
STATE OF MINNESOTA

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED)

Affirmative Action Plan

August 2016 – August 2018

1st National Bank Building, Suite E200
332 Minnesota Street
St. Paul, MN 55101

This document can be made available upon request in alternative formats by contacting the Office of Diversity and Equal Opportunity at DEED.ODEO@state.mn.us or by calling 651-259-7094.

DEED is an equal opportunity employer and program provider

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED)
AFFIRMATIVE ACTION PLAN – 2016-2018

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I. EXECUTIVE SUMMARY

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT
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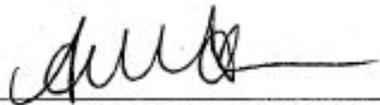
Review of DEED data revealed underutilization of the following protected group(s) in the following job categories:

Table 1. Underutilization Analysis of Protected Groups – Statewide

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators			
Professionals			
Office/Clerical			
Technicians		X	X
Service Maintenance	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 every employee is aware of DEED’s commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency’s website and maintained in the Office for Diversity & Equal Opportunity and Human Resources Office.

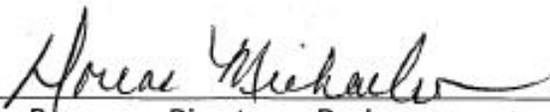
This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.



Affirmative Action Officer or Designee

1/13/17

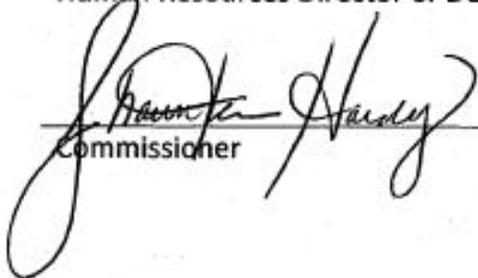
Date Signed



Human Resources Director or Designee

1/18/2017

Date Signed



Commissioner

1.13.17

Date Signed

II. STATEMENT OF COMMITMENT

This statement reaffirms DEED 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

1.13.17
Date Signed

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

Commissioner

Shawntera Hardy, Commissioner

Responsibilities:

The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations. The Commissioner oversees and ensures implementation and compliance of the Affirmative Action Plan.

Duties:

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

- Appoint the Affirmative Action Officer and include accountability for the administration of the agency’s Affirmative Action Plan in his or her position description;
- Provide sufficient support to the Office of Diversity and Equal Opportunity to ensure DEED compliance with state and federal equal opportunity and nondiscrimination laws and regulations;
- 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 directors, managers, and supervisors to include responsibility statements for supporting affirmative action, equal opportunity and nondiscrimination principles, diversity, and/or cultural responsiveness in their position descriptions, annual objectives and hiring initiatives.

Accountability:

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

Affirmative Action Officer

Ann Feaman, Office of Diversity and Equal Opportunity Program Director

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Responsibilities:

The Affirmative Action Officer 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 and diversity initiatives.

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 establishment of agency-wide goals;
- Monitor compliance and fulfill all affirmative action reporting requirements;
- Oversee and monitor DEED's Pre-Hire review process;
- Inform the agency's Commissioner of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan quarterly and provide updates as appropriate;
- Provide an agency-wide perspective on issues relating to affirmative action, equal opportunity and diversity 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 activities, programs, 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;
- Investigate alleged discrimination complaints and submit a written summary of the issues, findings, conclusions and recommendations to staff that may include the Commissioner, Human Resources Director and program directors or managers;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement;
- Develop and conduct training for DEED and partner staff on equal opportunity and non-discrimination topics;

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- Advise DEED management of the requirement to provide contract assurances of equal opportunity and non-discrimination to vendors, grantees, partners, and contractors;
- Oversee system-wide implementation of the equal opportunity and non-discrimination sections of the Workforce Investment Act (WIA) and, Workforce Innovation and Opportunity Act (WIOA); and,
- Serve as the agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity, the U.S. Department of Labor's Civil Rights Center and other enforcement agencies.

Accountability:

The Affirmative Action Officer is accountable to the Commissioner and the Deputy Commissioner on matters pertaining to affirmative action and equal opportunity.

Americans with Disabilities Act Coordinator

Karen Lilledahl, Office of Diversity and Equal Opportunity

Responsibilities:

The Americans with Disabilities Act Coordinator is responsible for the oversight of the agency's compliance with the Americans with Disabilities Act Title I: Employment, 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 to both employees and program participants;
- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants;
- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the agency's services;
- Prepare and submit to Minnesota Management and Budget, the annual ADA Report identifying accommodations provided to DEED employees and program participants; and,

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- Prepare and submit to the Department of Administration, every six months, requests for reimbursement through the Minnesota Accommodation Reimbursement Fund.

Accountability:

The Americans with Disabilities Act Coordinator reports to the Director of the Office of Diversity and Equal Opportunity.

Human Resources Director

Dorcas Michaelson, Human Resources 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 within 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 the pre-hire review process is implemented and receives support from directors, 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; and,

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- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator 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 Commissioner.

Directors, Managers, and Supervisors

Responsibilities:

Directors, Managers, and Supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and 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 directors, 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 their 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;
- Provide a positive and inclusive work environment; and
- Refer complaints of discrimination and harassment to the appropriate parties.

Accountability:

Directors, managers, and supervisors are accountable directly to their designated supervisor, program director and indirectly to the agency's Commissioner.

All Employees

Responsibilities:

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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, genetic information, 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:

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 Director of the Office of Diversity and Equal Opportunity, to all staff on an annual basis.
- A copy of the Affirmative Action Plan is available at the DEED Commissioner's office, the Office of Diversity and Equal Opportunity (ODEO), the Human Resources Director's office and the DEED library.
- The agency's Affirmative Action Plan is available to all employees on [DEED's internal website](#) or in print copy to anyone who requests it. When requested, the agency will make the plan available in alternative formats.
- ODEO conducts a session during the required New Employee Orientation (NEO) informing new employees of DEED's commitment to Affirmative Action and Equal Employment Opportunity. The NEO includes information about the process to follow for requesting and/or providing a reasonable accommodation for a person with a disability and the process for discussing and/or filing a complaint of discrimination.
- All Affirmative Action and Equal Employment Opportunity policies, procedures and practices are included in DEED's Policy and Procedures Manual. The Policy and Procedures Manual is updated routinely and is available on the [DEED IntraWeb](#).
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees in all Minnesota WorkForce Centers and DEED locations. ODEO oversees the statement and notice requirements at all DEED locations and provides updates as laws are revised or implemented.

External Methods of Communication

- The agency's Affirmative Action Plan is available on [DEED's external website](#) 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, include the statement "an equal opportunity employer."

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- 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, The Workforce Investment Act Notice to the Public, and the Americans with Disabilities Act Notice to the Public.
- DEED requires that all client forms, brochures, handouts, and advertising have the wording “Equal Opportunity Employer and Service Provider” statement.
- Information about the Affirmative Action and Equal Opportunity policies and contract assurance requirements are provided to all individuals and organizations receiving grants or funding from DEED. The contract assurance requirements contain inclusive language identifying all state and federal civil rights legislation. All contracts are reviewed to ensure inclusion of equal opportunity language. The language is located in the [Local Unified Plan that can be accessed at DEED’s external website](#) and select “Methods of Administration 2014.”

V. NONDISCRIMINATION POLICY

DEED

Non-Discrimination Policy

PPM417

Contact: [Kimberly Malone](#), 651.259.7684; 651.297.5343 (fax)

INTRODUCTION

This chapter provides policy and procedures for dealing with discrimination, discriminatory harassment, other inappropriate behaviors, and retaliation at the Minnesota Department of Employment and Economic Development (DEED). The purpose of this policy is to ensure respectful work environments and services free of this prohibited conduct.

The policy covers any person, whether a paid DEED employee, applicant for employment, intern, consultant, customer of DEED services, or contractor under management of DEED. Additional information may be requested from the DEED Office of Diversity and Equal Opportunity (ODEO).

In addition to this non-discrimination policy, DEED has a public [policy](#) for handling discrimination complaints brought by any recipient of WIA/WIOA Title I funds. Section 188 of the WIA/WIOA prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship as a lawfully admitted immigrant authorized to work in the United States, or participation in any WIA/WIOA Title I financially assisted program or activity (29 CFR 37.1).

OBJECTIVE

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding harassment and discrimination, including the compliant process; and
- To provide a timely and thorough review process for complaints.

POLICY

DEED prohibits inappropriate behaviors, discrimination, and harassment based on any of the following protected bases: race, color, national origin, creed, religion, age, disability, sex (including sexual harassment), gender (including gender identity and gender expression), sexual orientation, genetic information, familial status, marital status, status with regard to public assistance, or membership/activity in a local human rights commission. This policy applies to both overt acts and those acts that create an intimidating, offensive, or hostile work environment. These prohibitions

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extend to any location, activity, or event associated with DEED or its employees in their capacity as state representatives.

