State of Minnesota

Department of Corrections

2018-2020 Affirmative Action Plan (External)

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Executive Summary

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

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

Table 1: Underutilization Analysis of Protected Groups (Two-factor)

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators	X		
Professionals		X	X
Protective Services	X	X	X
Office/Clerical		X	
Technicians		X	X
Skilled Craft	X	X	
Service Maintenance	X	X	X

Information about how to obtain or view a copy of this Plan will be provided to every employee of the agency. Our intention is to make every employee aware of Minnesota Department of Corrections' commitments to affirmative action and equal employment opportunity. The Plan will also be posted on the agency's website and maintained in the Office of Diversity at Central Office.

Affirmative Action Officer or Designee: _____ **Date Signed:** 7/31/2018

Human Resources Director or Designee: _____ **Date Signed:** 8.1.18

Commissioner or Agency Head: _____ **Date Signed:** 7/31/18

Organizational Profile (Brief Overview)

The Minnesota Department of Corrections (MN DOC) manages and operates ten adult and one juvenile correctional facilities across the state, which collectively house just over 10,000 offenders. The Department is also responsible for the provision of community supervision services and currently employs 4,501 staff across all divisions statewide.

Statement of Commitment

This statement reaffirms that the Minnesota Department of Corrections 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, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender- based harassment, and harassment based on pregnancy.
- 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 or Agency Head: _____ **Date Signed:** 7/31/18

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. Commissioner of MN Department of Corrections

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The Commissioner, through the Commissioner of Minnesota Management & Budget (MMB), will report annually to the Governor and the Legislature the agency's progress in meeting its affirmative action goals and objectives.

Duties

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

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the department's commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
- Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and agency's mission.
- Report annually to the Governor and the Legislature through the Commissioner of MMB the department's progress in affirmative action.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Actively promote the enforcement of equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all agency directors, managers, and supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.

Accountability

The Commissioner is accountable directly to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: Tom Roy **Email:** Tom.Roy@state.mn.us

Title: Commissioner of MN Dept. of Corrections **Phone:** 651-361-7226

B. Affirmative Action Manager

Responsibilities

The Affirmative Action Manager is directly responsible for developing, coordinating, implementing and monitoring the department's affirmative action program.

Duties

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

- Develop and administer the agency's Affirmative Action Plan.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Commissioner on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between the Agency, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the agency and initiate the development of such training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal opportunity.
- Develop innovative programs to attract and retain protected group members in the Agency.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.

Accountability

The Affirmative Action Officer is accountable to the Assistant Commissioner and Commissioner of Corrections for program impacts and for ongoing program activities and direction. The Affirmative Action Manager oversees the administrator of ADA Title II, administrator of Diversity and Inclusion, and administrator of Limited English Program.

Name of individual(s) responsible

Name: Michael Ojibway

Email: Michael.Ojibway@state.mn.us

Title: Agency Affirmative Action Manager

Phone: 651-361-7256

C. Affirmative Action Officer Designee(s)

Responsibilities

The designees are responsible for the implementation of the department's Affirmative Action Plan at their facility/work location. Each designee is appointed by their respective Superintendent, Warden, or Field Services Director, and is directly accountable to them for matters relating to affirmative action. Indirectly, the designees are accountable to the agency's Affirmative Action Manager for matters relating to Affirmative Action and Equal Opportunity.

Duties

- Fulfill all affirmative action reporting requirements by submitting standard quarterly reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as ex-officio member of the Employee Resource Group (ERG) diversity committee at their work location.
- Serve as a member of the department-wide Affirmative Action Officers Committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices and to recommend changes to the Affirmative Action Manager.
- Serve as ex-officio member of the recruitment team at their work locations.

Accountability

The Affirmative Action Designee is accountable to their respective Warden, Superintendent, Director of Field Services, or MINNCOR CEO, and indirectly to the Affirmative Action Manager on matters pertaining to Affirmative Action and Equal Opportunity.

Name of individual(s) responsible

Name	Title, Location
Deanna Alvord	Corrections Program Director, MCF-St. Cloud
Lisa Connors	Corrections Program Director, MCF-Lino Lakes
Rebecca Fratzke	Corrections Program Director, MCF- Rush City
Ian Heaslip	Corrections Program Director, MCF- Moose Lake
Nick Lankford	Corrections Officer, MCF- Red Wing
Terryl McLafferty	Food Service Supervisor, MCF- Togo
Mathieu Richer	Corrections Officer, MCF- Faribault
Mbaya Nyembwe	Corrections Officer, MCF- Stillwater
Victoria Tran	Corrections Officer, MCF- Shakopee
Sherlinda Wheeler	Associate Warden, MCF-Oak Park Heights

D. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies. Human Resources Directors are responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with the agency, assisting managers and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the Human Resources Director or designee.

Duties

The duties of Human Resources shall include, but not be limited to, the following:

- Maintain effective working relationships with agency affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by working effectively with the Affirmative Action Officers.
- Initiate and report on specific program objectives contained in the affirmative action plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers and the Affirmative Action Officers in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the intentional creation of Supported Worker positions that assist in reduction of agency costs by diverting supportive employment duties from higher skilled workers to a supported worker position and thus improve employee morale and retention of individuals with disabilities in integrated employment.
- Request recruitment assistance from MMB's Statewide Director of Diversity Recruitment and Retention in the diversity recruitment and retention of protected group members in hard to fill or executive level positions.

- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.

Accountability

Human resources staff are accountable to the Human Resource Directors or designees. Additionally, Human Resources Department and Policy & Legal Services Division ensures that aggregate data and trends of complaints of illegal discrimination in hiring are provided and shared with the Affirmative Action Manager on a quarterly basis.

Name of individual(s) responsible

1. **Name:** Lori Kingston **Email**: lori.kingston@state.mn.us
   Title: Human Resources Director **Phone:** 651-361-7312
2. **Name:** Teri Hable **Email:** teri.hable@state.mn.us
   Title: Assistant Human Resources Manager **Phone:** 651-361-7664
3. **Name:** Kari Bautch **Email:** kari.bautch@state.mn.us
   Title: Human Resources Staffing Manager **Phone:** 651-361-7309

E. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for the oversight of the agency's compliance with the ADA Title I – Employment, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title I Coordinator shall include, but are not limited to, the following:

- Provide guidance, coordination, and direction to agency management with regard to the ADA in the development and implementation of agency policy, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update Human Resources Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Manager in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator and the regional human resources director (RHRD) who also serves as the regional ADA coordinator, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
    - Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
    - Determine the precise job-related limitations;

- Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
- After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.

Accountability:

The ADA Title 1 Coordinator is accountable to Assistant Commissioner of Corrections (Operations).

Name of individual(s) responsible

Name: Michael Ojibway

Email: Michael.Ojibway@state.mn.us

Title: Agency Affirmative Action Manager

Phone: 651-361-7256

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible for the oversight of the agency's compliance with the ADA Title II – Public Services, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title II Coordinator shall include, but not limited to, the following:

- Provide guidance, coordination, and direction to agency management with regard to the ADA in the development and implementation of agency policy, procedures, and practices to ensure agency services and programs are accessible and nondiscriminatory for the public.
- Provide training, technical guidance, and consultation to the agency's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities as well as the provision of reasonable modifications to visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing agency services, and report reasonable modifications annually to MMB.
- Research case law rules and regulation and update Executive team on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Manager in designing and delivering specific ADA training for Agency employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II coordinator in consultation with the member of the public in need of a modification shall:
    - Discuss the purpose and essential functions of a particular reasonable modification;
    - Identify the potential modifications and assess the effectiveness of each request.
    - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the Agency. This review shall be documented and reported in the State ADA Annual Report.

Accountability:

The ADA Title II Coordinator is accountable to the Agency Affirmative Action Manager.

Name of individual(s) responsible

Name: Mai Youa Lee

Email: Mai.Youa.Lee@state.mn.us

Title: LEP/ADA Title II Coordinator

Phone: 651-361-7257

G. Diversity Recruitment Coordinator

Responsibilities

The Diversity Recruitment Coordinator is responsible for the creation and coordination of the Diversity Recruitment Plan outlined in this document.

Duties

The duties of Diversity Recruitment Coordinator shall include, but not be limited to, the following:

- Identify high need recruitment job areas within the agency.
- Communicate the strategic recruitment plan to human resources, the executive team, management, and staff.
- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities to attaining strategic diversity goals and objectives.
- Maintain relationships with agency executive teams, human resources, and management to ascertain the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the statewide recruiters group and MNCARRS.

Accountability

The Diversity Recruitment Coordinator is accountable to the Agency Affirmative Action Manager.

Name of individual(s) responsible

Name: Thuy Tran

Email: Thuy.Tran@state.mn.us

Title: Recruitment Coordinator

Phone: 651-361-7256

H. Senior Managers and Facility Executive Team Leaders

Responsibilities

Agency senior managers and executive team leaders are responsible for implementing all aspects of the agency Affirmative Action Plan and the agency's commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and facility executive team leaders shall include, but not be limited to, the following:

- Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their units and the agency.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees assigned to their units.
- Assist the Affirmative Action Officer in conducting periodic audits of hiring and promotion patterns to remove impediments to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ascertain that the agency's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results in addition to other job performance criteria.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner.

I. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the state of Minnesota's policy of equal employment opportunity by refraining from any actions that would subject any employee to negative treatment on the basis of that individual's race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the agency's complaint procedure.

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.
- Refrain from any actions that would adversely affect a coworker on the basis of their race, sex, color, creed, religion, age, national origin, disability, marital status, familial 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. Employees are responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

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 Affirmative Action Manager, to all staff on an annual basis.
- The agency's Affirmative Action Plan is available to all employees on the agency's internal website at http://ishare.doc.state.mn.us/Pages/Home.aspx or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative ADA accessible formats.
- A physical copy of the Agency's Affirmative Action Plan will be available to employees at the following address:

  MN DOC - Central Office
  1450 Energy Park Drive, Suite 200
  Saint Paul, MN 55108

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

External Methods of Communication

- The agency's Affirmative Action Plan is available on the agency's public website at https://mn.gov/doc/about/diversity-inclusion-ada/affirmative-action/ or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative ADA Accessible formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer" and "women, minorities, and individuals with disabilities are encouraged to apply." The agency will also ensure a representative ratio of diversity is on all diversity marketing materials.
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the Agency's Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address:

ATTN: Office of Diversity
MN DOC - Central Office
1450 Energy Park Drive, Suite 200
Saint Paul, MN 55108

Underutilization Analysis and Affirmative Action Goals

Through the underutilization analysis, the agency has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the agency and has set the following hiring goals for the next two years (Reference Table 2).

Table 2. Underutilization Analysis and Hiring Goals for 2018-2020

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this agency. The fifth, sixth, and seventh columns show the agency's hiring goals for each group in each category.

