STATE OF MINNESOTA

DEPARTMENT OF LABOR & INDUSTRY

Affirmative Action Plan

August 2014 – August 2016

443 Lafayette Road North

St. Paul, MN 55155

This document can be made available upon request in alternative formats by contacting Sandi Arvin at sandi.arvin@state.mn.us or 651-284-5178.

Contents

I. EXECUTIVE SUMMARY 2

II. STATEMENT OF COMMITMENT 3

III. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN 4

A. Commissioner or Agency Head 4

B. Affirmative Action Officer 4

C. Americans with Disabilities Act Coordinator 6

D. Human Resources Director 6

E. Managers and Supervisors 7

F. All Employees 8

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN 9

A. Internal Methods of Communication 9

B. External Methods of Communication 9

V. POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT 10

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT 12

General provisions 12

VII. REASONABLE ACCOMMODATION POLICY 17

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES 23

Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities: 23

Severe Weather Evacuation Options: 23

IX. GOALS AND TIMETABLES 24

Availability: 26

Women: 26

Minorities: 26

Individuals with Disabilities: 27

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES 27

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS 29

A. Pre-Employment Review Procedure/Monitoring the Hiring Process 29

B. Pre-Review Procedure for Layoff Decisions 29

C. Other Methods of Program Evaluation 29

XII. RECRUITMENT PLAN 30

A. Advertising Sources 30

B. Job and Community Fairs 31
C. College and University Recruitment Events 31
D. Recruitment for Individuals with Disabilities 31
E. Relationship Building and Outreach 32
F. Internships 32
G. Supported Employment (M.S. 43A.191, Subd. 2(d)) 32
H. Additional Recruitment Activities 32
XIII. RETENTION PLAN 32
A. Individual(s) Responsible for the Agency's Retention Program/Activities 32
B. Separation Analysis by Protected Groups 33
C. Methods of Retention of Protected Groups 34
APPENDIX 36
A. Complaint of Discrimination/Harassment Form 36
T. Employee/Applicant Request for ADA Reasonable Accommodation Form 38
U. Underutilization Analysis Worksheets 40
V. Separation Analysis by Protected Groups Worksheets 40

I. EXECUTIVE SUMMARY

DEPARTMENT OF LABOR & INDUSTRY
Affirmative Action Plan 2014-2016

Review revealed underutilization of the following protected group(s) in the following job categories:

Table 1. Underutilization Analysis of Protected Groups

	PROTECTED GROUPS		
Job Categories	**Women**	**Racial/Ethnic Minorities**	**Individuals with Disabilities**
Officials/Administrators	X	X	
Professionals	X		
Office/Clerical		X	
Technicians			
Skilled Craft	X	X	

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that all employees are aware of the Department of Labor & Industry's commitment to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources Office.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

Affirmative Action Officer Signature: _____ Date: 7-30-14

HR Director/Designee Signature: Hail Krieg Date: 7-30-14

Commissioner/Agency Head Signature: _____ Date: 7-30-14

II. STATEMENT OF COMMITMENT

This statement reaffirms the Department of Labor & Industry is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, status with regard to public assistance, or membership or activity in a local human rights commission.

- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.

- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.

- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the agency's policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

Commissioner/Agency Head Signature: _____

Date: 7-30-14

III. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. Commissioner or Agency Head

Kenneth B. Peterson, Commissioner

Responsibilities:
The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require all agency managers and supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

Accountability:
The Commissioner is accountable directly to Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

B. Affirmative Action Officer

Sandi Arvin, HR Consultant

Responsibilities:
The Affirmative Action Officer or designee is responsible for implementation of the agency's affirmative action and equal opportunity program, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

Duties:
The duties of the Affirmative Action Officer or designee shall include, but are not limited to the following:

- Prepare and oversee the Affirmative Action Plan, including development and setting of agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the agency's Commissioner of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide an agency-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for infusing affirmative action and equal opportunity into the agency's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the laws;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