DEED also prohibits retaliation against a person who files a complaint, participates in an investigation, or otherwise opposes alleged or actual discrimination, harassment, or other inappropriate behaviors.

DEFINITIONS

Discrimination

Conduct that segregates, treats differently, or impacts an employment or provision of service decision(s) on the basis of an individual's protected class characteristic i.e., race, color, national origin, creed, religion, age, disability, sex (including pregnancy and childbirth status; and sexual harassment), gender (including gender identity and gender expression), sexual orientation, genetic information, familial status, marital status, status with regard to public assistance, or membership in a local human rights commission.

Discriminatory Harassment

A repeated, blatant, or persistent pattern of verbal, psychological, social, or physical action which results in intimidation, ridicule, entrapment, degradation, coercion, or harm with the purpose or effect of unreasonably and substantially interfering with and/or jeopardizing an individual's employment. Behavior that unreasonably creates an intimidating, hostile, or offensive work environment among co-workers or between supervisors and subordinates and is based on a protected class characteristic. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, demeaning, or insulting remarks; repeated jokes about an employee or a characteristic unique to the employee; or sabotage of an employee's character, reputation, work efforts, or property.

NOTE: Any type harassment is a form of inappropriate behavior.

Inappropriate behaviors

Action or conduct that is not appropriate in the workplace. Examples of inappropriate behaviors include, but are not limited to, cartoons that poke fun at a particular religious group; unwelcome references, such as "babe" or "doll"; off-color or provocative remarks; belittling and undermining another person's work; criticizing or showing a lack of respect for judgments, skills, or opinions of a person; humiliating a person in front of colleagues (put-downs and name-calling); intimidating use of discipline; destructive innuendos and sarcasm, including rumors and gossip; misuse of private information; verbal and non-verbal threats; overly forceful language, including jokes, sarcasm, and crude language; shouting; and invasion of personal space (e.g., entering someone's office without knocking, physically standing over another person, rifling through personal files and drawers, reading information on someone's desk without permission, blocking someone's exit, and banging on a desk).

NOTE: Not all issues or complaints will rise to the level of illegal discrimination or harassment. Some behaviors are simple inappropriate for the workplace and will be treated as such.

Other Definitions

Age

The number of years that have passed since one's birth. State and federal laws protect individuals against various forms of age discrimination.

Color

The general appearance of one's skin or skin pigmentation.

Creed

A system of belief, principles, or opinions; includes religious and spiritual observances, practices, and sincerely held beliefs.

Disability

A person with a disability is someone who 1) has a physical, sensory, or mental impairment that materially/substantially limits one or more major life activity; 2) has a record of such an impairment; or 3) is regarded as having such an impairment.

Familial Status

The condition of one or more minors being domiciled (living) with (1) their parent(s) or the minor's legal guardian or (2) the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. The protections afforded against discrimination on the basis of family status apply to any person who is pregnant or is in the process of adopting or securing legal custody of an individual who has not attained the age of majority.

Gender (including Gender Identity and Gender Expression)

Gender is a social construct that includes both gender identity and gender expression. Gender is not a result of physical or biological differences (see *Sex*). Gender is not binary. The most common genders include female, male and transgender (See *Transgender*). This is **not** an exhaustive list. Gender is distinct from sexual orientation (see *Sexual Orientation*). Transgender individuals can be lesbian, gay, bisexual, straight, etc.

Gender identity refers to one's internal, deeply-felt sense of being female, male, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity that they define for themselves and that they can change. One's gender identity can be the same or different from their sex assigned at birth.

Gender expression/presentation refers to the external appearance and physical manifestation of one's gender identity expressed personal choice of clothing, hairstyle, voice, behavior, body shape, etc. These personal choices also extend to preferred pronouns she/her(s); he/his/his; they/their(s) etc.

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NOTE: Gender and preferred pronouns should not be assumed based on someone's appearance. It is a best practice to respectfully ask an individual which pronouns they prefer.

General Harassment (violates Respectful Workplace Policy)

Any unwelcome verbal, written, or physical conduct (not based on protected class status) that has a negative impact on an individual or the work environment. Examples of harassment include, but are not limited to, unwelcome remarks, jokes or innuendos; bullying; verbal abuse, intimidation, or threats; hazing; offensive pictures, graffiti, cartoons, or sayings; and offensive e-mail messages.

DEED is committed to providing a respectful and professional workplace free of disrespectful or unprofessional communications or behavior. Any disrespectful or unprofessional communications or behavior not involving a protected class status should refer to the Respectful Workplace Policy.

NOTE: Disrespectful and/or unprofessional behavior does not include any of the following:

- The normal exercise of supervisory or managerial responsibilities, including, but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
- Disagreements, misunderstandings, miscommunication or conflict situations where the behavior remains professional and respectful.

Genetic Information

Includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history).

Local Human Rights Commission

An agency of a city, county, or group of counties created pursuant to law or a resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

Marital Status

Whether a person is single, married, remarried, divorced, separated, or a surviving spouse; and, in employment cases, includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

National Origin

The place of birth of an individual or any of the individual's lineal ancestors.

Race

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A social construct that considers a human population distinct based on their common history, nationality, or geographic distribution. Can also be based on descent (racial classification of parents) and/or one or more physical characteristics.

Retaliation

Occurs when adverse actions are imposed against individuals who have reported allegations of discrimination or harassment or have participated in an investigation. An adverse action is a tangible employment action that causes a significant change in employment status, such as demotion, termination, failure to promote, or reassignment with significantly negative changes in responsibilities. Mere inconveniences or business-driven alterations of job responsibilities are not necessarily adverse actions.

NOTE: The same laws that prohibit discrimination and harassment based on protected class status also prohibits retaliation against individuals who oppose unlawful discrimination or participate in a discrimination proceeding.

Religion

A commitment or devotion to a religious faith or observance. Religion includes all aspects of religious observance, practice, and belief. An employer is obligated to reasonably accommodate the religious observances or practices of employees and applicants, unless doing so would cause an undue hardship on the nature of its business.

Sex

Sex, or sex assigned at birth, is the assignment and classification of people as female, male, intersex, or another sex category. Sex is assigned to each of us at birth based on a variety of physical and biological characteristics including chromosomes, hormones, anatomy, genitals, reproductive organs, and secondary sex characteristics. Sex discrimination also includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

Sexual Harassment

Unwelcome sexual attention that substantially interferes with an individual's work environment or his or her ability to perform job functions or to fully access and receive services. It may involve sexual advances, request for sexual favors, sexually motivated physical contact, intimidation, threats, coercion, or other verbal, non-verbal, or physical conduct or communication that is both unwelcome and of a sexual nature.

Examples of sexual harassment may include:

- Any behavior of a sexual nature that the recipient or bystander finds unwelcome.
- Unwanted sexual comments, looks, innuendos, or suggestions about one's body or sexual activity.
- Unwanted, unnecessary touching, brushing against one's body, patting, or pinching.

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- Demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.
- Displaying pictures, objects, or publications of a sexual nature in work areas.
- Use of language implying inferiority based on sex.
- Electronic display or transmission of sexually explicit, obscene, or demeaning material.
- The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.

Sexual Orientation

The attractions and relationships between your sex/gender and others' sexes/genders. Components of sexual orientation include sexual desire, behavior, and identity. Orientations may include lesbian, gay, bisexual, queer, pansexual, fluid, or heterosexual (straight) – this is not an exhaustive list.

Status with Regard to Public Assistance

The condition of being a recipient of federal, state, or local assistance--including medical assistance--or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

Transgender

Transgender is an umbrella term for people whose gender identity or gender expression differs from the sex they were assigned at birth and/or whose gender is not validated by the dominant culture. A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male or FTM). A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female or MTF). Some people described by this definition don't consider themselves transgender. They may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for gender nondiscrimination policies to apply to them.

Most transgender people seek to make their gender expression (how they look) match their gender identity (who they are), rather than their sex assigned at birth – this process is known as transition. Transitioning may include coming out, changing one's name/sex on legal documents, and for many transgender people, accessing medical treatment such as hormone therapy and surgery.

Cisgender (or cis) is used to refer to the alignment of gender identity with sex assigned at birth. The term was created for referring to non-transgender people without alienating transgender people. Most people are cisgender. If one's sex assigned at birth was female and the person identifies as female, then she is cisgender.

GENERAL CONDITIONS

Application of this policy is the responsibility of each DEED manager, supervisor, and employee. Any supervisor or manager who witnesses or receives a written or oral complaint of alleged discrimination, harassment, other inappropriate behaviors, or acts of retaliation that occur in DEED employment or

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provision of services shall promptly report it to the Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.

Employees may be asked to participate in an investigation. Participation in an investigation is voluntary. However, anyone who participates is expected to provide truthful, accurate information. If someone chooses not to participate, the office of Diversity and Equal Opportunity will still make investigative findings.

Violation of this policy may constitute grounds for disciplinary action, up to and including discharge. Each situation will be evaluated on individual circumstances and severity.

ODEO offers training on preventing and responding to all forms of discrimination, including sexual harassment, in the workplace. All DEED employees must attend this training once **every five years**.