	Underutilization - # of Individuals			**Hiring Goals for 2018-2020**		
Job Categories	**Women**	**Racial/Ethnic Minorities**	**Individuals with Disabilities**	**Women**	**Racial/Ethnic Minorities**	**Individuals with Disabilities**
Officials/ Administrators	<10	0	0	<10	0	0
Professionals	0	18	<10	0	30	<10
Protective Services	557	30	<10	230	44	<10
Office/Clerical	0	<10	0	0	12	0
Technicians	0	<10	<10	0	<10	<10
Skilled Craft	<10	<10	0	<10	<10	0
Service Maintenance	30	20	<10	15	<10	<10

Hiring goal considerations reflect the MN DOC's historical internal and external hiring activity between FY2017-FY2018, agency separation rate trends, and the future US Census workforce availability of job categories. The agency's goals may or may not reflect the exact underutilization total as identified in the two-factor Analysis; however, the MN DOC is committed to pursuing an aggressive yet realistic goal to decrease critical areas of underutilization as they have been identified. Some hiring goals have been set higher than identified two-factor underutilization rates based upon elevated census availability levels.

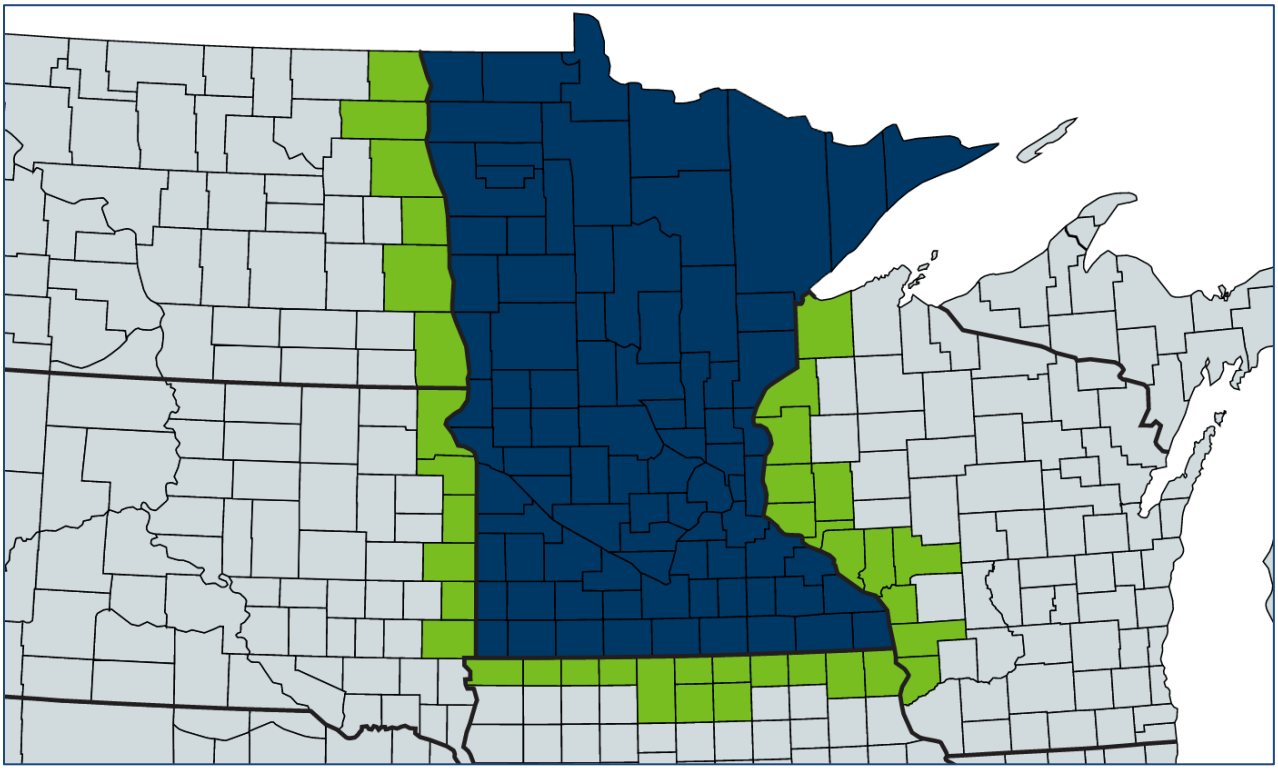
The Minnesota Department of Corrections has analyzed statewide availability and underutilization rates in establishing statewide hiring goals for protected job categories, but will also conduct facility-

specific hiring needs analyses using regional hiring, separation, two-factor availability (within a 30 mile radius), and employee net difference retention analyses.

Availability[1]

Map 1: Statewide Recruitment Availability Zone

The agency determined the recruitment area to be the entire State of Minnesota plus 38 bordering out-of-state Counties (in ND, SD, IA, and WI) for all job categories. The Minnesota Department of Corrections employee base is spread widely throughout the state across 11 major facilities, Central Office in Saint Paul, and 15 Field Services Offices.



Map 1: Recruitment zone includes all Minnesota Counties (blue) and 38 surrounding out-of-state counties (green) identified in North Dakota, South Dakota, Iowa, and Wisconsin.

In conducting its underutilization analysis, the MN DOC utilized a two-factor analysis in assessing current areas of underutilization for protected staff employment. The agency determined it was best to use this type of analysis because FY 17 and FY 18 hiring trends indicated a relatively mixed-balance

[1]During the 2016-18 Affirmative Action Planning Cycle, MN DOC calculated availability using custom EEO4 categories that were not appropriately recorded at the state level through MMB. We have opted to return to the standard EEO4 job categories for consistency and accuracy of analysis in reports. "Protective Services – Supervisory" and "Protective Services – Nonsupervisory" are replaced with "Protective Services" and "Professionals-Health" was combined with the aggregate "Professionals" EEO4 category.

reliance upon internal and external hires agency-wide, excluding the disproportionately high tendency to hire Officials & Administrators internally (75.56% average).

Observed status updates (improved, same, and not improved) are *not* representative of a direct statewide two-factor underutilizations comparison between the FY2016-2018 and 2018-2020 plans, as we have streamlined our Affirmative Action Data to accurately reflect statewide workforce availability trends (+ 38 county out-of-state recruitment zone). In accordance with Minnesota Management and Budget's guidance on data privacy: private data, two-factor analysis worksheets, and separation worksheets were removed. Data from columns 2-6 in the underutilization analysis worksheet were redacted and numbers less than 10 are indicated with a "<10" note.

Table 3. 2016-2018 Hiring Goal to Actual Hires Comparison Chart

The second, third, and fourth columns of this chart show the agency's hiring goals as established in the 2016-2018 Affirmative Action Plan. The fifth, sixth, and seventh columns show the agency's actual total documented hires for each job category during fiscal year 2017 and 2018 (internal *and* external).

	2016-18 Plan Hiring Goals			**2017-18 Actual Hires**		
Job Category	**Women**	**Minorities**	**Indiv. w/ Disabilities**	**Women**	**Minorities**	**Indiv. w/ Disabilities**
Officials & Administrators	<10	<10	<10	18	<10	<10
Professionals	18	17	<10	239	31	31
Protective Services	107	49	20	215	103	47
Office/Clerical	0	11	<10	132	12	21
Technicians	<10	<10	<10	37	<10	<10
Skilled Craft	<10	<10	<10	<10	<10	<10
Service Maintenance	<10	<10	<10	25	<10	<10

Steps in Establishing Statewide Hiring Goals

In establishing MN DOC statewide hiring goals, we incorporate a number of relevant metrics. After developing a comprehensive statewide Affirmative Action Plan complete with statewide hiring goals, the Office of Diversity will conduct a facility-specific analysis for each of the agency's 11 correctional facility locations based upon facility hiring/separation metrics, and a regional workforce availability within a 30 mile radius of each facility. In developing statewide goals, we considered the following:

A. We conducted an aggregate US Census workforce availability analysis for each protected EE04 job category, comprised of all counties in the state of MN and 38 additional out-of-state counties in the designated recruitment zone (*see map 1*).

B. When establishing statewide hiring goals, we examined the underutilization range between the US Census availability & underutilization analysis and agency two-factor underutilization

analysis. All established agency hiring goals fall within the underutilization ranges established in this comparison.

C. Consideration of historical agency hiring and separation rates, as well as anticipated retirement and other vacancies projected through 2020 were considered in establishing aggressive yet realistic goals.

Women:

With regard to statewide two-factor underutilization rates[2] at the MN DOC, the two-factor availability* rates for women have shifted/improved in the following job categories using our newly expanded recruitment zone and streamlined data reporting dashboards in comparison to underutilization rates reported in the 2016-2018 plan:

- Officials & Administrators (underutilization decreased from 81 to <10).
- Professionals (underutilization decreased from 485 to 0).
- Protective Services (underutilization decreased from 923 to 554).
- Office/Clerical (underutilization decreased from 258 to 0).
- Technicians (underutilization decreased from 78 to 0).
- Skilled Craft (underutilization decreased to <10).
- Service Maintenance (underutilization decreased from 100 to 30).

Examining the new statewide two-factor underutilization analysis with consideration to the newly expanded recruitment zone, underutilization of women did not increase in any EEO4 job category when comparing to the published two-factor underutilization rates in the 2016-2018 plan. When examining agency hiring rates for FY2017 and FY2018 in comparison to agency-wide hiring goals established in the 2016-2018 Affirmative Action Plan, MN DOC exceeded all goals for women in all job categories except for Skilled Crafts. The Office of Diversity coordinated expanded targeted advertising and recruitment initiatives for protected class groups across all job categories, including a special emphasis on recruiting women to fields exhibiting critical underutilization. Key activities contributing to the success in reaching our hiring goals for women include:

- Expansion of diversity recruitment & targeted advertising budget (including job fair registration fees, print/recruitment materials, and funds for diversity-specific advertising campaigns) to $20,000.00.
- Initiated "adopt-a-college" partnerships with targeted regional Universities/Colleges and active promotion of MN DOC employment opportunities on college "*Hand-Shake*" promotional network and through other higher education related employment resources.

[2] Two-factor Underutilization rates reported during the 2016-2018 Affirmative Action Planning cycle represented a combination of statewide and facility-specific regional calculations, and did not include the expanded 38 county recruitment zone as identified in this plan. For the purposes of consistency and accuracy, we have used statewide two-factor underutilization rates across all job categories and calculated availability changes referencing statewide 2016-18 two-factor underutilization rates. Observed "improvement" or other status changes are not reflective of a direct comparison informed by actual hiring/separation rates.

- Leveraged MN DOC facility designated recruitment coordinators to host 1st annual MN DOC Statewide Career Fair, which welcomed community members into all 10 major correctional facility locations (and Central Office) for an onsite job fair event on April 16th, 2018.
- Created and implemented facility recruitment coordinator training and established a recruitment tracking tool in the agency intranet ("Recruitment Tracker" in iShare), to facilitate efficient non-duplication of efforts across the state for speaking engagements, job fair participation, and other community-based targeted recruitment efforts.
- Established employee "Stay Interview" protocol in conjunction with the Diversity & Inclusion Recruitment and Retention Committee to further analyze staff engagement and contentment to date, and to facilitate staff retention through engaged, intentional support.