Accountability:
The Affirmative Action Officer is accountable directly to the Human Resources Director and indirectly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

C. Americans with Disabilities Act Coordinator
Gail Krieg, HR Director

Responsibilities:
The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the agency's compliance with the Americans with Disabilities Act Title I – Employment and Title II – Public Services, in accordance with the Americans with Disabilities Act - as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

Duties:
The duties of the Americans with Disabilities Act Coordinator shall include, but are not limited to the following:

- Provide guidance, coordination, and direction to agency management with regard to the Americans with Disabilities Act in the development and implementation of the agency's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;

- Provide consultation, technical guidance, and/or training to managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and

- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the agency's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

Accountability:
The Americans with Disabilities Act Coordinator reports directly to the Deputy Commissioner

D. Human Resources Director
Gail Krieg, HR Director

Responsibilities:
The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the agency.

Duties:
The duties of the Human Resources Director include, but are not limited to the following:

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;

- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;

- Initiate and report on specific program objectives contained in the Affirmative Action Plan;

- Ensure pre-hire review process is implemented and receive support from managers and supervisors;

- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;

- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;

- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors of existing disparities;

- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action.

Accountability:
The Human Resources Director is directly accountable to the Deputy Commissioner.

E. Managers and Supervisors

Responsibilities:
Managers and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and to be in compliance with the agency's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

Duties:
The duties of managers and supervisors include, but are not limited to the following:

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;

- Communicate the agency's affirmative action policy to assigned staff;

- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied in this plan;

- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;

- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;

- To provide a positive and inclusive work environment; and

- To refer complaints of discrimination and harassment to the appropriate parties.

Accountability:
Managers and supervisors are accountable directly to their designated supervisor and indirectly to the agency's Commissioner.

F. All Employees

Responsibilities:
All employees are responsible for conducting themselves in accordance with the agency's equal opportunity and Affirmative Action Plan and policies.

Duties:
The duties of all employees shall include, but are not limited to the following:

- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; and

- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

Accountability:
Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

The following information describes the methods that the agency takes to communicate the Affirmative Action Plan to employees and the general public:

A. Internal Methods of Communication

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.

  - The agency's Affirmative Action Plan is available to all employees on the agency's internal website at http://intranet.dli.mn.gov/ or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.

- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

B. External Methods of Communication

- The agency's Affirmative Action Plan is available on the agency's external website at www.dli.mn.gov or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.

- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."

Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

V. POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT

The Department of Labor & 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 Commissioner, Human Resources Director or Affirmative Action Officer, supervisors and managers are responsible for implementing this policy. The DLI Executive Team 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 or activity 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.

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT

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.

This includes: verbal or written threats or acts of physical violence by employees directed against other employees; by employees directed against DLI customers or other workplace visitors; or by DLI customers or visitors directed against DLI employees or other customers/visitors. This includes hostile or abusive situations, including sexual harassment.

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 has a 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://intranet.dli.mn.gov. 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.

DEPARTMENT OF LABOR & INDUSTRY
AFFIRMATIVE ACTION PLAN 2014-2016

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 ☐ Familial Status

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:

DEPARTMENT OF LABOR & INDUSTRY
AFFIRMATIVE ACTION PLAN 2014-2016

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	

VII. REASONABLE ACCOMMODATION 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, marital status, 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 agency 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 Department of Labor & Industry.

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 Department of Labor & Industry.

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

Appeals

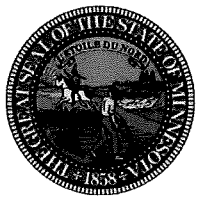
Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the Commissioner, within a reasonable period of time, for a final decision.