COMPLAINTS

For the purposes of this policy, a complaint is a dispute or disagreement based on the belief of the complainant that they have been discriminated against, harassed, or otherwise treated inappropriately. The alleged action must be attributed to discrimination or discriminatory harassment based on a person's race, color, national origin, creed, religion, age, disability, sex (including sexual harassment), gender (including gender identity and gender expression), sexual orientation, genetic information, familial status, marital status, status with regard to public assistance, or membership/activity in a local human rights commission. A complaint may also be brought by anyone who believes they are the victim of a retaliatory action by a DEED employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

The following complaint procedure may be used by any employee, intern, contractor, applicant for employment, person eligible for consideration for employment, volunteer, member of a community board, or DEED customer.

Employees and customers are encouraged to use the ODEO complaint form found at the end of this policy but complaints will be accepted in additional formats.

Complaints must be filed within 365 days of the last occurrence.

Confidentiality

During the course of an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law or a business necessity. Information gathered during the course of an investigation will only be shared with those who have a business need to know in order to reach a resolution. The investigative file remains at ODEO. The file is confidential and kept separate from an employee's personnel file. The investigative file can only be accessed as permitted by the Minnesota Data Practices Act.

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General Provisions

- Coercion, reprisal, or intimidation against those filing a complaint (the “complainant”) or serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional charge of discrimination.
- ODEO has the discretion to accept a complaint after termination of employment.
- The complainant, through an equal opportunity officer, will be advised of his/her/their right to file a charge of discrimination with outside administrative agencies.
- Regardless of the outcome of an investigation, DEED will take no adverse or retaliatory action against a complainant because she/he/they filed a complaint or reported conduct she/he/they considered to be a violation of DEED’s policy against discrimination and discriminatory harassment.

Who Does this Apply To?

All complainants, including employees, applicants for employment, interns, consultants, customers of DEED’s services, or contractors under management of DEED may, at any time, report a complaint to any of the following:

- The Office of Diversity and Equal Opportunity
 - DEED.ODEO@state.mn.us
 - [Kimberly Malone](#), Investigator/Equal Opportunity Consultant 651.259.7684
 - [Ann Feaman](#), ODEO Director 651.259.7097
 - [Karen Lilledahl](#), Equal Opportunity Officer/ADA Coordinator 651.259.7089
- Any supervisor, manager, or director
- Any HR personnel
- The Commissioner, any Deputy Commissioner, or Assistant Commissioner

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

COMPLAINT PROCESS

These are the steps for filing and processing a complaint:

Who	Step	What
Complainant	1	<p>Initiate a complaint in person, over the phone, or in writing by contacting:</p> <ul style="list-style-type: none"> • The Office of Diversity and Equal Opportunity <ul style="list-style-type: none"> ○ DEED.ODEO@state.mn.us ○ Kimberly Malone, Investigator/Equal Opportunity Consultant, 651.259.7684 ○ Ann Feaman, ODEO Director, 651.259.7097 ○ Karen Lilledahl, Equal Opportunity Officer/ADA Coordinator, 651.259.7089 • Any supervisor, manager, or director • Any HR personnel • The Commissioner, any Deputy Commissioner, or Assistant Commissioner <p>We encourage complainants who wish to submit a complaint in writing to submit the ODEO Complaint Form to the Office of Diversity and Equal Opportunity. The ODEO Complaint Form can be found at the end of this policy.</p> <p>Complainants may be asked to submit additional materials as requested.</p> <p>Note: Complaints must be brought within one year (365 days) after the last occurrence of the alleged discriminatory act.</p>
ODEO	2	<p>ODEO will determine, within 10 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination or discriminatory harassment against the individual's protected class characteristic and if the complaint is timely and proper for resolution through this complaint procedure.</p> <ul style="list-style-type: none"> • If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3. • If it is determined that the complaint is not related to discrimination or discriminatory harassment based on a protected class, but rather, general

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Who	Step	What
		<p>harassment in violation of the Respectful Workplace policy, ODEO will refer it to the complainant's supervisor, the Human Resources Office, the site manager, or the proper administrative agency for investigation.</p> <ul style="list-style-type: none"> • If the complainant is suffering irreparable harm in the absence of immediate action, the ODEO director, the Human Resources director, a division director, or the commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.
ODEO	3	<p>ODEO will determine if the complaint is appropriate for mediation. If so, ODEO will offer both parties the opportunity to mediate. Mediation is a voluntary alternative dispute resolution process and both parties must agree to mediate the complaint. If mediation fails, ODEO will conduct an impartial investigation.</p> <p>If ODEO determines that mediation is not appropriate, ODEO will conduct an impartial investigation which may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.</p> <p>ODEO will make every effort to complete an investigation and provide a written notice of completion within 60 days of determining jurisdiction, or within timelines established by collective bargaining agreements.</p> <p>ODEO will notify the complainant if circumstances prevent completion of the investigation within established timelines.</p>
ODEO	4	<p>Upon completion of the investigation, ODEO will prepare a written investigation report determining whether the complaint was substantiated. ODEO will present the written report to the Human Resources director, to the division director, and any other management staff as appropriate.</p> <p>ODEO will provide written notification to the complainant and to the respondent stating the investigation is finished. To the extent possible under the Minnesota Data Practices Act, ODEO will provide information about any action that has been taken. ODEO will also send the disposition of the complaint to Minnesota Management & Budget (MMB) within 30 days after the final determination is made.</p>

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Human Resources and Appropriate Management Staff 5 Human resources and the appropriate management staff will review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the allegations in the complaint.

NOTE: Human resources and appropriate management, not ODEO, is responsible for corrective and disciplinary action, follow-up inquires, and any training that is necessary.

VII. REASONABLE ACCOMMODATION POLICY

DEED

REASONABLE ACCOMMODATION

PPM404

Contact: Karen Lilledahl, 651-259-7089, Karen.lilledahl@state.mn.us

INTRODUCTION

DEED has adopted the statewide Reasonable Accommodation policy. The policy can be found at <https://mn.gov/mmb/employee-relations/equal-opportunity/ada/>

OBJECTIVE

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

POLICY

The Minnesota Department of Employment and Economic Development (DEED) must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. DEED must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. DEED will provide reasonable accommodation when:

A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;

A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and

A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g. trainings, office sponsored events).

DEFINITIONS

Applicant

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A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disability Act (ADA) Coordinator

DEED is required to appoint an ADA coordinator or designee to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat

A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat is based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions

Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process

A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability

An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record of history of such impairment; or
- Is regarded as having such impairment

Qualified Individual with a Disability

An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

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Major Life Activity

Major life activities may include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation

Information from the requestor's treating provider, which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider.

Reasonable Accommodation

An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment.

Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or
- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.

Modifications or adjustments may include, but are not limited to:

- Providing material in alternative formats like large print or Braille;
- Providing assistive technology, including information technology and communications; equipment, or specially designed furniture;
- Modifying work schedules or supervisory methods;
- Granting breaks or providing leave;
- Altering how or when job duties are performed;
- Removing and/or substituting a marginal function;
- Moving to a different office space;
- Providing telework;
- Making changes to workplace policies;
- Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;

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- Removing an architectural barrier, including reconfiguring work spaces;
- Providing accessible parking; or
- Providing a reassignment to a vacant position.

The following examples are NOT accommodations:

- Eliminating essential job functions;
- Creating a new job;
- Lowering production standards; or
- Supplying personal-use items such as glasses or hearing aids,

Reassignment

Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show undue hardship.

Support Person

Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Treating Provider

A person who is licensed to practice in a field of health care that includes the diagnoses and assessment of the particular disability or disabilities in question. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

Undue Hardship

A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. DEED is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

REQUESTING A REASONABLE ACCOMMODATION

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or

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- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability when the applicant or employee is unable to make the request for reasonable accommodation. When possible, DEED must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

DEED must abide by the Minnesota Government Data Practices Act, Chapter 13, in obtaining or sharing information related to accommodation requests.

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator/Designee;
- Agency Human Resources Office; or
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the Request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the Request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g. writing, electronically, in person or orally). Oral request must be documented in writing to ensure efficient processing of requests.

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

DEED request forms can be found at the end of this policy by clicking on: "Employee/Applicant Request for Reasonable Accommodation Form".

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When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or manager should consult with the ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), DEED must make appropriate arrangements without requiring a request in advance of each occasion.

THE INTERACTIVE PROCESS

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process, see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or
- They are questions about the reasonableness of the request accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the ADA Coordinator, a union representative, or support person be present.

The ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

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PROCESSING THE REQUEST

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The ADA Coordinator will work with the supervisor and manager, and where necessary, with Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

DEED has the authority to designate the level of management approval needed for reasonable accommodation and adaptive items costing less than \$250.

Supervisors and Managers have the authorization to make accommodations for individuals with disabilities if they would do so for other employees. Examples include an employee asking for a change of hours or an employee asking for a different mouse or a new chair.