We have set rather aggressive hiring goals for women in the Protective Services and Service Maintenance categories for 2018-2020, and have included targeted retention programming objectives as female employee attrition in these two areas is disproportionately high.

Minorities:

With regard to statewide two-factor underutilization rates[3] at the MN DOC, the two-factor availability* rates for minorities have shifted/improved in the following job categories using our newly expanded recruitment zone and streamlined data reporting dashboards in comparison to underutilization rates reported in the 2016-2018 plan:

- Officials & Administrators (underutilization eliminated, decreasing from <10 to 0).
- Professionals (underutilization decreased from 62 to 18).
- Protective Services (underutilization decreased from 150 to 30).
- Office/Clerical (underutilization decreased from 22 to <10).
- Technicians (underutilization decreased from 12 to <10).
- Skilled Craft (underutilization decreased from 12 to <10).
- Service Maintenance (underutilization decreased from 46 to 20).

Examining the new statewide two-factor underutilization analysis with consideration to the newly expanded recruitment zone, underutilization of minorities did not increase in any EEO4 job category when comparing to the published two-factor underutilization rates in the 2016-2018 plan. When examining agency hiring rates for FY2017 and FY2018 in comparison to agency-wide hiring goals established in the 2016-2018 Affirmative Action Plan, MN DOC exceeded all goals for minorities in all job categories except for Skilled Crafts and Service Maintenance. The Office of Diversity coordinated expanded targeted advertising and recruitment initiatives for protected class groups across all job

[3] Two-factor Underutilization rates reported during the 2016-2018 Affirmative Action Planning cycle represented a combination of statewide and facility-specific regional calculations, and did not include the expanded 38 county recruitment zone as identified in this plan. For the purposes of consistency and accuracy, we have used statewide two-factor underutilization rates across all job categories and calculated availability changes referencing statewide 2016-18 two-factor underutilization rates. Observed "improvement" or other status changes are not reflective of a direct comparison informed by actual hiring/separation rates.

categories, including a special emphasis on recruiting minorities to fields exhibiting critical underutilization (in this case in the Professionals, Protective Services, and Office/Clerical categories). Key activities contributing to the success in reaching our hiring goals for minorities include:

- Expansion of diversity recruitment & targeted advertising budget (including job fair registration fees, print/recruitment materials, and funds for diversity-specific advertising) to $20,000.00.
- Participation in the statewide People of Color Career Fair, encouraging onsite submission of resumes and applications.
- Development of diversity-specific promotional materials, flyers, banners, brochures, etc. for dissemination at job fairs, speaking engagements, and online via social media.
- Facility designated recruitment coordinators.
- Facility-specific hiring goal review by HR Staffing Representatives and expansion of monitor-the-hiring process and pre-hire review training to ensure equitable hiring practices were followed by Hiring Managers and Supervisors.
- Emphasis on Limited English Proficiency support for non-native English speaking staff, including translation and other accommodative services for REACT Officer Trainee assessments and internal Sergeant Qualification exams.
- Continued active participation, relationships, and engagement with MN Minority Councils.

We continue to observe alarmingly poor retention rates among minority employees in the Office Clerical category. During the FY17-18 period, MN DOC hired 12 minority employees and during that same period, lost 12 due to resignations, dismissal/termination, and other non-retirement forms of separation. The 2018-2020 program objectives includes special emphasis on minority employee retention in this and other key areas where minority staff turnover is high.

Individuals with Disabilities:

With regard to statewide two-factor underutilization rates[4] at the MN DOC, the two-factor availability* rates for individuals with disabilities have shifted/improved in the following job categories using our newly expanded recruitment zone and streamlined data reporting dashboards in comparison to underutilization rates reported in the 2016-2018 plan:

- Officials & Administrators (underutilization eliminated, decreasing from <10 to 0).
- Professionals (underutilization decreased from 62 to <10).
- Protective Services (underutilization decreased from 166 to <10).
- Office/Clerical (underutilization decreased from 28 to 0).

[4] Two-factor Underutilization rates reported during the 2016-2018 Affirmative Action Planning cycle represented a combination of statewide and facility-specific regional calculations, and did not include the expanded 38 county recruitment zone as identified in this plan. For the purposes of consistency and accuracy, we have used statewide two-factor underutilization rates across all job categories and calculated availability changes referencing statewide 2016-18 two-factor underutilization rates. Observed “improvement” or other status changes are not reflective of a direct comparison informed by actual hiring/separation rates.

- Technicians (underutilization decreased to <10).
- Skilled Craft (underutilization decreased from <10 to 0).
- Service Maintenance (underutilization decreased from 16 to <10).

Examining the new statewide two-factor underutilization analysis with consideration to the newly expanded recruitment zone, underutilization of individuals with disabilities did not increase in any EEO4 job category when comparing to the published two-factor underutilization rates in the 2016-2018 plan. When examining agency hiring rates for FY2017 and FY2018 in comparison to agency-wide hiring goals established in the 2016-2018 Affirmative Action Plan, MN DOC exceeded all goals for individuals with disabilities in all job categories except for Skilled Crafts category. The Office of Diversity coordinated expanded targeted advertising and recruitment initiatives for protected class groups across all job categories, including a special emphasis on recruiting individuals with disabilities to fields exhibiting critical underutilization (in this cases in the Professionals, Protective Services, Office/Clerical, and Service Maintenance EEO4 categories). Key activities contributing to the success in reaching our hiring goals for individuals with disabilities include:

- Expansion of diversity recruitment & targeted advertising budget (including job fair registration fees, print/recruitment materials, and funds for diversity-specific advertising) to $20,000.00.
- Participation in onsite career fairs at Central Office and all 10 major correctional facility locations, with special invitations sent to vocational rehabilitation organizations and other agencies supporting the employment and support of individuals with disabilities (including Life Track, Right Track, Goodwill Easter Seals, and MCOD).
- We transitioned facility designated ADA (Title II/Offender) coordinating responsibilities to a higher decision-making authority level (Associate Wardens of Administration) in October of 2017, and implemented new staff training protocol for ADA Title I Coordinators (Regional Human Resources Directors) including implementation of a new ADA Title I Training provided to all Regional HRDs and Appointing Authorities in May of 2018.
- Development of implementation of agency intake and referral protocol for Connect 700 applicant non-competitive interviews and placement.
- Intentional partnership with the MN STAR program, highlighting assistive technology available to MN DOC staff for trial use, and review of broader application (including ADA Title I with employees and ADA Title II with offender usage).
- The Office of Diversity continues supporting reasonable accommodation requests for Officer Trainee Candidates completing the REACT and other hiring assessments for incoming/new hires.

Separation and Retention Analysis by Protected Groups

The agency is committed to the retention of all employees, including members of the following protected groups: women, racial/ethnic minorities, and individuals with disabilities. The agency will strive to affirmatively ensure equal employment opportunity by retaining a diverse composite of

talented and qualified employees, with emphasis on under-represented individuals. To be successful, the responsibility for these retention efforts lies with all employees. The agency's retention strategy is a multi-faceted approach, guided by the agency management, Human Resources Director, and Affirmative Action Manager.

Table 4. Person's Responsible for Agency Retention Programs/Activities

Title	Contact Information
Affirmative Action Manager/ADA Coordinator	651-361-7200
MN DOC Human Resources Director 4/Director	651-361-7200
MN DOC Human Resources Director 2/Assistant Director	651-361-7200
MN DOC Human Resources Director 1 (Multiple Positions)	651-361-7200
MN DOC Human Resources Supervisor	651-361-7200

The Agency will continue to analyze and review separation data for disparate impact on protected group employees. This will include reviewing non-certification trends, layoff trends, resignation trends, and disciplinary discharges. The appendix will include a separation report broken down by EEO4 job category. Below is a snapshot of the agency separations throughout the past two years as well as a narrative describing the separation analysis:

Table 5. Types of Separation

Type of Separation FY2016-2018	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percent of Individuals w/Disabilities
Dismissals/Non Certification	140	16.02%	47.86%	18.57%	11.43%
Resignations	401	45.88%	46.38%	12.47%	<10%
Enhanced Separations	0	0.00%	0.00%	0.00%	0.00%
Retirement	272	31.12%	35.29%	<10%	13.24%
Death	<10	<10%	0.00%	0.00%	0.00%
Lay Off	<10	<10%	0.00%	0.00%	0.00%
Termination w/o Rights	52	<10%	53.85%	13.46%	<10%
Total Separations	874	100.00%	43.14%	11.78%	<10%

Women

Women represent approximately 40.32% of the total MN DOC workforce, up from the last reporting cycle. The MN DOC saw a total of 874 separations from FY 2017 and FY 2018. Women made up 43.14% of all separations during this period. Their separation rates are slightly higher relative to their total agency workforce representation. The proportion of women retiring has fallen below their representation rate across the agency, with separations by dismissal or non-certification, resignation, and termination without rights all increasing to disparately high levels with regard to overall representation, revealing the need for intentional, targeted retention programming supportive to women employed by the MN DOC.

Minorities

Minorities represent approximately <10% of the total MN DOC workforce, up from the last reporting cycle. The agency saw a total of 874 separations from FY 2017 and FY 2018. Minorities made up 11.78% of all agency separations during this period. Their separation rates are slightly higher relative to their total agency workforce representation. The proportion of minorities retiring has increased slightly, but continues lagging behind their overall representation rate. Their separations via dismissal/non-certification, resignations, and termination without rights have all risen to disparately high levels with regard to overall representation, and indicate the need for specialized retention support services, especially in the Professionals, Protective Services, Office/Clerical, Technicians, and Skilled Craft EEO4 job categories. Minority employee retention is disparately low in the Office/Clerical category, where we are losing equally as many minority staff to premature (non-retirement) separation each year.

Individuals with Disabilities

Individuals with Disabilities represent approximately <10% of the total MN DOC workforce, up from the last reporting cycle. The agency saw a total of 874 separations from FY 2017 and FY 2018. Individuals with Disabilities made up <10% of all separations during this period. Their separation rates are slightly higher relative to their total agency workforce representation. The proportion of individuals with disabilities retiring has slightly decreased from 14.14% to 13.24%, with separation rates via dismissal/non-certification, resignations, and termination without rights all rising to levels ranging from slightly to disparately higher with regard to their overall agency representation.

Program Objectives, Identified Barriers, and Corrective Action to Eliminate Barriers

The agency's Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, Chapter 43A.191, and Subdivision 2.