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 agency 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 agency will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

Employee/Applicant Request for ADA Reasonable Accommodation Form



STATE OF MINNESOTA – DEPARTMENT OF LABOR & INDUSTRY

EMPLOYEE/APPLICANT REQUEST FOR ADA REASONABLE ACCOMMODATION FORM

The State of Minnesota is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name:	**Job Title:**
Work Location:	**Phone Number:**

Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?

2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.

    a. If yes, please explain.

Questions to document the reason for the accommodation request *(please attach additional pages if necessary).*

1. What, if any job function are you having difficulty performing?

State of Minnesota – Department of Labor & Industry
Reasonable Accommodation Request Form, Page 2

2. What, if any employment benefit are you having difficulty accessing?

3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?

4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

Information Pertaining to Medical Documentation

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature:	**Date:**

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

A copy of the agency's weather and emergency evacuation plans can be found at:
http://intranet.dli.mn.gov/policies.aspx

Managers and supervisors should review the emergency evacuation procedures with staff, and inform staff that individuals with disabilities need additional assistance, that they should contact the agency contacts below to request the type of assistance they may need.

Gail Krieg, ADA Coordinator, 651-284-5263, gail.d.krieg@state.mn.us
Sandi Arvin, Safety Director, 651-284-5178, sandi.arvin@state.mn.us

Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities:
Individuals with disabilities should follow the following procedures:

- Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs"): Individuals using wheelchairs should be accompanied to the stairwell by two attendants when the alarm sounds. One attendant will notify the Safety Director of the whereabouts of the individual requiring assistance and the other attendant. The Safety Director will notify emergency responders how many individuals need assistance to safely evacuate.

  Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait in the stairwell until emergency responders arrive to assist them.

- Hearing disabilities: The agency's buildings are equipped with fire alarm horns and flashing strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing; however individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.

- Visual disabilities: The agency's buildings are equipped with fire alarm horns and flashing strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes, but since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The attendant should offer assistance, and if accepted, guide the individual through the evacuation route.

Severe Weather Evacuation Options:
Building occupants shall move to the following areas of refuge: inner conference rooms, hallways, stairwells and lobbies (second and third floors only). No area of refuge shall have a window.

All personnel shall remain in the areas of refuge until the "all clear" signal to return to their work area is given. The "all clear" message will be announced via the public address system.

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

IX. GOALS AND TIMETABLES

The method of establishing goals for the 2014-2016 plan 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 Minnesota Management and Budgets 2010 Labor Force Availability and DLI Agency Appointment Summary data. DLI assessed internal workforce availability percentages or those available for promotion or transfer and are members of a protected group already in the agency's workforce. Using appointment data for Fiscal Year 2012 and Fiscal Year 2013, 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	40%	60%
Professionals	65%	35%
Technicians	25%	75%
Office/Clerical	80%	20%
Skilled Craft	100%	0%

The utilization analysis demonstrates that DLI is underutilized in the following EEO Job Groups: Women in Officials & Administrators, Professionals, and Skilled Craft; Minorities in Officials & Administrators, Office/Clerical and Skilled Craft. We are not underutilized in any EEO Job Group for people with a disability.

DLI believes the two-factor analysis and subsequent utilization analysis is an accurate reflection of our current workforce and underutilization. The agency has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the agency and has set the following hiring goals for the next two years (Reference Table 2).

Table 2. Underutilization Analysis and Hiring Goals for 2014-2016

	UNDERUTILIZATION – # OF INDIVIDUALS			HIRING GOALS FOR 2014-2016		
Job Categories	**Women**	**Racial/ Ethnic Minorities**	**Individuals With Disabilities**	**Women**	**Racial/ Ethnic Minorities**	**Individuals With Disabilities**
Officials/Administrators	2	1	0	2	1	0
Professionals	8	0	0	5	0	0
Office/Clerical	0	3	0	0	3	0
Technicians	0	0	0	0	0	0
Skilled Craft	1	3	0	1	1	0

Availability:

The agency determined the recruitment area to be statewide for all job categories. The agency has staff located throughout the state and determined it was best to use this type of analysis because hires in each EEO Job Category are located throughout the state and from both internal and external feeder groups.