The ADA Coordinator should be advised when there are accommodations made to the condition of employment such as modified duties, changes in schedule, or moving the location of the employee's workplace.

Analysis for Processing Requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;

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4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining Medical Documentation in Connection with a Request for Reasonable Accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability for that requested accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position with or without reasonable accommodation; or
- A question exists to whether the employee will pose a direct threat to himself/herself or others.

Only medical documents specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. DEED must not request medical records; medical records are not appropriate documentation and cannot be accepted. Supervisor and managers must not request medical information or documentation from an applicant or employee seeking an accommodation. Such a request will be made by the agency ADA Coordinator, if appropriate.

CONFIDENTIALITY REQUIREMENTS

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the ADA Coordinator.

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The ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

ACCOMMODATION INFORMATION

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of Requests for Reasonable Accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the ADA Coordinator.

Funding for Reasonable Accommodations

Funding must be approved by this agency for accommodations that do not cause an undue hardship. Hiring units or their divisions are expected to assume the cost of accommodations.

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Procedures for Reassignment as a Reasonable Accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

DEED's ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of Requests for Reasonable Accommodation

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.
- The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of Undue Hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

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Determining Direct Threat

The determination that an individual poses a “direct threat,” (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals Process in the Event of Denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information Tracking and Records Retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule. Retain for employee's tenure or 2 years from the making of the record, whichever occurs later.

FORMS

- Employee/Applicant Request for ADA Reasonable Accommodation
- Authorization of Release of Medical Information for ADA Reasonable Accommodations
- Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider

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CONTACT

Department of Employment & Economic Development
1st National Bank Building
332 Minnesota Street, Suite E200
St. Paul, Minnesota 55101-1351
TTY 651.296.3900; Fax 651.297.5343
Email: DEED.ODEO@state.mn.us

This information is available in alternate formats by calling 651.259.7094.

Issue Date: 7/16

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

Employees are strongly urged to review the emergency evacuation procedures at their location to become oriented with the emergency exiting plan. Any employees requiring special assistance in the event of an evacuation from their building should contact Brenda Tuma, Safety Coordinator, in the Human Resources Office at 651-259-7104 or Karen Lilledahl, ADA Coordinator, in the Office of Diversity and Equal Opportunity at 651-259-7089.

From [DEED Policy 208 – Emergencies](#)

Supervisors

- Know and follow all emergency procedures. Ensure that all employees are familiar with where to access the [Emergencies Webpage](#) and follow emergency procedures. Inform new employees of emergency procedures. Ensure each employee has emergency desk reference materials posted in their office/cubicle.
- Develop evacuation plans with staff that have disabilities and need/want assistance. The Office of Diversity and Equal Opportunity and the DEED safety officer will provide assistance in developing plans according to individual needs and preferences of available options. Some options include the use of a buddy system and/or reporting to a designated "area of rescue" to wait for fire department or other emergency personnel. The only information an individual must provide is the type of assistance needed; it is not necessary to indicate the nature of the disability.
- Notify DEED's safety officer of any employee requiring special assistance in emergency situations. With the safety officer's assistance, ensure that required emergency procedures are implemented for these situations.
- Ensure that all employees are notified of a decision to dismiss after a building evacuation.
- Keep an up-to-date file of personal emergency contact information on employees (but maintain data confidentiality). Include relative or friend's name and phone number. Have the file readily available in the work area; it could save valuable time during a medical emergency.
- Follow-up on reports of hazardous conditions.

Supervisors are to review the evacuation procedures with staff in order that they understand the evacuation plan and procedures. Supervisors are also required to inform staff how to request additional assistance or an accommodation if needed. Brenda Tuma, DEED's Safety and Health Coordinator, is currently the agency's contact person if an employee needs additional assistance. Ms. Tuma works one-on-one with the staff member.

First National Bank Building

Individuals with Mobility Disabilities:

Area of Rescue Assistance: In the First National Bank Building, rescue areas have been established so that individuals with mobility disabilities can safely exit the building with assistance from fire personnel. Each rescue area is equipped with a dedicated emergency radio. Specific emergency

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instructions for all other DEED offices can be found in each of those offices, posted in a conspicuous place.

Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with 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 at the area of rescue assistance until emergency responders arrive to assist them.

Individuals with Hearing Disabilities: The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. Additionally, safety monitors are assigned on each floor to sweep their area to ensure no one is left behind.

Individuals with Visual Disabilities: The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash 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 likely be familiar with their immediate surroundings and frequently traveled routes, but since the emergency evacuation route may be different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The safety monitors assigned to each floor will ensure that individuals with visual disabilities are offered assistance, appoint an employee to guide the individual with a visual disability through the evacuation route.

Individuals in need of assistance to evacuate:

If an individual with a disability is interested in setting up an evacuation plan, they may contact: Brenda Tuma, Safety Coordinator, at 651-259-7104 or Brenda.Tuma@state.mn.us; or Karen Lilledahl, ADA Coordinator, at 651-259-7089 or Karen.Lilledahl@state.mn.us

IX. GOALS AND TIMETABLES

The analysis criteria used in DEED’s Affirmative Action Plan is adopted from the federal regulations using the two-factor analysis method:

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

Placement goals are based on the results of the two-factor analysis. A comparison is made between the current numbers of the incumbent women, minorities and employees with disabilities and their estimated availability within the reasonable recruitment area. Any difference between the two creates an underutilization in the protected group category. DEED then sets a goal to address the underutilization.

Through the utilization analysis, the agency has determined the following job categories that 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 4 and Table 5)

Table 4. Underutilization Analysis – Number of Individual Underutilizations

Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators			
Professionals			
Office/Clerical			
Technicians		1	1
Service Maintenance	1		

Table 5. Hiring Goals for 2016-2018

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Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators			
Professionals			
Office/Clerical			
Technicians		1*	1
Service Maintenance	1		

Availability

DEED determined the recruitment area to be statewide for all job categories. The reason we used statewide availability is because approximately 40% of our staff are located outside of central office all across the State of Minnesota. In conducting its underutilization analysis, the agency used the two-factor analysis. DEED determined it was best to use this type of analysis because it looks at both the internal and external availability.

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 DEED, women were not underutilized in the following categories: Officials/Administrators, Professionals, Office/Clerical and Technicians; however, in service maintenance, the utilization of women did not improve. This is due to not having the opportunity to hire in this area.

Minorities

At DEED, minority representation has improved in the Officials and Administrators category. There are no underutilizations in Professionals, Office/Clerical and Service Maintenance. Technicians remain underutilized. Many of our technicians work with Vocational Rehabilitation Services and State Services for the Blind. We will closely monitor the Technicians postings to get a better understanding of why we are not hiring minorities in these categories and make efforts to attract and recruit minorities to these job fields.

*While we are only underutilized by one in the Technicians category, DEED is cognizant of the internal diversity goal of 20% minorities overall that the Governor has set under Executive Order 16-01. DEED will make every effort to continue to recruit a diverse applicant pool and monitor the hiring process.

Individuals with Disabilities

At DEED, we have no underutilization in any category for individuals with disabilities except for Technicians. Since the 2014-16 plan year, DEED has improved in the Technicians category and is only underutilized by one individual with a disability.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

This plan year, DEED embarked on a thorough review of our Affirmative Action and Equal Opportunity progress. The Office of Diversity & Equal Opportunity (ODEO) created a scorecard for the agency and each of its divisions and shared key information with the Senior Leadership Team. ODEO also met with each division director and their respective deputy commissioners to review the following:

- 1) Workforce Demographics compared with the applicable labor force availability for each EEO4 job category;
- 2) Separation data of women, minorities, and individuals with disabilities in each EEO4 job category; and
- 3) Age demographics across the division.

These meetings proved to be immensely helpful to identify challenges in each division in terms of recruiting and retention and also ways that ODEO can be supportive moving forward. ODEO recently added a position to assist in additional EO monitoring and to assist DEED in targeted recruiting as we determined that was a gap for our agency. DEED also recently added an Office of Economic Equity & Opportunity. This office plays a large role in supporting DEED not just in legal compliance, but in moving us towards equity in our department's outcomes.

DEED fully recognizes that legal compliance with affirmative action laws, while important, is not enough. For us to achieve our business needs, we need to have a diversity, inclusion and equity strategy in place that aligns with our overall mission to ensure that communities thrive. For us, this is about ingraining into our culture principles of equity, diversity, and inclusion. It's how we do business. To do that fully, we must understand how the DEED defines these principles.

DEED's Diversity and Inclusion Philosophy

To recruit, retain, and develop a diverse agency workforce that draws from all segments of society and values equity, diversity, and inclusion.

Minnesota has long been recognized as one of the best states to live, work, and raise a family and yet, Minnesota experiences some of the highest rates of disparities for individuals of color and for individuals with disabilities in the country. DEED recognizes that to truly be the best state in which to live, work and raise a family, we must eradicate these disparities. DEED plays a crucial role in eradicating these disparities through valuing and engaging our employees who in turn work to ensure our programs meet the needs of our diverse populations.