This section will identify ways this agency has determined to eliminate barriers, provide corrective actions, and achieve affirmative action goals for underutilized protected group applicants/employees

(broken down by specific job categories.) These objectives have been developed as strategic, actionable and measurable efforts the agency has committed to pursuing and implementing from 2018-2020.

Program Objectives for Women

The following job categories have been identified as underutilized for women according to the MN DOC's two-factor analysis:

Table 6. Hiring & Separation Underutilization Comparison (Women)

List job category name	Percent women employees in category	Percent women hired in category	Percent women separated in category
Officials and Administrators	53.85%	54.55%	52.94%
Protective Services	23.04%	31.52%	29.11%
Skilled Crafts	<10%	<10%	<10%
Service Maintenance	24.21%	28.09%	33.96%

The following corrective action has been planned to eliminate the barriers for women in each category.

Recruitment Barriers for Women in Underutilized Categories

A large portion of hires in this category occur internally, and draw from both the Professionals and Protective Services EEO4 categories. In Corrections, Officials & Administrators are more aptly recruited and hired directly from the Protective Services group, as this experience is essential to effective leadership with broader safety and security implications department-wide. Women are currently underutilized by <10 employees in this category, yet extensively underutilized in the Protective Services category (by 557 female employees). Effectively addressing this barrier will require a combined effort in recruiting more women to the Protective Service group, and retaining them long enough for development and consideration of higher level leadership opportunities. We will also examine professional development of women currently employed in the Professionals category.

A majority of hires in the Protective Services category occur externally (69.35%) and positions within represent a starting-point for a career trajectory in corrections (e.g. Corrections Officer Trainee). Women are currently underutilized by 557 employees in this category, and currently only make up 23.04% of the agency workforce in this division. Effectively addressing this extensive underutilization will require critical examination of workplace culture and climate, promoting a new community perception regarding safe careers in corrections, and establishing a more respectful and discrimination-free employment culture. Sexual Harassment is often prevalent in traditionally male-dominated occupational fields, and the protective services category is no exception. Reduction in sexual harassment and otherwise discriminatory behaviors in the workplace is essential to addressing

this barrier to introducing more women to the field and improving their retention levels. Effective retention strategies for women in Protective Service must also consider regular scheduling instability and forced overtime.

The majority of hires for the Skilled Crafts and Service Maintenance EEO4 job categories are external (72.34% and 61.80% respectively). Both categories are considered non-traditional occupations for women, with reported two-factor availability for Skilled Craft at <10% and Service Maintenance at 36.23%. Women are currently underutilized by <10 women in Skilled Craft, and 30 in Service Maintenance. U.S. Census reports indicate comparatively low workforce availability levels for women in these job categories at <10% and 43.66% respectively. MN DOC currently employs <S10 women in Skilled Crafts (<5.00% of internal workforce) and 61 in Service Maintenance (24.21%). The primary barrier to effective recruitment and retention in this area highlight critically low hiring of women in Skilled Crafts (<10 hire from FY2017-FY2018), and equally low workforce availability.

Recruitment & Retention Actions for Women in Underutilized Categories

75.76% of all MN DOC Official & Administrator hires are *internal* to the agency, pulling largely from a pipeline of existing women currently employed in the Professionals EEO4 job category. While women are not currently underutilized in the Professionals Job Category, we are exploring intentional leadership development opportunities in the Professionals ranks to cultivate, recruit, and retain women directly from this category into Officials/Administrator roles, including the following:

1. The Employee Development division is rolling out a new *Women in Corrections Leadership Program* based out of Central Office. The program will emphasize the professional development, cultivation, and retention of high-potential leaders currently serving in the officials/administrator, professional, and protective services ranks.
2. The Office of Diversity will partner with MMB's Talent Acquisition and Executive Recruitment Team on improving the targeted external recruitment of women into Official/Administrator roles via professional network connections on LinkedIn, targeted social media advertising (Facebook and Twitter geo-fencing and boost promotions), and marketing promotional campaigns highlighting women who currently work in corrections to help combat negative stigma associated with careers in corrections.
3. The Office of Diversity will collaborate with Human Resources to examine implementing monitoring the hiring and pre-hire review processes for all competitive work out of class opportunities (WOOC).
4. Examining qualitative data from stay interviews completed with women hired into the officials/administrators job category to critically examine workplace culture perceptions, professional development needs, and establishing networks of supervisory and peer support.

69.35% of all MN DOC Protective Services hires are external to the agency, relying heavily upon effective advertising and promotion of job vacancy openings through various recruitment channels, occupational benefits, and promotional opportunities. Women separate from the agency at disparately high levels with regard to their representation in this job category, especially via dismissals/non-certifications and resignations (39.33% and 32.27% respectively). During the FY2017-18

period, MN DOC hired 215 women into the Protective Services category, and subsequently lost 140 of them to separation during this same period. Separation rates for women in Service Maintenance are also disparately high, with 38.46% separating between FY17-FY18 due to dismissal/non-certification, and 30.77% due to resignation. These figures reveal the need for intentional, targeted recruitment *and* retention efforts for women in Protective Services, Skilled Craft, and Service Maintenance.

In order to effectively reduce the underutilization in these key areas, we must examine the development of an intentionally collaborative recruitment/retention strategy which includes the following actions:

1. Establishing peer support and onboarding network for women in Protective Services and Service Maintenance categories in conjunction with agency Employee Resource Groups (ERGs), to be led in the North and South regions with the anticipated hiring of two Diversity & Inclusion Recruiters who will engage in full cycle talent acquisition and early-stage retention support.
2. Transition of Discrimination-Free Workplace (103.300) and Sexual Harassment Prohibited (HR/LR #1329) investigation and decision-making authority from Human Resources to the Office of Diversity.
3. Expansion of high-touch recruitment efforts (statewide participation in annual career/job fairs, hosting events specifically targeting women in Protective Service, speaking engagements in professional women's associations, and expansion in targeted social media presence/advertising).
4. Explore establishing Memorandums of Understanding (MOUs) with collective bargaining units to secure budget for monetary recruitment/referral incentives for high-need, critical fill areas.
5. Creation of a "Women in the Trades" and "Women in Corrections" marketing campaigns in consultation with the Communications Office, for dissemination of "day in the life" and other photo & video promotional materials specifically highlighting women currently working in these fields.
6. Participate in annual career/job events: St. Catherine's Job fair, People of Color Career Fair, State Career Fair, State of MN Career Fair, Law Enforcement Career Event, Internship expo/career events, Diversity Career Resource and Education Expo, Industrial Career events, Military Career events, AIOIC Career Fair, Women's Veteran Career Fair, and other related events.

Future Evaluation:

1. Employee Development will track longitudinal employment trajectories for all *Women in Corrections Leadership* program participants, and report quarterly on career promotions. Women participating in this program will report on benefits of mentoring relationships, practicum leadership element, and integration with enterprise-wide Employee Resource Groups (ERGs).
2. The Office of Diversity and Communications Division will actively assess each job vacancy advertising campaign for the number of impressions/views, click-through rates, social

engagement rates, and applicant/candidate pools for measureable increase in the number of women applying and competing for critical difficult to fill positions in this category.

3. The Office of Diversity will report quarterly on the hiring outcomes for all competitive work out of class opportunities to establish baseline longitudinal data.
4. Office of Diversity will work with the Planning and Performance Department on developing questions assessing workplace culture with regarding to diversity, equity, and inclusion – as well as sexual harassment for future all staff surveys. In addition, intentional collaboration with Human Resources on the analysis and interpretation of stay interviews for women in the protective services category will begin in FY2020.
5. Employee participation in Women in Corrections ERG to be monitored and reported quarterly by North and South Region Diversity & Inclusion Recruiters. Comparative analysis to be conducted longitudinally to determine if ERG participation creates a measurable improvement to employee retention in this job category.
6. The Affirmative Action Manager will engage executive leadership quarterly in a high level dialogue and review of agency discrimination and harassment trends to determine appropriate mobilization of resources towards workplace cultural transformations. The Investigative Specialist will continue providing individual and annual disposition of complaints reporting to MMB as required statutorily.
7. The Diversity & Inclusion Recruitment Coordinator will continue quarterly reporting on primary referral sources identified in SEMA4, as well as prepare summary reports of all events entered into our intranet recruitment tracker tool to assess continued efforts relating to funding, support, and return-on-investment for job fairs, speaking engagements, and other high-touch recruitment initiatives attended by facility recruitment coordinators statewide.
8. MN DOC will establish preliminary review meetings with the Minnesota Department of Human Services (DHS), who has successfully negotiated these incentive-based programs, and determine what agency stakeholders and resources will be needed to launch a similar program.
9. Quarterly reporting of social media and other advertising campaigns and analysis of total impressions, click-through rates, and user engagement levels. Comparison to offer/hire referral source data to establish return-on-investment.
10. Ongoing participation monitored through intranet Recruitment Tracker tool.

Past Evaluation:

1. WOOC audits were part of the previous Affirmative Action plan, but no progress to date has been noted in effectively monitoring and reviewing this hiring process in conjunction with Human Resources. Intentional collaboration will be necessary in establishing a new protocol and developing/implementing new training for all hiring managers and supervisors.
2. Qualitative data analysis was a central mechanism identified in the Recruitment portion of the 2016-18 plan. To date, we have readily accessible metrics on the total number of stay and exit interviews conducted, but no history of collaboration or analysis of the qualitative interview

results have been shared with the Office of Diversity. Future evaluation will require extensive, ongoing collaboration between the two divisions.

3. ERGs were identified as a primary source for peer support in the 2016-18 plan, but were not implemented during the plan period. MMB has coordinated the development of a streamlined enterprise ERG model for immediate implementation in FY2019.
4. Qualitative data analysis was a central mechanism identified in the Recruitment portion of the 2016-18 plan. We do not yet have readily accessible metrics on the total number of stay and exit interviews conducted, and have established no history of collaboration or analysis of the qualitative interview results across the Office of Diversity and Human Resources divisions. Future evaluation will require extensive, ongoing collaboration between the two divisions.
5. Quarterly analysis of SEMA4 Referral Source indicator to establish baseline measure for positive outcomes relating to high-touch career fair and other job-related recruitment events. Continue ongoing "Return on Investment" (ROI) reporting to the Diversity & Inclusion Executive Council.
6. Ongoing/Continued ROI analysis.

Responsible Persons:

- Agency Affirmative Action Manager
- Director of Employee Development
- Staffing Manager (Human Resources)
- Executive Leadership
- Facility Executive Teams
- Facility Affirmative Action Officer Designees
- Office of Diversity - Investigative Specialist
- Office of Diversity - Recruitment Coordinator

Target Completion Dates:

1. The first cohort of participants in the *Women in Corrections Leadership Program* will be selected in FY2019, with quarterly and annual reporting requirements tracking participant trajectory and internal promotions beginning in FY2020.
2. The Office of Diversity will report quarterly on targeted online advertising campaigns completed during each period. The group will report innovative strategies to the Statewide Recruiter's Group beginning in August, 2018.
3. The Affirmative Action Manager and Staffing Manager will create Monitoring the Hiring Process and Pre-Hire Review protocol for competitive WOOC opportunities by the conclusion of FY2019, with full program implementation (training and quarterly reporting requirements)

beginning in FY2020. FY2020 baseline data will inform strategic planning level analysis of diversity & equity in hiring practices.

