEDURES

EMERGENCY SITUATION

In the event of an emergency, DLI will ensure that all employees, including deaf and hard of hearing employees, are properly notified of the emergency.

When conditions such as bad weather, electrical outages or heating systems failure impair the ability of state operations to remain open, The Commissioner of Minnesota Management and Budget, in consultation with the Duty Officer of the Emergency Management Division of the Department of Public Safety, will assess whether conditions exist to warrant state office closure.

In such instances, employees can find such information on local radio stations, TV newscasts or by calling DLI Employee Emergency Information Line.

DLI EMPLOYEE EMERGENCY INFORMATION LINE

METRO: 651/284-5386
GREATER MN: 1/888-345-4536

DLI will update the Employee Emergency Information Line as information is received. Employees may need to check it more than one time.

DEAF AND HARD OF HEARING EMPLOYEES

Deaf and hard of hearing employees should call the Minnesota Relay Service (MRS) at:

MRS Metro: 651/297-5353
MRS Greater MN: 1/800-627-3529

Request that the MRS Operator call the DLI Employee Emergency Information Line. The MRS Operator can relay this information back to you.

BUILDING EVACUATION

In the event of a building evacuation, DLI will provide for the safe exit of all employees with disabilities and all persons with disabilities visiting the building.

Attendants for employees with mobility impairments
Assist in the relocation or evacuation of employees with mobility impairments.

1. For evacuation:

a. Two attendants shall move to the stairwell with the employee with a mobility impairment. **The stairwells are designed to be temporary areas of refuge from fire for one-and-a-half hours.**

b. One attendant will inform the safety director, located at the flagpole, or the fire chief of the whereabouts of the other two. After stairwell traffic clears, the person with the mobility impairment and the attendant shall move into the stairwell and wait for the assistance of the fire department.

c. The person with the mobility impairment and her/his attendant shall not attempt to move down the stairs without the assistance of fire department personnel.

2. For relocation:

a. Two attendants shall move to an area of refuge with the employee with a mobility impairment. If it is necessary to move to another location, they will coordinate/assist with the relocation.

APPENDIX A

PROTECTED GROUP CATEGORIES FOR EMPLOYMENT PURPOSES

There are three protected group categories. They include women, four ethnic/racial minority groups and persons with disabilities.

ETHNIC/RACIAL CATEGORIES

1. **Black/African Americans, not of Hispanic Origin:** Persons having origins in any of the Black racial groups of Africa.

2. **Hispanic:** Persons of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish Culture or origin, regardless of race.

3. **American Indian or Alaskan Native:** Persons having origins in any of the native peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

4. **Asian or Pacific Islander:** Persons having origins in any of the native peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

Persons of mixed ethnic/racial background would choose the group with which they most closely identify.

PERSONS WITH DISABILITIES CATEGORY

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

APPENDIX B

EQUAL EMPLOYMENT OPPORTUNITY
AFFIRMATIVE ACTION GLOSSARY

AFFIRMATIVE ACTION: Emphasizes the positive action steps needed to bring about change rather than a passive attitude of simple nondiscrimination.

Affirmative Action can be defined as management policies and practices used to eliminate barriers to employment opportunity that are not based on specific job requirements.

AFFIRMATIVE ACTION PLAN: A coherent set of policies and procedures designed to find any barriers contributing to imbalance in an agency's workforce and to foster the correction of any imbalances that exist.

COMPLAINANT: The person filing the complaint.

DISCRIMINATION: Differing treatment, intentional or unintentional, of an individual in any term or condition of employment based on race, creed, color, religion, national origin, gender, status with regards to public assistance, age, disability, sexual orientation or membership or activity in a local commission. Discrimination may also include conduct by a supervisor or co-workers that creates a hostile work environment based on sex or race. Discrimination and harassment based on these protected classes may violate the Minnesota Human Rights Act, Title VII or the Civil Rights Act, the Age Discrimination in Employment Act, the Rehabilitation Act, or the Americans with Disabilities Act.

DISCRIMINATORY HARASSMENT: Any repeated behavior, or combination of behaviors, by one or more employees toward another employee or group of employees based on race, creed, color, religion, national origin, gender, status with regards to public assistance, age, disability, sexual orientation or membership or activity in a local commission, and which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance.

DISPARITY: The employment of fewer persons with disabilities, ethnic/racial minorities, and women in the agency's workforce than would reasonably be expected based on their availability in the labor market.

EQUAL EMPLOYMENT OPPORTUNITY: The policy of basing all HR activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to race, creed, color, religion, national origin, gender, status with regards to public assistance, age, disability, sexual orientation or membership or activity in a local commission or other non-merit factors.

GOAL: A numerical objective for the utilization of protected group members.

INDIVIDUAL WITH A DISABILITY: A person who has a physical or mental impairment that substantially limits one or more major life activity(ies), a person who has a record of such impairment, or a person who is regarded as having such an impairment.

PROTECTED CLASS/PROTECTED GROUP: Those individuals identified as having disabilities, ethnic/racial minorities, and women, as defined by Minnesota Statute § 43A.02, Subd. 33.

REASONABLE ACCOMMODATION: Any reasonable modification such as architectural alteration, equipment, devices and other changes an employer would make to enable qualified persons with disabilities to perform the essential functions of their jobs.

SEXUAL HARASSMENT: A form of discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact or communication of a sexual nature when: 1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; 2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or 3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

THIRD PARTY HARASSMENT: Discrimination where the harasser is not an employee of DLI, but is a customer, vendor, subcontractor or member of the general public. If an employee feels harassed by any of these people, she/he should complain in the same manner as if a co-worker or supervisor were responsible for the harassment.