Definitions of "Diversity" and "Inclusion"

We define workforce **diversity** as a collection of individual attributes that together helps DEED pursue organizational objectives efficiently and effectively. These include, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, marital status, sexual orientation, gender identity, gender expression, socioeconomic status, veteran status, family structure, and work style. The concept also encompasses differences among people

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concerning where they are from and where they have lived and differences of thought and life experiences.

We define **inclusion** as a culture that connects each employee to the organization; encourages collaboration, flexibility, and fairness; and leverages diversity throughout the organization so that all individuals are able to participate and contribute to their full potential.

Diversity & Inclusion Goals

To fulfill the mission of DEED's diversity and inclusion program, DEED will pursue the following goals:

- 1) **A Diverse Workforce:** Build a diverse workforce that is reflective of all Minnesota communities.
- 2) **An Inclusive Workplace:** Cultivate a culture that encourages collaboration, flexibility, and fairness to enable all individuals to contribute to their full potential and further retention.
- 3) **Excellence in Public Service:** Facilitate outstanding, accessible, culturally responsive public services.
- 4) **Accountability and Sustainability:** Develop structures and strategies to equip leaders with the ability to manage diversity, be accountable, measure results, refine approaches on the basis of such data, and institutionalize a culture of diversity, inclusion, and equity.
- 5) **Economic Equity & Opportunity:** Ensure equitable access to resources and opportunities for employment and economic development so that all Minnesotans can have meaningful employment at family sustaining wage.

Objective 1: Workforce Diversity

DEED shall build a diverse workforce that is reflective of all Minnesota communities.

DEED is required to take appropriate actions to ensure that there is equal opportunity in the workplace by identifying and removing barriers to equal employment opportunity (EEO). Actions include comparing the demographics of our workforce to the demographics of community, removing internal barriers, conducting strategic outreach to communities, and utilizing special hiring authorities for members of groups with less than expected participation rates. Building a diverse, workforce will involve these strategies as well as new, proactive strategies aimed at attracting broader, emerging aspects of our diversity.

Measures:

- Demographics of the workforce as compared to the demographics of the labor force availability (Quarterly)
- Percentage of minorities and persons with disabilities as relates to total applicants, applicants meeting minimum qualifications, candidates interviewed, and candidates hired (Quarterly)

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- Percentage of affirmative hires, justified nonaffirmative hires and missed opportunities (Quarterly)

Priority 1.1: Identify and eliminate barriers to EEO by gender, race, disability, and veteran status in hiring, promotions, separations, and career development.

Actions:

- Review and enhance the Prehire Review process and train hiring managers and supervisors on the new process.
- Develop a guide and tools to ensure consistency in the way the Prehire Review process is implemented and carried out.
- Review job qualifications to ensure they are tied to essential functions of the job.
- Make every effort to ensure that interview pools are diverse prior to managers and supervisors holding interviews.
- Conduct training for staff and conduct periodic reviews of job postings for plain and inclusive language.
- Explore methods of conducting blind review of applications and/or interviews.

Priority 1.2: Develop a targeted recruiting strategy to build a talent pipeline and to attract qualified women, minorities, people with disabilities and veterans to DEED’s job opportunities.

Actions:

- Develop strategic partnerships with diverse community organizations, professional associations and/or schools, colleges and universities to assist in our recruitment efforts.
- Continue to promote and increase the use of summer internships opportunities such as Step-Up Achieve, Right Track, and Urban Scholars as budgets allow.
- Develop a recruiting training manual and brand ambassador guide and train employees in promoting DEED and our job opportunities consistent with state branding efforts.
- Actively participate in the Minnesota Community Advisors on Recruitment & Retention Solutions (“MnCARRS”) and promote job and engagement opportunities to MnCARRS.

Priority 1.3: Support DEED managers and supervisors in recruitment and selection efforts by providing best practices, resources, training, and other tools.

Actions:

- Incorporate responsibility statements into managers and supervisors position descriptions for affirmative action, equal opportunity and recruiting and retaining a diverse workforce.
- Provide managers and supervisors unconscious bias training.
- Provide access to relevant education and promote diversity awareness and cultural competency through the Diversity Spotlight Series, the monthly Diversity newsletter or other opportunities.

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Priority 1.4: Build a succession framework that leverages the skills and abilities of our employees nearing retirement, promotes knowledge transfer, and supports our diversity goal to include retaining and supporting individuals who wish to remain in the workforce past typical retirement age.

Actions:

- Research best practices of private and governmental employers on succession and retention of employees who wish to remain in the workforce beyond retirement.
- Build a succession plan that incorporates diversity goals and engagement of employees who wish to remain in the workforce past typical retirement age.
- Train managers on promoting knowledge transfer mechanisms and maintaining engagement of older workers.

Objective 2: An Inclusive Workplace

DEED shall cultivate a culture that encourages collaboration, flexibility, and fairness to enable all individuals to contribute to their full potential and further retention.

In order to reap the benefits of a diverse workforce, the work culture must enable diverse perspectives to be heard and empower all employees to participate and contribute. This requires proactive and intentional efforts on the part of leadership to provide flexibility with respect to who does the work and where, when, and how the work gets done. It requires robust collaboration through teamwork and participatory work processes, cultural competency and constructive conflict management. This is more than just retention; these strategies are meant to engage and develop our human resources – all employees – to the fullest potential so that they may advance DEED’s mission.

Measures:

- Separation Rates by demographics in each Division (Quarterly)
- Diversity Survey (Biennially, last conducted in 2015)
- Engagement Survey (Annually)
- Exit Surveys (Annually)
- Demographics of individuals promoted (Annually)
- Demographics of individuals attending professional development programs (Emerging Leaders, Senior Leader Institute, etc.) (Annually)

Priority 2.1: Cultivate a supportive, welcoming, inclusive, and fair work environment.

Actions:

- Restructure DEED’s Diversity Committee to encourage greater participation and collaboration amongst members and ensure the viewpoints of all business units and regions are represented and to strengthen the Committee’s role in creating a culture of inclusion.
 - The Diversity Committee was created in 2014 in response to the agency’s identified priority focus area of diversity and inclusion. The Diversity Committee is focused on

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creating and ensuring an inclusive work environment and provides support, feedback and recommendations to the agency’s Senior Leadership Team on various issues related to retention.

- Promote diversity awareness through DEED’s Diversity Committee newsletter and celebrations or events.
- Conduct focus groups in 2016-17 to address retention issues affecting our minority employees and our employees with disabilities.
- Drive accountability to maintain an inclusive culture with internal relationships.
- Strengthen internal relationships so that our external partners will observe our commitment to diversity and inclusion.
- Encourage the use of in person stay and exit surveys and obtain feedback via the Exit Survey tool and use data to continue to improve workplace culture.

Priority 2.2: Promote diversity and inclusion in training and professional development programs.

Actions:

- Provide resources and training on equity and diversity topics through the Diversity Spotlight Series training which is held once each month and resources are posted online.

Objective 3: Outstanding Public Service

Facilitate outstanding, accessible, culturally responsive public services.

The ultimate goal of having a diverse workforce and an inclusive work environment is to deliver better services to our internal and external customers.

Measures:

- Customer satisfaction surveys/customer interviews via Equal Opportunity Monitoring
- Demographics of customers served as compared with demographics of population of area served

Priority 3.1: Provide public services that are culturally responsive and accessible to allow equal access for all members of the public.

Actions:

- Ensure marketing and promotional materials for programs encapsulate Minnesota’s diverse communities.
- Ensure that all public offerings to include classes and presentations are held in an accessible location with captioning and notice to the public of availability of reasonable accommodations under Title II of the ADA.
 - ODEO will develop guidance on holding accessible meetings and events and distribute to divisions and American Job Centers and partners.

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- ODEO will continue to conduct EO monitoring through periodic desk audits and onsite reviews of workforce center locations and grantees.

Priority 3.2: Engage Minnesota’s diverse communities through promoting DEED’s services.

Actions:

- Target outreach to communities that commonly do not avail themselves of DEED’s services.
- Promote DEED’s opportunities and services through presence at community events or fairs.

Objective 4: Accountability and Sustainability

DEED shall develop structures and strategies to equip leaders with the ability to manage diversity, be accountable, measure results, refine approaches on the basis of such data, and institutionalize a culture of inclusion.

Measures:

- Repeat diversity survey or engagement survey and close the gap on the response rate of people of color or people with disabilities
- Quarterly Reports to Senior Leadership on DEED’s diversity data and opportunities for growth or improvement

Priority 4.1: Institutionalize a shared accountability for diversity, inclusion and equity within DEED through demonstrated leadership accountability, commitment, and involvement.

Actions:

- Incorporate responsibility statements for diversity, inclusion, and equity in to all managers and supervisors position descriptions and develop performance measures.
- Develop a quarterly reporting dashboard for senior leadership on the progress of DEED as a whole and its divisions in recruiting and retaining diverse employees -specifically women, minorities and individuals with disabilities.

Priority 4.2: Involve employees as participants and responsible agents of diversity and inclusion.