4. MMB launched an enterprise-wide ERG program in June, 2018. MN DOC Diversity & Inclusion Recruiters will promote initial enrollment and monitor ongoing engagement and participation beginning in FY2019. We will begin comparative retention analysis (control and experimental/participation) in FY2020 once 1 full year of baseline program data is available.
5. Office of Diversity will plan for integrated diversity, equity, and inclusion survey questions during the FY2020 assessment cycle. Additional qualitative assessment of stay (and exit) interviews to be conducted beginning in FY2020 for women in all underutilized job categories.
6. Ongoing quarterly analysis of complaint types, disposition of findings, and mobilization of resources to provide critical training to agency leadership in high need facilities and divisions.
7. Quarterly reporting on SEMA4 referral source, analysis of social media targeted advertising campaign outcomes, and return-on-investment review for all high-touch recruitment initiatives.
8. FY2019: Preliminary review and information gathering on DHS program (successes, pitfalls, liability, etc.).

   FY2020: MN DOC program development, establishment of MOUs, and initial program implementation to combat prolonged vacancies in critical high-need, difficult to fill job categories.
9. FY2019 (quarters 1 & 2): Photography, video interviews, and promotional materials development.
10. FY2019 (quarters 3 & 4): Online & print advertising campaign.

    FY2020: Ongoing promotion & outreach.

Program Objectives for Minorities

The following job categories have been identified as underutilized for minority employees.

Table 7. Hiring & Separation Underutilization Comparison (Minority)

List job category name	Percent minority employees in category	Percent minority hired in category	Percent minority separated in category
Professionals	<10%	<10%	<10%
Protective Services	11.06%	15.10%	13.72%
Office/Clerical	<10%	<10%	14.29%
Technicians	<10%	13.04%	<10%
Skilled Craft	<10%	<10%	13.04%
Service Maintenance	<10%	<10%	<10%

The following corrective action has been planned to eliminate the barriers for minorities in each category.

Recruitment barrier identified for minorities in underutilized categories:

MN DOC continues to observe widespread protected EEO4 underutilizations with regard to minority staff representation in the following job categories:

- Professionals (underutilized by 18)
- Protective Services (underutilized by 30)
- Office/Clerical (underutilized by <10)
- Technicians (underutilized by <10)
- Skilled Crafts (underutilized by <10)
- Service Maintenance (underutilized by 20)

While there is a representative balance between MN DOC's internal and external hires for the above categories, minority separation rates continue to highlight many areas for opportunity with regard to the development of targeted, sustainable employee retention programming. The following job

categories revealed disparately high separation levels for minority employees with regard to their overall representation in the agency:

- Professionals (23.53% via dismissal/non-certification, and 25.00% termination without rights)
- Protective Services (20.22% via dismissal/non-certification, 14.80% via resignation, and 13.64% via termination without rights)
- Office/Clerical (28.57% via dismissal/non-certification, 15.00% via resignation, and <10% via termination without rights).
- Technicians (11.11% via resignation)
- Skilled Craft (25.00% via dismissal/non-certification)

The agency met all hiring goals during the 2016-2018 plan period that were established for minorities, except in the categories of Technicians and Skilled Craft. Two primary barriers observed with regard to hiring and separation rates include a zero net gain in the employment of minorities in the Office/Clerical (12 hired, 12 separated) and Skilled Craft (<10 hired, <10 separated) job categories, highlighting the need to critically examine staff exit interviews more intently to gain a broader understanding of factors contributing to staff attrition and to develop targeted, responsive minority employee retention programs.

Other barriers potentially contributing to the measurable recruitment and retention disparities for minority employees at MN DOC include the following:

- Community stigma and negative shared perception of law enforcement and corrections.
- Negative press/media surrounding recent staff assaults, perceptions of uncertain/unsafe work environments, and communal concern from MN DOC's first offender-on-staff assault resulting in death.
- Widespread community perception of racial division and bias in the profession.
- Rural location of facilities in conjunction with limited diverse populations in 30 mile radius (facilitating facility-specific hiring goals/retention analysis dashboards currently under development).
- Office/Clerical underutilization (entry-level), further restricting and reducing our internal pipeline for promotional candidates into the professional categories (professional directly feeding into Officials & Administrators). Separating at 14.29% (disproportionately high separation rates in our primary entry-level pipeline).

Recruitment & Retention actions for minorities in underutilized categories:

During the 2016-2018 planning cycle, MN DOC met five of the seven established hiring goals for minority employees in protected EEO4 job categories. The current plan reveals a critical need for more intentional minority retention programming to ensure that we are supporting and retaining minority staff that have been effectively recruited to work for the agency. Based on current reported

underutilizations, and MN DOC's two-factor analysis and consideration of hiring and separation trends, we propose the following recruitment and retention actions in this area:

1. Continued participation in annual career/job events: People of Color Career Fair, State Career Fair, State of MN Career Fair, Law Enforcement Career Event, Internship expo/career events, Diversity Career Resource and Education Expo, Industrial Career events, Military Career events, AIOIC Career Fair, Veteran Career Fair, and other events with a special emphasis and prioritization of minority-specific opportunities.
2. Targeted minority career spotlight marketing promotions and development of new "I'm In" marketing campaign highlighting MN DOC diversity in key areas, including key categories of minority underutilization. Promotion of use in print and online advertising materials, including targeted regional/credential LinkedIn advertising campaigns and Facebook "boost" promotions highlighting current staff and careers available with subtext highlighting contributions to recidivism reduction.
3. Exploration of recruitment and incentive referrals to support continued recruitment and retention of candidates in all critical high-need vacancy areas, including minorities in underutilized job categories.
4. Continuation of pilot community reentry program, highlighting the needs, contributions, and collaboration with federally recognized American Indian tribes in Minnesota. Expansion of the program includes intentional collaboration and hiring of staff with multicultural competencies to support community reentry efforts and intergovernmental collaboration.
5. Continued collaboration and support of regional minority councils, and expansion of minority-specific lead-in events throughout the state to encourage continued reflection and consideration of careers available in the MN DOC for minority applicants.
6. Continue hosting the biennial Diversity Symposium, highlighting staff training opportunities in discrimination-free workplace, implicit bias, and ERG influence on staff morale and inclusion efforts. Use participation as a catalyst for more critical, reflective dialogue on current workplace culture, and considerations for effectively addressing persisting widespread minority (and other) retention issues.
7. Expand MN DOC involvement with the volunteering/planning of the annual Forum on Workplace Inclusion, including sponsoring staff diversity champions to attend to support efforts of the Diversity & Inclusion Executive Council and sub-groups working on various recruitment and retention initiatives throughout the agency.
8. Continue regionalized advertising and outreach to minority-specific print and radio sources throughout the central metro regions, and targeted regions around tribal reservation communities.
9. Continue with 2nd and 3rd annual Statewide MN DOC Career Fair, with emphasis on invitation and engagement with surrounding minority community entities (minority councils, community-based organizations, and more).

10. Establish active Monitor the Hiring Process and Pre-Hire Review considerations for all competitively filled Work out of Class (WOOC) opportunities to ensure equitable hiring practices are followed. We have higher minority staff representation in facilities within a 30 mile radius of the Minneapolis/Saint Paul metro area, and experience continued difficulty effectively hiring full facility compliments in this central region. Ensuring WOOC equity will help solidify opportunities for advancement of minority staff currently working in these regions where retention is disparately impacted.
11. Promotion of Diversity, Equity, & Inclusion spotlight articles and strategies regularly through embedded all-staff communications as part of the ongoing Staff Professionalism Campaign.

Future Evaluation:

1. Ongoing, FY2019-FY2020. Include primary referral source identified in SEMA4 in return-on-investment analysis of all events attended by facility-designated recruitment coordinators.
2. Quarterly analysis of online & social media efforts, including comparative analysis of total user impressions, social engagements, and click-through ratios in conjunction with primary recruitment referral source disclosed during new employee orientation academy.
3. FY2019: Preliminary review and information gathering on DHS program (successes, pitfalls, liability, etc.).

   FY2020: MN DOC program development, establishment of MOUs, and initial program implementation to combat prolonged vacancies in critical high-need, difficult to fill job categories.
4. Quarterly analysis of minority staff representation levels for facilities within 30-60 miles of a federally recognized tribal community.
5. FY2019: establishing minority ERGs, with quarterly monitoring of participation and engagement levels.

   FY2020: Ongoing monitoring of ERG participation, and examination of minority participant retention levels, with consideration of promotions and active separations.
6. FY2019: Hiring two Diversity & Inclusion Recruiters (North Region and South Region), one to be hosted at MCF-Shakopee and the other at MCF-Rush City.

   FY2020: Quarterly examination of recruitment efforts to date, including in-depth analysis of minority recruitment and retention efforts, in conjunction with expanding ERG implementation and facility-specific peer and leadership support initiatives.
7. Collaboration with Employee Development and Process & Planning on the creation of a diversity and equity workplace climate assessment (FY2019), for implementation during FY2020. Consideration of bi-lingual emphasis addition to key Corrections Officer and other positions to increase multicultural competence and knowledge within facilities specific to Limited English Proficiency (LEP) policy and practice initiatives.

8. Intentional partnership with MMB/Executive recruiter, professional minority associations, television, trade journals, etc.

Past Evaluation:

1. Diversity symposium: session evaluations were conducted for all speakers/presenters.
2. Creation of bi-lingual officer's position: incomplete.
3. Continued assessment of the CO Trainee recruitment and onboarding process.
4. Facilitating active partnerships with regional diversity commissions and councils.
5. We identified a measurable difficulty in establishing meaningful, *sustainable* relationships with local and regional minority councils due to community stigma and negative perceptions regarding the role of corrections in the criminal justice system. Continued lack of resources dedicated to the Office of Diversity. The transition of the Discrimination & Harassment (103.300) Investigative Specialist and the hiring of two new Diversity & Inclusion Recruiters will help alleviate workload concerns and help in establishing new, innovative recruitment and retention programs.
6. Continue working with HAP (Hmong Alliance Partnership), MnCARRS (Minnesota Community Partners on Recruitment & Retention Solutions), Lead-In Events, expansion of participation in community diversity events for recruitment & department relationship building and promotion (Juneteenth, Pride, Hispanic Heritage Month & other events, etc.).
7. ERG implementation (put on hold until FY2019; MMB's rollout of enterprise-wide ERG model).
8. Executive Diversity & Inclusion (promote within to bolster recruitment and retention efforts).
9. College pipeline partnerships, emphasis on programs targeting minority students in key academic/major areas (TRIO programs, Multicultural Affairs, Student Affinity Groups),
10. Emphasis on targeting outreach to DEED & Community Workforce Centers, Chamber of Commerce, and promotion of careers to regionally unemployed.
11. Training on equitable hiring practices, MHP, Pre-Hire Review for hiring managers and appointing authorities (in conjunction with rotational MHP audits).
12. Continued participation in national night out, rondo days, conducting/promoting facility tours to diverse communities, onsite career fairs, and other initiatives geared towards raising our interaction and engagement levels with surrounding minority communities.
13. Examining bringing internship coordination back to Office of Diversity.