The two-factor analysis consisted of EEO job group availability percentages for women, minorities and people with disabilities from Minnesota Management and Budgets 2010 Labor Force Availability report and DLI Agency Appointment Summary data from Fiscal Year 2012 and Fiscal Year 2013. The agency assessed internal workforce availability percentages of employees available for promotion or transfer, and who are members of a protected group already in the agency's workforce. The agency then weighted the percent of hires from external (U.S. Census) and internal (DLI) workforce.

The percent of internal and external hires in the Professional and Office/Clerical EEO Job Category has changed from previous years. The percent of external hires in the Professional EEO Job category increased by 5% to a total of 65%; versus 60% from the previous plan years. Additionally, the percentage of external hires in the Office/Clerical category increased by 60% to a total of 80%. Because of this significant shift and increased percentage of external hires, a side by side comparison of underutilization of these groups was not completed because the data sets are not comparable. Instead, the analysis below focuses on the current number of women, minorities and people with a disability in each EEO Job Category compared to 2012-2014.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

Women:

At the agency, the population of women has not improved in the majority of job categories. Underutilization remains the same in the Technicians, and Skilled Craft EEO Job Categories. There continues to be no underutilization for the Office Clerical EEO Job Category. There has been an increase in underutilization in the Professionals EEO Job Category due to the percent of external hires in the Professional EEO Job category increasing by 5% to a total of 65%; versus 60% from the previous plan years.

The agency anticipates hiring in the Professionals category during 2014-2016 and have set a goal of hiring 5 women to address a significant portion of the current underutilization.

Minorities:

At the agency, the population of minorities has improved in the Officials and Administrators and Professionals EEO job categories. DLI has maintained no underutilization in the Professionals and Technicians EEO Job categories.

The agency anticipates hiring in both the Officials and Administrators and Office/Clerical category during 2014-2016 and has set a goal of hiring 1 in the Officials and Administrators and 3 in the Office/Clerical categories respectively.

Individuals with Disabilities:

At the agency, the population of individuals with disabilities has improved resulting in no underutilization in any EEO Job Category.

The agency's population of people with a disability increased significantly in October 2013 when employees were asked to review and update their status in employee self service.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

The Minnesota Department of Labor and Industry's mission is to ensure equitable, healthy and safe work and living environments in Minnesota. DLI works to carry out its mission through enforcement, outreach and education. These processes involve integrating practices of equal opportunity, affirmative action and diversity into all aspects of agency operations.

The agency, through the combined efforts of the Commissioner, Deputy Commissioner, Assistant Commissioner, Human Resource Management, division heads, managers, supervisors and staff shall work together to take the following actions during 2014-2016:

Objective #1: Recruit a high-performance workforce which reflects the increasing diversity of Minnesota. Seek to eliminate disparities of protected groups.

Action Steps:
Conduct workforce planning, including forecasting future workforce composition, gap analysis, succession planning, knowledge transfer and cross-training.

Report on the workforce diversity within each division, work unit and job classification group.

Partner with division managers and supervisors to create and implement unit-specific recruitment efforts focused on under-represented populations.

Develop an agency wide recruiting committee to focus on establishing new, and strengthening existing networking resources for the purpose of announcing job vacancies, and receiving referrals of under-represented populations.

Evaluation:
Recruiting a high-performance workforce which reflects the increasing diversity of Minnesota will continue to be an objective as it is critical to ensuring DLI achieves its mission of ensuring an equitable, health and safe work and living environment in Minnesota.

The agency will evaluate and determine if the agency's recruiting and hiring strategies have reduced underutilization of under-represented populations quarterly.

Objective #2: Enhance the agency's development and retention of a highly qualified, diverse workforce.

Action Steps:
Provide senior management with quarterly separation data.

Research the most appropriate retention initiatives to implement within the agency.