Actions:

- Encourage DEED employees to participate on the Diversity Committee or in the activities of the diversity committee.
- Encourage employees to participate in diversity training through the Diversity Spotlight Series or other opportunities offered through DEED or other entities.
- Ensure all DEED sponsored training conferences, such as the Job Counselor training, offer sessions on diversity, inclusion and equity.
- Hold employees accountable under the Statewide Respect in the Workplace Policy and DEED’s nondiscrimination policy as necessary.

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Objective 5: Economic Equity for Minnesotans of Color

DEED shall ensure equitable access to resources and opportunities for employment and economic development, so that all Minnesotans can have meaningful employment at a family sustaining wage.

Measures:

- % of individuals of color who are making a sustainable wage
- % of individuals of color who have accessed training and resources from Workforce Development as a direct result of WFD's outreach efforts
- % of contracts held by businesses owned by individuals of color
- % of grant partners and businesses that consider equity to be a top priority and demonstrate equity principles within their organization
- Number of divisions or business lines within DEED that have implemented a racial equity tools

Priority 5.1: Collaborate with the Office of Economic Equity and Opportunity to ensure that individuals of color and entrepreneurs of color have equitable access to training and resources needed to find good jobs and successful careers and to start and expand businesses.

Actions:

- Partner with our workforce development and business development programs and invest in outreach and promotion strategies to raise awareness of resources and opportunities and online tools.
- Pilot improvements to the accessibility and usability of digital tools for communities of color to get involved – including employment, volunteer, contract, committee, and public engagement opportunities.

Priority 5.2: Collaborate with the Office of Economic Equity and Opportunity to assist businesses develop hiring and contracting practices that will expand opportunities for workers of color and businesses owned by people of color in Minnesota.

Actions:

- Collaborate with the Department of Admin to expand our own contracting practices and increase contracts awarded to businesses of color where appropriate.
- Conduct user testing to improve access to and awareness of digital tools to communicate all financial opportunities at DEED to communities of color (e.g. a page on DEED's website, a weekly email message to interested parties, etc.).
- Collaborate with external stakeholders including but not limited to the Minnesota Council on African Heritage, the Council on Asian-Pacific Minnesotans, the Minnesota Council on Latino Affairs, and the Minnesota Indian Affairs Council, relevant chambers of commerce and other organizations representing business interests.

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Priority 5.3: Collaborate with the Office of Economic Equity and Opportunity to break down barriers to opportunities in the state and in State government for workers of color and businesses owned by people of color and to integrate racial equity principles into all of the work we do at DEED.

Actions:

- Provide training to all managers and supervisors on principles of racial equity, use of a racial equity tools and unconscious bias in the next two years.
- Review DEED policies and practices affecting access to grant opportunities currently in place for barriers to equity and revise where necessary engaging community input.
- Develop and implement a budget tool to assist in making resource allocation decisions, including discretionary budget allocation, contracts, and grants using a racial equity lens.
- Create a system to better coordinate engagement with communities of color across DEED's divisions. This system should include the maintaining of a record of community-based organizations' involvement with DEED to support relationship continuity.

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

Pre-Employment Review Procedure/Monitoring the Hiring Process

DEED evaluates its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. DEED currently uses the Monitoring the Hiring process form for every hire to track the number of women, minorities, and individuals with disabilities in each stage of the selection process. In this next year, DEED will implement the new Applicant Flow Tool and a new Justification Form to more accurately track the diversity of the pool at three stages: the total applicant pool, the minimally qualified applicant pool, and the interview pool. Directors, managers, and supervisors will work closely with Human Resources and ODEO in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action goals are carried out. Directors, managers, and supervisors will be asked to document their hiring decisions and ODEO will review each justification and monitor bias.

Any time the agency cannot justify a hire, the agency takes a 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 to allow the candidate equal opportunity to participate in the interview process. For example, the employee will advise each candidate, if interview questions are offered ahead of time or identify the technology that may be used during 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.

Pre-Review Procedure for Layoff Decisions

The ODEO, in conjunction with the DEED'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.

Once all contractual obligations are met, HR and ODEO review the list for disparate impact of protected group employees. If a concern is identified, the HR Director and the ODEO Director meet with the Deputy Commissioner to review the potential impact.

If it is determined that there is an adverse impact on protected groups, DEED 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.

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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:
 - Reviews employment statistics quarterly to monitor progress toward stated goals by job category;
 - Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is adverse impact;
 - Reviews the interview process for positions that have a disparity to ensure the process is fair, objective, consistent and that all candidates are treated equally;
 - Analyzes compensation programs to determine if there are patterns of discrimination;
 - 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.

VIII. RECRUITMENT PLAN

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

Recruitment costs incurred during the 2014-2016 plan year totaled approximately: **\$1,309.00¹**.

Below are various recruitment methods or strategies utilized by DEED during the past year which will be used where appropriate for the upcoming plan years 2016-2018. In FY2017, DEED is adding a staff resource to ODEO to assist with targeted recruiting.

Advertising Sources

Websites

- State of Minnesota
- Career Builder Recruitment
- Economic Development Association of MN
- Minnesota Association of Professional County Economic Developers
- Minnesota Works
- LinkedIn
- Facebook

Advertising Agency Contract

- McFarlane Media Interests (to use this plan year)
- Graystone Group Advertising

Newspapers

- Bemidji Pioneer
- Grand Forks Harold
- Minneapolis Star Tribune
- St. Paul Pioneer Press

Diversity Newspapers (to use in this plan year)

- Insight News
- Access Press
- MN Spokesman Recorder
- Hmong Times
- La Matraca
- La Prensa

Diversity Online Advertising (to use this plan year)

Blacktwincities.com

¹ Because of the methods of tracking, the expenses for recruiting vary by location. This is an estimated amount.

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Asian American Press
Insight News
The Circle
Spokesman-Recorder
Hmong Times
La Prensa
MN Womens Press
Latino American Today
Mshale
Access press

Radio (to use this plan year)

KMOJ
KFAI
KBEM

Listsers

- MMB Diversity listserv
- MNCARRS
- Council on Asian-Pacific Minnesotans
- Council on Black Minnesotans
- Chicano/Latino Affairs Council
- Council on Indian Affairs
- Minnesota State Council on Disabilities

Job and Community Fairs

- Minnesota Veterans Career Fair
- DEED Get Jobs Fair
- DEED Diversity Job Fair
- Minnesota State Council on Disabilities Job Fair
- Participation of staff at job fairs throughout all 48 WorkForce Centers provides statewide coverage.
- Upcoming job fairs in the near future: Hmong American Partnership (open job fairs on Wednesdays weekly) and American Indian OIC sponsored job fair

College and University Recruitment Events

- MN Private Colleges Job and Internship Fair
- University of Minnesota's Government and Nonprofit Career Fair
- Public Affairs Student Association Career Fair at the Humphrey Institute
- University of Minnesota, Mankato
- University of Minnesota, St. Cloud
- University of Wisconsin, Stout
- Metropolitan State University

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In the past two years, DEED divisions such as Workforce Development and Vocational Rehabilitation Services have proactively visited college classrooms to provide presentations about DEED and the diverse career potentials. Staff conducts follow up by providing classroom professors with current job postings.

DEED will evaluate the effectiveness of participation in career fairs and assess the level of response that produces the best results.

Recruitment for Individuals with Disabilities (EO14-14)

ODEO has developed a recruitment network with counselors and placement coordinators in Vocational Rehabilitation Services and State Services for the Blind who work with individuals with disabilities. This partnership has resulted in a broader pool of qualified candidates with disabilities. With the implementation of the Statewide policy to post all jobs for at least seven days, DEED has a greater opportunity to utilize the MMB Diversity Listserv and allow for broader recruitment efforts.

Reasonable Accommodations:

DEED will continue to prominently display on job postings that we provide reasonable accommodation to qualified applicants with disabilities. Beginning this year, 2016, DEED held several reasonable accommodation workshops for managers and supervisors to educate them on the importance of the interactive process and how to accommodate individuals with disabilities in the workplace. We have accomplished training approximately 60% of the workforce. We will continue the workshops through 2017 so that 90% - 100% of all our managers and supervisors are familiar with their responsibilities to accommodate.

Reporting:

DEED will continue to conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of individuals with disabilities hired.

Strategies DEED will be using are:

- 1) Periodic 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. DEED will conduct a periodic review of 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, ODEO staff will work with HR staff to ensure inclusive language in job postings.
- 2) Self-Identification
 - a. At the time of application and once a year, DEED 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. We recently conducted a self-identification survey of current employees in June of 2016.