Person's Responsible:

- Agency Affirmative Action Manager
- Director of Employee Development
- Staffing Manager (Human Resources)

- Office of Diversity – ADA Title II/LEP Coordinator
- Executive Leadership
- Communications Office Staff
- MMB Executive Recruitment Team
- All Staff (in reference to examination of recruitment & retention incentives program)

Target Dates:

1. Ongoing FY2019-FY2020.
2. FY2019 (quarters 1 & 2): Development of "I'm in" campaign materials. Establish marketing focus group to review proposed diversity marketing and recruitment campaign materials.

   FY2019 (quarters 3 & 4): implementation & rollout of "I'm in" marketing campaign highlight diversity within the MN DOC.

   FY2020: ongoing quarterly reporting and examination of primary recruitment referral source to deem effectiveness of targeted efforts, including "I'm in" campaign referrals.
3. FY2019: Preliminary review and information gathering on DHS program (successes, pitfalls, liability, etc.).

   FY2020: MN DOC program development, establishment of MOUs, and initial program implementation to combat prolonged vacancies in critical high-need, difficult to fill job categories.
4. Ongoing FY2019-FY2020.
5. FY2019: Establish statewide minority stakeholder list.

   FY2020: Implement shared engagement and outreach strategy.

   FY2021: Analysis of baseline participation data for primary referral/recruitment source.
6. FY2019: Conference Planning Year

   FY2020: Conference Event Year
7. MMB launched an enterprise-wide ERG program in June, 2018. MN DOC Diversity & Inclusion Recruiters will promote initial enrollment and monitor ongoing engagement and participation beginning in FY2019. We will begin comparative retention analysis (control and experimental/participation) in FY2020 once 1 full year of baseline program data is available.

Program Objectives for Individuals with Disabilities

The following job categories have been identified as underutilized for individuals with disabilities.

Table 8. Hiring & Separation Underutilization Comparison (Individuals w/ Disabilities)

List job category name	Percent Individuals with Disabilities employees in category	Percent Individuals with Disabilities hired in category	Percent Individuals with Disabilities separated in category
Professionals	<10%	<10%	<10%
Protective Services	<10%	<10%	10.19%
Technicians	<10%	<10%	<10%
Service Maintenance	<10%	<10%	<10%

The following corrective action has been planned to eliminate the barriers for individuals with disabilities in each category.

Recruitment barrier identified for individuals with disabilities in this category:

MN DOC identified the following EEO4 job category underutilizations for individuals with disabilities:

- Professionals (underutilized by <10)
- Protective Services (underutilized by <10)
- Technicians (underutilized by <10)
- Service Maintenance (underutilized by <10)

The agency met all hiring goals established for individuals with disabilities during the 2016-2018 plan year, but continued demonstrating disparately high separation rates in the following job categories:

- Protective Services (<10% via dismissal/non-certification, <10% via resignation, and 19.05% via termination without rights)
- Office/Clerical (28.57% via dismissal/non-certification and <10% via resignation)
- Technicians (14.29% via dismissal/non-certification)
- Skilled Craft (75.00% via dismissal/non-certification and 16.67% via resignation)

One primary barrier observed with regard to hiring and separation rates of individuals with disabilities included a negative two net hiring loss during the FY2017-FY2018 period in the Protective Services

category (47 hired, 49 separated), highlighting the need for more emphasis on employee support and retention services for individuals with disabilities. A primary indicator of success during this period contributing to MN DOC meeting all hiring goals was the re-implementation of the state's Connect 700 program, and MN DOC's rapid expansion of efforts around intentional recruitment of individuals with disabilities through continued partnerships with Goodwill Easter Seals, Life Track, and other community-based organizations supporting the vocational rehabilitation of individuals with disabilities.

Recruitment & retention action for individuals with disabilities:

MN DOC is nearing total elimination of underutilization of individuals with disabilities in the Professionals and Technicians job categories, but still has work to do in effectively hiring and retaining employees with disabilities in the Protective Services and Service Maintenance areas. We propose the following targeted recruitment and retention initiatives in order to effectively address continued underutilization and retention in key EEO4 protected job classifications:

1. Build business partnerships with key academic law enforcement/corrections institutions through speaking engagements, career exploration initiatives, internship programs, and facility tours to position the MN DOC as an employer of choice with regard to the support and accommodation of individuals with disabilities.
    a. Explore a targeted recruitment relationship with highly diverse MNSCU student populations and continued promotion and engagement with Connect 700 candidates.
2. Expansion of Employee Development and onboarding support for individuals with disabilities through the Connect 700 program, and more broadly any time reasonable accommodations are requested – with special emphasis in the job categories demonstrating particularly high separation rates of individuals with disabilities (Protective Services, Office/Clerical, Technicians, and Skilled Crafts).
3. Establishing training for Regional Human Resources Directors, Appointing Authorities, and Hiring Managers & Supervisors on ADA Title I, the agency's Reasonable Accommodation Policy, and workplace accessibility; in conjunction with targeted ADA training for facility-designated recruitment coordinators.
4. Work in conjunction with Appointing Authorities to review issues of non-certification and dismissal of employees, as well as conducting a deeper qualitative analysis of exit and stay interviews to determine key issues undermining the effective retention of diverse MN DOC employees.
5. Work to improve on agency-wide accessible electronic documents, web accessibility on the public internet site, as well as the agency intranet (iShare) by designating an active agency Accessibility Coordinator.
6. Explore additional intentional partnerships with MN STAR (Minnesota System of Technology to Achieve Results) in regular equipment demo and temporary check-outs to ensure staff have access to the latest in assistive technology for reasonable accommodation requests prior to agency purchasing.

7. Office of Diversity will continue working in conjunction with Human Resources to provide reasonable accommodations for individuals with disabilities at all points of the hiring process and during the duration of their employment with the agency.

Future Evaluation:

1. Continued quarterly assessment of primary recruitment referral source identified in SEMA4 for applicants and offer/hire candidates to establish return-on-investment of all key reported recruitment initiatives.
    a. FY2019: re-establish agency wide stakeholder list, including adopt-a-college partner key contacts.
    b. FY2020: identify and recognize referral partners that refer candidates for application and those who persist through to offer and probationary hire status.
2. Continued collaboration with Human Resources on the development of regular training for Human Resources Staffing Representatives and Hiring Managers on Connect 700 internal protocol, program importance, and support/retention mechanisms in place for Connect 700 candidates.
3. Inclusion in annual training plan, with individual training session evaluations conducted by participants.
4. Conduct quarterly equity audits on all non-certifications and dismissals for disparity among protected groups identified in this report.
5. Accessibility Coordinator to attend MMB, statewide, and national accessibility training opportunities to initiative best practice review and implementation of accessibility protocol into existing agency purchasing, contract, and other processes.
6. N/A
7. Continued evaluation via annual ADA report to MMB.

Past Evaluation:

Action items 1 and 3-5 were included in the 2016-2018 Affirmative Action Plan. These four items continue to represent high-impact areas for eliminating the underutilization and retention trends observed amongst employees with disabilities.

Person's Responsible:

- Affirmative Action Manager, Office of Diversity
- Office of Diversity Team Members
- Director of Human Resources
- Staffing Manager, Human Resources

- Director of Employee Development
- Facility Executive Teams
- Facility-designated Affirmative Action Officers
- Minnesota Management and Budget (Guidance, Reporting, & Oversight)
- MN DOC Accessibility Coordinator

Target Dates:

1. Ongoing FY2019-FY2020.
2. FY2019: Active promotion of job vacancies to organizations serving the vocational rehabilitative needs of individuals with disabilities.

   FY2020: Analysis of Connect 700 conversion-to-hire ratios, and implementation of proactive agency onboarding process.
3. Regular attendance and training provided to Regional Human Resources Directors, and collaboration with Employee Development in establishing an engaging training program for staff working on agency employment recruiting. Work to be developed and led by two new hires (Diversity & Inclusion Recruiters – North & South Region).
4. FY2019: Assess facility-specific trends relating to disparately high separation rates. Conduct review with Regional HR Directors.
5. FY2019 (1st Quarter): Establish agency-wide Accessibility Coordinator

   FY2019 (2nd Quarter): Establish intranet "Accessibility Resources" page complete with trainings, online resources, and key elements to consider when creating documents, online materials, or webpages.

   FY2019 (3rd and 4th quarters)

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

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

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

When candidates are invited to participate in the selection process, employees scheduling the selection process will describe the process format to the candidate (*e.g.*, interview process, testing process). All candidates will be provided information regarding the procedure to request reasonable accommodations if necessary to allow candidates with disabilities equal opportunity to participate in the selection process. For example, describe if interview questions are offered ahead of time or what technology may be used during a test. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the selection process.

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 Minnesota Department of Corrections is required by federal and state law to maintain various personnel records for the purpose of preparing reports. To meet this requirement, a centralized reporting system has been established and will be maintained by the Human Resources Division.

The department will evaluate its progress in the following ways:

1. Through automated systems (Access, SEMA4, Crystal Reports) progress is measured and communicated to agency management members who shall disseminate that information to their respective areas of responsibility.

2. A pre-review of layoff decisions will be conducted to determine any adverse impact on protected group employees.

3. Employment interview methods will be randomly reviewed to ensure that all selection criteria are objective and job related.

4. Quarterly reports on hiring and separation rates will be generated, compiled and distributed to agency management.

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;
- Biennial Affirmative Action Plan;
- Annual Americans with Disabilities Act (ADA) Title I and Title II Report;
- Annual Internal Disposition of Complaints Report; and
- Disposition of Internal Complaint (submitted to MMB within 30 days of final disposition).

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

- Monitors progress toward stated goals by job category every quarter;
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact;
- Analyzes compensation program to determine if there are patterns of discrimination;
- Reviews the accessibility of online systems and 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.