Encourage employees to create an individual training and development plan based on the training needs assessment to address career development and promotion opportunities within the agency, and refer them to resources for assistance.

Evaluation:
Retaining a high-performance workforce which reflects the increasing diversity of Minnesota will continue to be an objective as it is critical to ensuring DLI achieves its mission of ensuring an equitable, health and safe work and living environment in Minnesota.

DLI will evaluate and determine if the agency made the appropriate investments in education and training to help employees build the competencies needed to achieve its shared vision.

Objective #3: Promote and maintain a culture of comfort and inclusion for all DLI employees.

Action Steps:
Maintain an active Diversity committee that will develop monthly communiques for each historical month to promote diversity awareness.

Plan diversity celebration lunch and learn sessions to provide programming related to the historical months.

Plan and hold events to celebrate the diverse workforce at DLI and the diverse cultures we come into contact with through our work.

Human Resources staff will assist management to develop specific mechanisms and structures that support and encourage an inclusive environment across divisions.

Evaluation:
Enhanced appreciation and recognition of diversity at the Department of Labor and Industry through strong participation in Lunch and Learn celebrations, clearly communicated diversity themes, and increased staff participation in diversity events.

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS

A. Pre-Employment Review Procedure/Monitoring the Hiring Process

The agency will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. The agency will use the monitoring the hiring process form for every hire to track the number of women, minorities, individuals with disabilities, and veterans in each stage of the selection process. Managers and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and equal opportunity professionals will review for bias.

Any time the agency cannot justify a hire, the agency takes a missed opportunity. Agency leadership will be asked to authorize the missed opportunity. The agency will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation for individuals with disabilities. This would allow the candidate equal opportunity to participate in the interview process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

All personnel involved in the selection process will be trained and accountable for the agency's commitment to equal opportunity and the affirmative action program and its implementation.

B. Pre-Review Procedure for Layoff Decisions

The Affirmative Action Officer, in conjunction with the agency's human resources office, shall be responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

If it is determined that there is an adverse impact on protected groups, the agency will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The agency will determine if other alternatives are available to minimize the impact on protected groups.

C. Other Methods of Program Evaluation

The agency submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (within 30 days of final disposition).

The agency also evaluates the Affirmative Action Plan in the following ways:

- Monitors progress toward stated goals by job category monthly through creation of the EEO Job Group Report
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
- Reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested; and
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement.

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure the agency's recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and to assist in meeting the affirmative action goals to achieve a diverse workforce.

During FY14, the Department filled 65 vacancies of which 20 were emergency Security Guard appointments for the Office of Combative Sports. Reductions in the federal budget by the US Congress impacted both MNOSHA Compliance and Workplace Safety Consultation (WSC) programs which were unable to fill any vacancies. Due to the decrease in vacancy filling, the Department did not utilize a large variety of recruitment strategies. Recruitment costs incurred during the 2012-2014 plan year total: $295

Listed below are the recruitment methods or strategies utilized by the agency during the past year and plans for the upcoming plan years 2014-2016.

A. Advertising Sources

U of M job board (GoldPass)
University of St. Thomas Law School

Humphrey School of Management
League of MN Cities
Monster.com
MN Fire Chief Magazine
Society for Human Resource Management
Twin Cities Human Resource Association
Department list- servs which target program specific licensees
Workforce Community email list

The agency will continue to use college and university job boards in addition to Department listservs as they target the appropriate industry and are cost effective.

The agency will include the MN Workforce Centers and Veterans Employment Representatives when hiring statistics increase.

B. Job and Community Fairs

The agency did not attend any job and community fairs during FY14.

C. College and University Recruitment Events

The agency used job boards at the U of M, St. Thomas and the Humphrey School of Management; however, no college recruitment events were attended.