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- 3) 700-Hour Program
 - a. Connect-700 is a noncompetitive hiring authority and on-the-job training program for individuals with disabilities. DEED is currently working on training in partnership with Minnesota Management & Budget to roll-out Connect-700. Once the program is officially rolled out, ODEO will work with HR to roll out the program to hiring managers and supervisors.
- 4) Accessibility
 - a. This past year, DEED held an Accessibility Fair in celebration of Global Accessibility Awareness Day where we provided information on document accessibility and a hands-on experience with various assistive devices and technology. DEED has trained most of our workforce in document accessibility and will look to hire a Document Accessibility Coordinator in the next year. DEED also distributes marketing material and resources to staff to remind them to create accessible electronic documents and systems, so that employees with disabilities will be able to access similar information and resources as other employees.
- 5) Self-Analysis
 - a. DEED will conduct periodic self-checks to determine if systems or documents are accessible, language in our job postings is inclusive, reasonable accommodations have been provided, and staff have been trained on how to provide reasonable accommodations. DEED is responsible for monitoring work force centers and partner sites for physical and programmatic accessibility.

Relationship Building and Outreach

This past year, DEED began chairing the Minnesota Community Advisors on Recruitment & Retention Solutions (MNCARRS) group. MNCARRS is a collaboration between state agencies and community organizations to actively recruit applicants who have historically been underrepresented in state government. This includes women, racial and ethnic minorities, individuals with disabilities and veterans. Additionally, this group provides feedback to state agencies on recruiting and retention initiatives.

ODEO staff will continue to work with state councils and community organizations serving minorities, women and people with disabilities. DEED, as a member of ACCESS, promotes collaborative partnerships that leverage state agency resources.

Many hiring supervisors and managers have developed professional relationships with colleges and universities. For example, DEED's Dislocated Worker program works with the Humphrey Institute as well as Hamline, Augsburg, St. Catherine University, University of St. Thomas and Macalester. DEED's Disability Determination Services attends job fairs to build relationships with students for the entry level Disability Examiner positions. DEED's Vocational Rehabilitation Services maintain strong relationships with the Rehabilitation Counseling programs, particularly at Mankato, St. Cloud and University of Wisconsin, Stout.

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ODEO has developed a list of colleges and universities throughout Minnesota that have a significant diversity enrollment. ODEO works with supervisors and managers seeking interns and provides additional resources for recruitment. ODEO also utilizes additional resources such as the Directory of Minnesota Colleges and Universities Career Counselors and MNSCU Recruitment Resource Center.

Internships

Step-Up Achieve, Right Track and Urban Scholars

This is DEED's third year participating in the STEP-UP and Urban Scholars program. STEP-UP and Urban Scholars are the City of Minneapolis jobs programs for youth ages 14-21 (STEP-UP) and college and graduate students (Urban Scholars). DEED will continue to participate in these programs as the budget allows.

Project Search

Next year, DEED along with other state agencies will be participating in Project Search, an internship opportunity for youth with disabilities.

Other Internship Opportunities

DEED also utilizes interns from various universities across the state in many different job fields. Vocational Rehabilitation Services recruits for their interns from colleges offering rehabilitation counselor degrees.

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

This past year, in 2016, DEED contracted with a program that works with supported employment workers to conduct a large scale scanning project. This project is ongoing and we will continue to identify other opportunities for supported employment.

Additionally, 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 worker. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

IX. RETENTION PLAN

DEED is committed to the recruitment of women, minorities, individuals with disabilities, and veterans, as well as the retention of these protected groups.

Individual(s) Responsible for the Agency’s Retention Program/Activities

Ann Feaman, Office of Diversity and Equal Opportunity Program Director
Voice: 651-259-7097
Email: ann.feaman@state.mn.us

Dorcas Michaelson, Human Resources Director
Voice: 651-259-7099
Email: dorcas.michaelson@state.mn.us

Separation and Retention Analysis by Protected Groups

In fiscal years 2015 and 2016 the agency had 244 total separations. Of these, the number of retirements was 122. The following information in the chart illustrates the total number of resignations and non-certification/dismissals and their impact on women, minorities, and individuals with disabilities.

	Agency Total	% of Women	% of Minorities	% of People with Disabilities
Resignations	99	68.69% (68)	17.17% (17)	5.05% (5)
NonCerts/Dismissals	17	94.12% (16)	41.18% (7)	5.88% (1)

ODEO reviewed the separation data for FY 2015 and FY 2016 for trends and adverse impacts. Initial findings demonstrate that out of the total separations for dismissals and non-certification within DEED, many were from minority employees.

In the EEO-4 Professionals Job Category, 15.91% of all resignations and 41.18% of all dismissals and non-certification were minorities.

In the EEO4 Professionals Job Category, women and minorities are being dismissed at very high percentage (women 92.86%, minorities 42.86%) in Disability Determination Services (DDS). This is very concerning and will be closely monitored.

There is a lack of representation for all the protected groups: women, minorities, and individuals with disabilities within Business and Community Development (BCD). Majority of the resignations in BCD have come from women in the Professionals Job Category.

In the Workforce Development Division, minorities accounted for 27.78% of all resignations and individuals with disabilities accounted for 13.64% of all resignations.

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Methods of Retention of Protected Groups

DEED implements the following strategies to address retention issues:

- DEED will examine internal hiring processes to see how to reward and promote individuals who perform in an outstanding manner and monitoring rates of promotions for women, minorities and individuals with disabilities.
- DEED will closely monitor separation data and exit survey data on a quarterly basis and share with the Senior Leadership Team. In the past, although collected, exit survey data was not routinely shared with the divisions.
- Exit survey data demonstrated several areas for improvement: the department's flexibility in terms of work/life balance and flexibility in scheduling and telecommuting, as well as wages. Where appropriate, DEED will explore flexible scheduling and telecommuting options. DEED will also explore compensation and monitor compensation for equity.
- DEED recently began a formal mentoring program to assist individuals in exploring opportunities for personal growth and enrichment. DEED will continue to operate and strengthen this mentoring program and encourage all employees to apply if interested.
- DEED currently operates a Diversity Committee comprised of a diverse representation of employees across the department. DEED will leverage this group to assist in providing a pulse on workplace culture and provides the senior management team with recommendations for improvement.
- DEED will conduct focus groups with employees to learn more about what improvements employees would like to see in workplace culture.
- DEED will explore the possibility of implementing employee resource groups.
- DEED will implement a mediation as a tool to resolving complaints as part of DEED's discrimination/harassment complaint process.
- DEED will promote the use of the Employee Assistance Program as a tool to resolve conflicts in the workplace.
- ODEO, HR, and the Office for Economic Equity and Opportunity will work together to identify other opportunities to improve retention rates of women, minority employees, and employees with disabilities.

XIII. APPENDIX

A. Complaint of Discrimination/Harassment Form

Department of Employment and Economic Development Office of Diversity and Equal Opportunity ODEO Complaint Form Customer or Employee

No one will be denied the opportunity to participate in any DEED program, activity or service, or in any other employment activity based on race, color, creed, marital status, status with regard to public assistance, disability, familial status, genetic information, sexual orientation, age, religion, national origin, gender (including gender identify and expression), sexual harassment, or membership in a local human rights commission. If you think you have been subjected to discrimination under a DEED program or activity, or in the employment process, you may file a complaint with DEED’s Office of Diversity and Equal Opportunity (ODEO). You may use this complaint form and mail, email, or fax to Office of Diversity and Equal Opportunity, First National Bank Bldg., Suite E200, 332 Minnesota Street, St. Paul, MN 55101-1351, Kimberly.Malone@state.mn.us, DEED.ODEO@state.mn.us, Phone: 651-259-7684, TTY: 651-296-3900, Fax 651-297-5343.

1. Information about the Complainant (person filing the complaint)

Name _____
Address _____
Email _____
Phone: Cell _____ Home _____ Work _____
DEED Customer or DEED Employee: _____ Location _____
Program or Service _____

2. Information about the Primary Respondent (person against whom you are filing the complaint)

Name _____ Job Title _____
Program/Division _____
Location _____ Work Phone _____
Name of any Secondary Respondents involved in your complaint _____

3. Information about the Complaint (a) I believe I was discriminated against because of my: (check all that apply)

____ Race ____ Color ____ National Origin ____ Genetic Information
____ Disability ____ Age ____ Sex ____ Sexual Orientation
____ Marital Status ____ Religion ____ Gender ____ Sexual Harassment
____ Familial Status ____ Creed ____ Retaliation ____ Other
____ Reliance on Public Assistance ____ Membership/activity in a local commission

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(b) Describe how you have been discriminated against or harassed. Give the names, dates, places and all of the pertinent information. Be as specific as you can. Use additional paper if needed.

4. Witness(es)

Name/Work Location/Phone

- 1) _____
- 2) _____
- 3) _____
- 4) _____

What steps, if any, have you taken to resolve this matter? _____

List the person (s) you contacted to attempt to resolve this matter. _____

Have you filed a union grievance or filed a complaint with another organization? If yes, please explain what avenues you have pursued:

The complaint is being filed based on my honest belief that I have been discriminated against or harassed. I hereby certify that the information I have provided relative to my complaint is true, correct and complete to the best of my knowledge and belief.

Signed _____ Dated _____

Received by _____

This material is available in alternative formats for individuals with disabilities by calling 651-259-7094(voice) or via their preferred Telecommunications Relay Service

Employee/Applicant Request for ADA Reasonable Accommodation Form



**State of Minnesota Department of Employment & Economic Development
 Employee/Applicant Request for Americans with Disabilities Act (“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.