APPENDIX

Attachment A: Policy 103.009 (Affirmative Action/Monitor the Hiring Process)

Minnesota Department of Corrections

Policy:	**103.009**	**Title: Affirmative Action/Monitoring the Hiring Process**
Issue Date:	**8/16/16**	
Effective Date:	**9/6/16**	

AUTHORITY: Minnesota Management and Budget Administrative Procedure 19.1

PURPOSE: To establish and maintain the department's affirmative action program and provide clear direction to hiring supervisors on affirmative action responsibilities for certain competitive and non-competitive appointments to department positions that relate to meeting the department's affirmative action goals.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: The DOC is committed to the establishment and maintenance of an affirmative action program. In accordance with Minnesota statutes and rules, an affirmative action plan is developed every two years and attached to this policy. The plan contains specific components, including program objectives and hiring goals for the department. The hiring goals and selection process procedures have been set to eliminate the underutilization of qualified protected group members, except where a bona fide occupational qualification exists. The groups, which the State of Minnesota has determined to be under-utilized in the workforce, include: (1) women, (2) ethnic/racial minorities, and (3) individuals with disabilities.

The Commissioner's executive team and managers are advised of the department goals and underutilizations for each job category for recruitment purposes. Department managers and supervisors must follow the procedures outlined below in order to eliminate the underutilization of qualified protected group members through a series of specific, result-oriented procedures combined with good faith efforts to consider affirmative action goals in selection decisions. The goals must be determined in the DOC affirmative action plan which utilizes the United States census recommendations and realistic workforce planning goals.

DEFINITIONS:
Affirmative applicant - an applicant who has identified that they are in a protected group (female, minority, individual with disability) and whose appointment would help meet DOC affirmative action plan goals.

Affirmative hire - an applicant in a protected group, which is determined to be underutilized by the DOC affirmative action plan, who is selected for the position.

Applicant pool – applicants who the department determines to meet the minimum qualifications for a position.

Commissioner's executive team - includes the Commissioner, deputy commissioners, and the assistant commissioners of the DOC.

EEO4 job categories - occupational categories applicable to state employment and assigned by the Equal Employment Opportunity Commission (EEOC) including: officials and administrators; professionals; technicians; protective services; office/clerical; skilled craft; and service maintenance.
Ethnic/racial minorities – refers to persons from the categories below. Person of mixed ethnic/racial background select the group with which they identify.

1. Black/African American (not Hispanic origin) – persons having origins in any of the black racial groups of Africa.

2. Hispanic – persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish ethnicity or origin, regardless of race.

3. American Indian or Alaskan Native – persons having origins from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

4. Asian or Pacific Islander – persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This category includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

Finalist pool – refers to all applicants who are invited to interview. If the hiring supervisor intends to conduct second interviews, he/she must notify all finalist pool applicants prior to the first interviews that (1) second interviews will be conducted and (2) the requirement(s) to advance to the second interview. The second interview pool is the finalist pool.

Hiring goals – the Commissioner of Minnesota Management and Budget (MMB) establishes statewide goals for each EEO4job category by underutilized protected group based on the most current census available at the time the goals were established. The department goals must be based on comparison of the composition of the work force with the composition of the relevant civilian labor force in the reasonable recruitment area. If the comparison shows that a job category underutilizes a protected group, the commissioner establishes a goal for that disparity in the job category. EEO4 job categories are used as the basis for goal unit designators.

Individual with a disability - An individual with a disability

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

Justified non-affirmative hire - a non-affirmative finalist is selected for the position and is found to be substantially more qualified for the position than the highest scoring affirmative finalist.

Non-justified/missed opportunity hire – a non-affirmative finalist is selected for the position and is similarly or less qualified to the highest scoring affirmative finalist.

Recently separated veteran (RSV) – a veteran, as defined in Minn. Stat. §197.447, who has served in active military service, at any time on or after September 11, 2001, and who has been honorably discharged from active service, as shown by the person's form DD-214. The top five RSVs who meet the minimum qualifications for a vacant position and have claimed a veteran's or disabled veteran's preference must be invited to interview for the position.

PROCEDURES:

A. The DOC office of diversity is responsible for developing the department's affirmative action plan every two years and must file the plan with the MMB.

B. The office of diversity is responsible for posting the DOC affirmative action plan on the DOC office of diversity iShare site and DOC public website in an accessible format. Employees may request a copy from the office of diversity, facility affirmative action officer designee, or their manager/supervisor.

C. The human resources management (HRM) staffing unit, in collaboration with the hiring supervisor, documents the minimum and preferred qualifications, if applicable, for each vacancy.

D. The HRM staffing unit applies the affirmative action goals for applicable vacancies by reviewing the affirmative action goal report for the EEO4 job category and location of the vacancy at the time the vacancy is announced on the state careers website.

E. The HRM staffing unit refers to the hiring supervisor the applicants who appear to be minimally qualified, based upon a review of the applicants' resumes in comparison to the minimum qualifications on the vacancy announcement.

F. The hiring supervisor reviews and confirms with the HRM staffing unit, the pool of minimally qualified applicants to be reported by the HRM staffing unit on the MMB Monitoring the Hiring Process form (attached).

G. If a hiring supervisor needs to reduce the pool of applicants beyond the minimum qualifications to reach a reasonable number of applicants to interview, he/she must apply one or more of the preferred qualifications documented on the vacancy announcement.

   1. The hiring supervisor does not need to apply all the preferred qualifications listed on the vacancy announcement when reducing the pool of applicants.

   2. The preferred qualifications chosen to reduce the applicant pool must be applied consistently to all applicants (i.e. all applicants must meet the same preferred qualifications).

   3. If a hiring supervisor needs to further reduce the pool of applicants after applying one or more posted preferred qualifications in order to reach a reasonable number to interview, the hiring supervisor may apply additional job-related selection criteria.

a) Prior to the hiring supervisor scheduling interviews, the HRM staffing unit must review and approve the additional selection criteria to confirm job-relatedness and demonstration of a good faith effort to hire and retain the best qualified and diverse work force.
b) The HRM staffing unit documents the use of additional selection criteria in DOC's transaction request form log.
c) The hiring supervisor must apply the additional selection criteria consistently to all applicants (i.e. all applicants must meet the same additional selection criteria).

H. The hiring supervisor consistently evaluates all applicants in the finalist pool using a structured interview process and/or other selection tools in all rounds of interviews.
1. The structured interview questions, scored anchors and other selection tools must relate to the job duties, and minimum and preferred qualifications listed on the vacancy announcement.

2. All selection tools require approval by the HRM staffing unit prior to use.

I. The hiring supervisor must contact the HRM staffing unit prior to extending a job offer to determine if affirmative applicant(s) is in the finalist pool.
1. The HRM staffing unit must notify the supervisor if an affirmative action pre-hire review process (attached) is required.

2. The affirmative action pre-hire review process is only required for positions that
a) Have an underutilization of affirmative employees; and
b) For which an affirmative action goal has been determined in the current DOC affirmative action plan.

K. The affirmative action pre-hire review process is not required for RSV applicants who are included in the finalist pool due to being minimally qualified but who do not meet the preferred qualifications chosen to limit the finalist pool.

L. If an affirmative finalist is not selected and an underutilization exists in the EEO4 job category, the hiring supervisor must complete the affirmative action pre-hire review process and forward to the affirmative action manager.
1. Non-justified non-affirmative hire
a) If the affirmative action manager deems the hire request to be a non-justified/missed opportunity, the request must be approved by a deputy or assistant commissioner.
b) No offer of employment may be made by the hiring supervisor until a member of the Commissioner’s executive team approves a missed opportunity and informs the staffing representative of the decision.

2. Justified non-affirmative hire
a) The affirmative action manager must review the documentation to determine if the non-affirmative finalist is substantially more qualified than the highest-scoring affirmative finalist in the finalist pool for which an underutilization exists.

b) If the affirmative action manager deems the hire request to be a justified non-affirmative hire, the manager must
   1) Sign the affirmative action pre-hire review process documentation;
   2) Sign he MMB monitoring the hiring process form; and
   3) Notify the staffing representative of the decision.

c) The documentation must be kept with the affirmative action manager and HRM staffing unit.

d) No offer of employment may be made by the hiring supervisor until the affirmative action manager informs the staffing representative that the pre-hire review request to hire a non-affirmative finalist has been approved.

L. The staffing representative notifies the hiring supervisor of the affirmative action pre-hire review process decision.

1. The staffing representative then helps the supervisor through the remainder of the hiring process.

2. If the supervisor has a question regarding the decision, he/she may contact the DOC affirmative action manager.

N. Protected group status of an applicant is not identified as public information pursuant to the Minnesota Government Data Practices Act, which governs collection and disclosure of all data; including defining the public personnel and applicant data that may be released (Minn. Stat. § 13.43, subd. 3).

1. HRM must not disclose the protected group status of applicants.

2. However, hiring supervisors is notified by the HRM staffing unit if an affirmative action pre-hire review is required.

O. The HRM staffing unit must record applicant screening and selection actions in the state's applicant database system.

INTERNAL CONTROLS:

A. The DOC affirmative action plan is developed and filed with MMB every two years.

B. Applicant screening and selection actions are recorded in the state's applicant database system.

C. Vacancy-filling information, including the affirmative action pre-hire review materials are retained by the HRM staffing unit and the office of diversity for four years from the date of the personnel action to which the records relate, in accordance with the DOC human resources record retention schedule.

REVIEW: Annually

REFERENCES: Minnesota DOC Affirmative Action Plan
Minn. Stat. § 43A.02, subd. 33
Minn. Stat. § 43A.04, subd 3
Minn. Stat. § 43A.11, subd. 7

Minn. Stat. § 43A.19
Minn. Stat. § 43A.191, subd. 2
Minn. Stat. § 197.447
Minn. Stat. § 13.43, subd. 3
Minn. Rules Ch. 3900, "Personnel"
Minn. Rules Ch. 3905, "State Agencies, Affirmative Action"
Minnesota Department of Human Rights
Equal Employment Opportunity Commission
ACA Standards: 2-CO-1C-01, 4-4048, 4-APPFS-3E-02, 4-APPFS-3E-04, 2-CO-1C-09, 4-4053

SUPERSESSION: Policy 103.009, "Affirmative Action/Monitoring the Hiring Process," 9/17/13. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

Attachment B: Pre-Hire Review Justification Worksheet

Minnesota Department of Corrections

Affirmative Action Pre-Hire Review

Hiring managers and supervisors shall follow this process when selecting a non-affirmative finalist over an affirmative finalist for a vacancy where an underutilization exists.

No offer of employment shall be made by the hiring supervisor until the affirmative action manager informs the staffing representative the pre-hire review request to hire a non-affirmative finalist has been approved.

Process: The department's underutilization of protected employees is determined through the department's affirmative action plan. When an established affirmative action goal has not been met, the hiring supervisor must request approval before appointing a non-affirmative finalist when a qualified affirmative applicant is in the finalist pool. The office of diversity is available to discuss the request or provide assistance at any step of the procedure.

A. The hiring supervisor completes the *Affirmative Action Pre-Hire Review Process* (*Pre-Hire Review)* form and gathers the required attachments. The information must state how the selected finalist's knowledge, skills, and abilities (in comparison to the vacancy announcement and results of the structured interview process) show that they are substantially more qualified to perform the functions of the job than the highest scoring affirmative finalist.