D. Recruitment for Individuals with Disabilities

1) Review of job postings for physical and sensory requirements and ensure that qualifications in job postings are inclusive and do not pose any unnecessary barriers.
    a. The agency will review all job postings for physical and sensory requirements and determine if the qualifications for the position are job-related and consistent with business necessity. Additionally, the agency will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.

2) Self-Identification
    a. At the time of application and once a year, the agency will communicate to our employees that we collect summary data related to the number of individuals who have applied for positions and who are in our workforce. We will inform employees that we collect this summary data to make determinations about where we need to improve in terms of recruitment, selection, or retention of individuals with disabilities.

3) Strategic Partnerships
    a. The agency will build strategic partnerships with The Department of Economic Development (DEED) - Vocational Rehabilitation Services ("VRS"), DEED - State Services for the Blind ("SSB"), and other state agency partners to conduct job evaluations and to assist in recruitment or referral of candidates to open positions. Our agency will work to inform VRS or SSB when a position is posted or prior to a posting, if possible.

4) Reporting

a. The agency will conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of individuals with disabilities hired.

E. Relationship Building and Outreach

The agency's community service representative administers a comprehensive and coordinated communications and outreach program to minorities and cultural communities and business and professional organizations. Approximately 90 outreach events are attended annually including community events, job or resource fairs and meeting and presentations. During these events, information about the programs, services and careers available at the agency are shared.

F. Internships

The agency uses interns in the Vocational Rehabilitation Unit, Legal Services and Research and Statistics.

Interns for the Vocational Rehabilitation Unit are recruited based on relationships previously built at various college universities. The agency is contacted by various college and universities based on past relationship building and outreach.

Interns for the Legal Services Unit are recruited through postings at metro area colleges and universities such as the U of M and St. Thomas law school.

Interns for the Research and Statistics Unit are recruited through the U of M or Federal grant programs.

G. Supported Employment (M.S. 43A.191, Subd. 2(d))

The agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

H. Additional Recruitment Activities

The agency has not used additional recruitment activities.

XIII. RETENTION PLAN

The agency is not only committed to the recruitment of women, minorities, individuals with disabilities, and veterans, but also to the retention of these protected groups.

A. Individual(s) Responsible for the Agency's Retention Program/Activities

The agency strives to affirmatively ensure equal employment opportunity by retaining a diverse, talented and qualified workforce. The responsibility for these retention efforts lies with the

managers and supervisors in consultation with HR staff. Gail Krieg, HR Director, is responsible for overseeing retention efforts.

B. Separation Analysis by Protected Groups

Separation analysis for DLI employees for FY13 and FY14 were determined by incorporating all dismissal or non-certifications, resignations, retirements, death and layoff actions.

The agency had 25 separations for FY '13. Of these, 10 (40%) were resignations; 11 (44%) were retirements and 1 (4%) was a layoff.

Fiscal Year '13 Separation Analysis

GROUP	NUMBER SEPARATED	% OF TOTAL SEPARATED EMPLOYEES	SEPARATED % OF TOTAL WORKFORCE (445 AS OF JULY 6, 2013)
White	21	84%	4.7%
Ethnic/Racial Minority	4	16%	.90%
Persons w/Disabilities	4	16%	.90%
Women	17	68%	3.8%

The agency had 24 separations for FY '14. Of these, 12 (50%) were resignations; 10 (41.7%) were retirements; and 1 (4.2%) was layoff.

Fiscal Year '14 Separation Analysis

GROUP	NUMBER SEPARATED	% OF TOTAL SEPARATED EMPLOYEES	SEPARATED % OF TOTAL WORKFORCE (437 AS OF JULY 1, 2014)
White	21	87.5%	4.8%
Ethnic/Racial Minority	3	12.5%	.69%
Persons w/Disabilities	0	0%	0%
Women	14	58%	3.2%

Separation analysis for DLI employees in previous affirmative action plans was determined by incorporating all resignations, non-certifications, dismissals and lay-offs. Retirements and deaths were not included.