A. 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?

YES NO

- a. If yes, please explain.

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

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

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2. What, if any, employment benefits 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: _____

Return completed form, whether denied or approved, to the ADA Coordinator.

Karen Lilledahl
Equal Opportunity Program Director
ADA Coordinator
651-259-7089
karen.lilledahl@state.mn.us

Department of Employment & Economic Development
1st National Bank Building
332 Minnesota Street, Suite E200

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St. Paul, Minnesota 55101-1351

TTY 651-296-3900 Fax 651-297-5343

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 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.

Following is DEED's request for Medical Information.

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Minnesota Department of Employment and Economic Development

Office of Diversity and Equal Opportunity

1st National Bank Building 332 Minnesota Street Suite E200, St. Paul, MN 55101-1351

Voice: 651-259-7094;

Fax: 651-297-5343;

Email: DEED.ODEO@state.mn.us

Medical Inquiry Form in Response to an Accommodation Request

A. Questions to help determine whether an employee has a disability

(Note: For reasonable accommodation under the ADA, an employee has a disability if he or she has an impairment that substantially limits one of more major life activities or has a record of such impairment. The following questions may help determine whether an employee has a disability.)

1. Does the employee have a physical or mental impairment?

YES or NO

If yes, what is the impairment?

2. Does the impairment substantially limit a major life activity as compared to most people in the general population? *(Note: Does not need to significantly or severely restrict to meet this standard. Answer based on what limitations the employee has when his or her condition is in an active state and what limitations the employee would have if no mitigating measures were used.)*

YES or NO

3. If yes, what major life activity(ies) (includes major bodily functions) is/are affected?

- | | | | | |
|--|--|---------------------------------------|-----------------------------------|--------------------------------|
| <input type="checkbox"/> Bending | <input type="checkbox"/> Eating | <input type="checkbox"/> Performing | <input type="checkbox"/> Sleeping | <input type="checkbox"/> Other |
| <input type="checkbox"/> Breathing | <input type="checkbox"/> Hearing | <input type="checkbox"/> Manual Tasks | <input type="checkbox"/> Speaking | (describe) |
| <input type="checkbox"/> Caring for Self | <input type="checkbox"/> Interacting with Others | <input type="checkbox"/> Reaching | <input type="checkbox"/> Standing | |
| <input type="checkbox"/> | <input type="checkbox"/> Learning | <input type="checkbox"/> Reading | <input type="checkbox"/> Thinking | |
| <input type="checkbox"/> Concentrating | <input type="checkbox"/> Lifting | <input type="checkbox"/> Seeing | <input type="checkbox"/> Walking | |
| | | <input type="checkbox"/> Sitting | <input type="checkbox"/> Working | |

Major bodily functions affected:

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Bladder | <input type="checkbox"/> Endocrine | <input type="checkbox"/> Neurological | <input type="checkbox"/> Respiratory |
| <input type="checkbox"/> Bowel | <input type="checkbox"/> Genitourinary | <input type="checkbox"/> Normal Cell Growth | <input type="checkbox"/> Special Sense Organs & Skin |
| <input type="checkbox"/> Brain | <input type="checkbox"/> Hemic | <input type="checkbox"/> Operation of an Organ | <input type="checkbox"/> Other (describe) |
| <input type="checkbox"/> Cardiovascular | <input type="checkbox"/> Immune | | |
| <input type="checkbox"/> Circulatory | <input type="checkbox"/> Lymphatic | | |
| <input type="checkbox"/> Digestive | <input type="checkbox"/> Musculoskeletal | <input type="checkbox"/> Reproductive | |

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B. Questions to help determine whether an accommodation is needed.

(Note: An employee with a disability is entitled to an accommodation only when the accommodation is needed because of the disability.)

1. What limitation(s) is interfering with job performance or accessing a benefit of employment?

2. What job function(s) or benefits of employment is the employee having trouble performing or accessing because of the limitation(s)?

3. How does the employee’s limitation(s) interfere with his/her ability to perform the job function(s) or access a benefit of employment?

C. Questions to help determine effective accommodation options.

(Note: An accommodation supports the employee in performing the necessary essential functions of the position.)

1. Do you have any suggestions regarding possible accommodations to improve job performance? If so, what are they?

2. How would your suggestions improve the employee’s job performance?

D. Other questions or comments

Print Name & Title

Sign

Date

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services

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C. Agency Profile and DEED Organizational Chart

The Minnesota Department of Employment and Economic Development (DEED) is the state's principal economic development agency.

DEED programs promote business recruitment, expansion, and retention; international trade; workforce development; and community development.

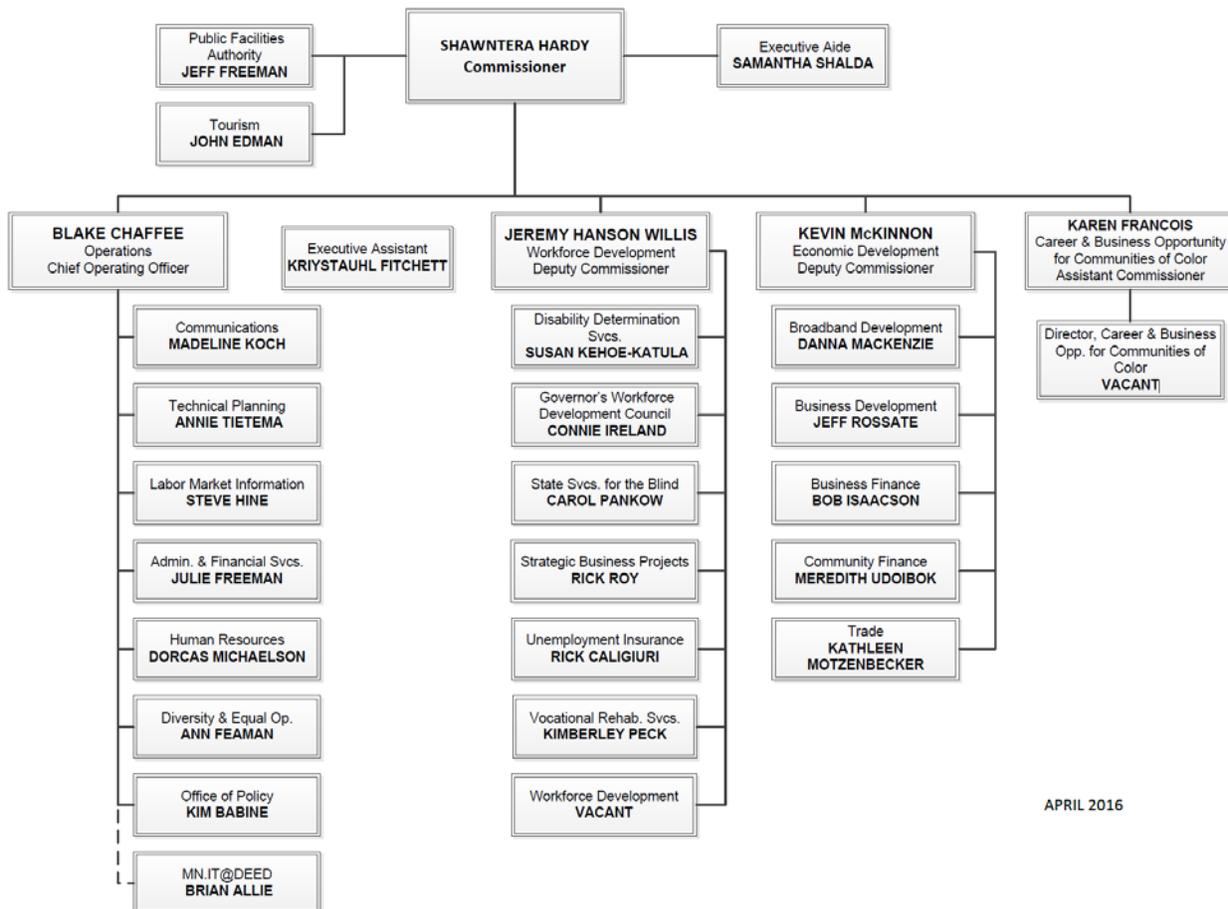
DEED activities are directed by five overarching objectives for Minnesota's workers, businesses and communities.

Those objectives, and the plans to reach them, are:

- Attract, retain and expand businesses and create jobs
- Cultivate entrepreneurs
- Connect workers to jobs, prepare workers for jobs in demand and assist people to live independently
- Stabilize and stimulate the economy through benefit payments
- Help communities thrive

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D. DEED’s Office for Diversity & Equal Opportunity (ODEO)

ODEO’s function is to ensure the DEED’s compliance with Titles VI and VII of the Civil Rights Act, the Americans with Disabilities Act, Titles I and II, the Minnesota Human Rights Act, and other federal civil rights laws. ODEO provides technical assistance and monitoring, conducts complaint investigations, handles reasonable accommodations and provides training.