The separation analysis for DLI employees for the 2014-2016 affirmative action plan was determined by incorporating all separation reasons.

Total separation numbers indicate there was a decrease in separations and no significant increase or decrease in our total workforce. DLI experiences the majority of turnover in its' largest EEO Job Group – Professionals, and expect to experience turnover in this group in the coming years based on the analysis of the conditions in the agency.

The number of resignations in FY13 in the Office/Clerical EEO Job Group indicates a higher percent of minority resignations than the availability in the workforce. The number of resignations in FY14 in the Professional EEO Job Group indicates a higher percent of minority resignations than the availability in the workforce.

The reasons for separation did not reveal problems related to race, gender or disability.

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.

C. Methods of Retention of Protected Groups

Through experience, we have found that the best way to retain valuable employees is to provide them with a variety of mechanisms to feel supported within the workplace. Our

primary focus will be: anticipate future needs for talent, cultivate our employees' knowledge, skills, and abilities in order to prepare them for advancement opportunities, and to continuously enhance all of our efforts so that employees view the Department as a preferred place to work.

The Department will create a Diversity and Inclusion work group to gather data from staff regarding retention of minorities in the workforce.

All employees will be encouraged to create an individual training and development plan based on their training needs assessment to address career development opportunities to prepare them for advancement opportunities within the Department, and referred to resources for assistance.

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

Managers and supervisors will set clear expectations for employees and provide feedback on performance.

Exit interviews are offered to all departing employees. The exit interview data is compiled and combined with separation reports. The information is shared with managers, so that appropriate resolution and improvements can be made.

The agency strongly believes in early detection and intervention of employee conflicts. The department will continue its current efforts to retain employees be resolving conflicts at the earliest possible occasion. The Human Resources Management team provides support and guidance to managers and supervisors to resolve conflicts.

APPENDIX

A. Complaint of Discrimination/Harassment Form

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 ☐ Familial Status

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.

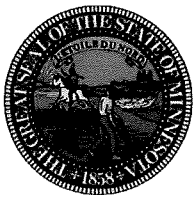
DEPARTMENT OF LABOR & INDUSTRY
AFFIRMATIVE ACTION PLAN 2014-2016

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	

B. Employee/Applicant Request for ADA Reasonable Accommodation Form



STATE OF MINNESOTA – DEPARTMENT OF LABOR & INDUSTRY

EMPLOYEE/APPLICANT REQUEST FOR ADA REASONABLE ACCOMMODATION FORM

The State of Minnesota is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name:	**Job Title:**
Work Location:	**Phone Number:**

Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

Questions to clarify accommodation requested.

3. What specific accommodation are you requesting?

4. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.

    a. If yes, please explain.

Questions to document the reason for the accommodation request *(please attach additional pages if necessary).*

5. What, if any job function are you having difficulty performing?

State of Minnesota – Department of Labor & Industry
Reasonable Accommodation Request Form, Page 2

6. What, if any employment benefit are you having difficulty accessing?

7. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?

8. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

Information Pertaining to Medical Documentation

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature:	**Date:**

DEPARTMENT OF LABOR & INDUSTRY
AFFIRMATIVE ACTION PLAN 2014-2016

DLI's mission is to ensure equitable, healthy and safe work and living environments in Minnesota. DLI works to carry out its mission through enforcement, outreach and education. The agency works to ensure:

- workers injured on the job are provided treatment and benefits required by law;
- workplaces are free from injury and illness;
- buildings are safe for those who occupy them;
- apprenticeship training is available to workers in all communities and provides the opportunity to learn critical skills;
- those who construct and inspect buildings are qualified to do so;
- workers are paid the appropriate wages for all hours worked; and
- employees and employers understand their rights and responsibilities in the workplace.

See attached organization chart

C. Underutilization Analysis Worksheets

See attached

D. Separation Analysis by Protected Groups Worksheets

See attached