1. The hiring supervisor submits the *Pre-Hire Review* information and attachments to their manager. If the manager supports the supervisor's request, the manager will route the *Pre-Hire Review* to the Appointing Authority for approval. If approved, the Appointing Authority will route the request to the Affirmative Action Manager.
2. The Affirmative Action Manager will review the request to determine if it is a justified non- affirmative hire or a non-justified non-affirmative hire.
    a) **Justified non-affirmative hire** – an affirmative finalist is not selected because the selected finalist was found to be substantially more qualified for the position. The affirmative action manager will review the documentation to determine if the non-affirmative finalist is substantially more qualified than the highest-scoring affirmative finalist in the finalist pool for which an underutilization exists. If the affirmative action manager deems the hire request to be a justified, non-affirmative hire, theywill sign this form and notify the staffing representative of the decision.
    b) **Non-justified non-affirmative hire** – An affirmative finalist is not selected, even though the selected finalist was not found to be substantially more qualified for the position. If the affirmative action manager deems the hire request to be a non-justified non affirmative hire (a.k.a. missed opportunity), the request must be approved by a deputy or assistant commissioner.

B. The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (MN Stat. 13.43, Subd. 21). Human Resources will not disclose the protected group status of applicants to the hiring supervisor.

Minnesota Department of Corrections Affirmative Action Pre-Hire Review Process

This form is to be completed by the hiring supervisor for the Affirmative Action Pre-Hire Review Process.

Checklist**:** Attach documentation listed below (A) and review and complete the Pre-Hire Review Worksheet (B) for the highest scoring affirmative finalist and the selected non- affirmative finalist. Signatures (C) must be completed prior to moving forward with the hiring process**.**

A. CHECKLIST

☐	Copy of the vacancy announcement
☐	Names and combined interview scores of all finalists interviewed
☐	Structured interview questions and anchors, including the ratings/responses for the selected finalist and the highest scoring affirmative finalist
☐	Resumes of the selected finalist and the highest scoring affirmative finalist
☐	Section B (Affirmative Action Pre-Hire Review Justification Worksheet)

B. AFFIRMATIVE ACTION PRE-HIRE REVIEW JUSTIFICATION WORKSHEET

Preparedby:	Date:
Vacancy announcement number:	
Location**:**	Job Class:
Total number of applicants interviewed: Total possible interview score:	

Pre-Hire Review Worksheet comparing selected finalist and the highest scoring affirmative finalist. The comparison of finalist qualifications should include at least **two** of the four applicable areas as listed below:		
☐	1.	Any **knowledge, skills, and abilities** the selected finalist has that make him or her substantially more qualified than the highest scoring affirmative finalist. (These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)
☐	2.	Completion of additional job-related **education, training, licensure and/or certification(s)** by the selected finalist that demonstrate s/he is substantially more qualified than the highest scoring affirmative finalist. (These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)
☐	3.	The **work experience** of the selected finalist that makes him or her substantially more qualified than the highest scoring affirmative finalist. (The experience must relate to the minimum and/or preferred qualification listed on the vacancy announcement.)
☐	4.	Other factors (interview responses, selection assessments, employment reference checks, etc.) that make the selected finalist substantially more qualified than the highest scoring affirmative finalist.

Are you proposing to select the highest scoring applicant?	YES	NO
(If No, please provide a brief explanation of why you are choosing not to select a finalist(s) with a higher score.)		

Name of selected non-affirmative finalist:	Name of highest scoring affirmative finalist:
Selected finalist: Combined total score **(____out of_____)**	Highest scoring affirmative finalist: Combined total score **(____out of_____)**
Comments on any assessments/tests administered:	Comments on any assessments/tests administered:

SECTION B. CONTINUED

The selected finalist's knowledge, skills, & abilities that make him/her substantially more qualified than the highest scoring affirmative finalist. *These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)*	The affirmative finalist's knowledge, skills, and abilities in comparison to the selected finalist. ***These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.***

The selected finalist's job-related training, education, licensure and/or certification that make him/her substantially more qualified than the highest scoring affirmative finalist. ***(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)***	The affirmative finalist's job-related training, education, licensure and/or certification in comparison to the selected finalist. ***(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)***

The selected finalist's work experience that makes him/her substantially more qualified than the highest scoring affirmative finalist. ***(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)***	The affirmative finalist's work experience in comparison to the selected finalist. ***(These must relate to the minimum and/or preferred qualifications listed on the vacancy announcement.)***

The selected finalist's other factors (interview responses, selection assessments, employment reference checks, etc.) that make him/her substantially more qualified than the highest scoring affirmative finalist.	The affirmative finalist's other factors (interview responses, selection assessments, employment reference checks, etc.) in comparison to the selected finalist.

Interview panelists' names	Interview panelists' job classifications

Hiring Supervisor Written Signature:	Date:

C. SIGNATURES

The hiring supervisor submits the Pre-Hire Review information and attachments to their manager. If the manager supports the supervisor's request, the manager will route the Pre-Hire Review to the Appointing Authority for approval.

1)_____ **Appointing Authority** Date:	Approved: ☐ Disapproved: ☐
2)_____ **Office of Diversity** Date:	Approved: ☐ Disapproved: ☐
3)_____ **Executive Staff member/designee:** (Required for Non-Justified Non-Affirmative hire only) Date:	Approved: ☐ Disapproved: ☐

Attachment C: Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436

OVERVIEW

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers

- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, 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 their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has 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, as defined by Minn. Stat. § 363A.03, subd. 23.

GENERAL STANDARDS AND EXPECTATIONS

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment/discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment/discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities,

including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists

4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment/discrimination or retaliation, and will take prompt and appropriate action. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the

appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment/discrimination, who reports protected class harassment/discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment/discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Attachment D: Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy

The Minnesota Department of Corrections' has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Who May File:

Any individual who believes that they have been subject to harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is encouraged to use this internal complaint procedure.

If the individual chooses, a complaint can be filed externally with the Minnesota Department of Human Rights (MDHR), the U.S. Equal Employment Opportunity Commission (EEOC), or through other legal channels. The MDHR, EEOC and other legal channels have time limits for filing complaints; individuals may contact the MDHR, EEOC, or a private attorney for more information.

Retaliation against any person who has filed a complaint either internally through this complaint procedure or through an outside enforcement agency or other legal channels is prohibited.

Individuals who knowingly file a false complaint will be subject to disciplinary or corrective action.

The following are the procedures for filing a complaint:

1. The individual may, but is not required to, complete the "Harassment and Discrimination Prohibited/ Sexual Harassment Prohibited Policies Complaint Form" provided by the Affirmative Action Officer or designee. Individuals are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form.

2. The Affirmative Action Officer or designee determines if the complainant is alleging conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy; or if the complaint instead is of a general personnel concern or a general concern of respect in the workplace.

    - If it is determined that the complaint is not related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited

Policy , but rather involves general personnel concerns or general concerns of respect in the workplace, the Affirmative Action Officer or designee will inform the complainant, in writing, within ten (10) business days.

- If it is determined that the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the Affirmative Action Officer or designee will determine whether corrective action may be taken without an investigation. If it is determined that an investigation is necessary, the Affirmative Action Officer or designee shall investigate the complaint.

3. The Affirmative Action Officer or designee shall create a written investigation report of every investigation conducted. If the investigation shows sufficient evidence to substantiate the complaint, appropriate corrective action will be taken.

4. Within (60) days after the complaint is filed, the Affirmative Action Officer or designee shall provide a written answer to the complainant, unless reasonable cause for delay exists. The complainant will be notified if the written answer is not expected to be issued within the sixty (60) day period. The written answer to the complainant must comply with the data privacy restrictions of the Minnesota Government Data Practices Act.

5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.

6. The status of the complaint may be shared with the complainant(s) and respondent(s). All data related to the complaint are subject to the provisions of the Minnesota Government Data Practices Act.

7. The Affirmative Action Officer or designee shall maintain records of all complaints, investigation reports, and any other data or information the Affirmative Action Officer or designee deems pertinent for seven (7) years after the complaint is closed.

8. In extenuating circumstances, the employee or applicant may contact the State Affirmative Action Officer in the Office of Equal Opportunity at Minnesota Management and Budget for information regarding the filing of a complaint (for example, if the complaint is against the agency head or the agency Affirmative Action Officer).

Attachment E: Policy 103.300 (Discrimination-Free Workplace)

DEPARTMENT OF CORRECTIONS

Policy Number:	**103.300**
Title:	**Discrimination-free Workplace**
Effective Date:	**3/5/19**

PURPOSE: To describe the department's commitment to providing a workplace free from discrimination, including discriminatory harassment and reprisal; to establish clear procedures for handling reports of alleged violations of this policy; and to comply with Minnesota Management and Budget (MMB) HR/LR Policy #1329 Sexual Harassment Prohibited and HR/LR Policy #1436 Harassment and Discrimination Prohibited.

APPLICABILITY: Department-wide, including all applicants, employees, contractors, student workers, vendors, volunteers, and third parties who have interactions with the department.

DEFINITIONS:

Appointing authority – the warden, superintendent, or manager who has been designated as the authority for personnel transactions by the commissioner.

Employment actions – includes such things as hiring, terms and conditions of employment, benefits, training, discipline, compensation, promotions, working conditions, or discharge.

Individuals – applicants, employees, contractors, volunteers, and student workers. "Individuals" also includes third parties.

Individuals designated to receive reports of suspected violations – any supervisor, manager, regional human resources director (RHRD), and the diversity director.

Protected class characteristics – age, race, color, creed, disability, familial status, gender, genetic information, marital status, membership or activity in a local human rights commission, national origin, race, religion, sex, sexual orientation, or status with regard to public assistance.

Reprisal – any form of intimidation, retaliation, or harassment directed toward an individual who has made a good faith report or participated in an investigative, administrative, or legal process initiated under this policy.

PROCEDURES:

A. The DOC does not tolerate unlawful discrimination in employment actions or discriminatory harassment on the basis of protected class characteristics; or reprisal for making a good faith report about discrimination or discriminatory harassment.

The following conduct is prohibited:

1. Discrimination with respect to hiring, compensation, or other terms, conditions, and privileges of employment based upon an individual's protected class status, except when based upon a bona fide occupational qualification.

2. Discriminatory harassment, which is conduct or communication toward an individual based upon that individual's protected class status that is unwelcome, personally offensive, insulting or demeaning, and when:
   a) Being subjected to the conduct or communication is explicitly or implicitly made a term or condition of an individual's employment;

   b) Submission to or rejection of the conduct or communication by an individual is used as a factor in employment decisions affecting that individual; or

   c) The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's performance in employment or creating an intimidating, hostile, or offensive work environment.

3. Any of the following types of conduct or communication, which could constitute discriminatory harassment, as defined in A.2., a) through c) above:
   a) Displaying, transmitting, or storing, either physically or electronically, any writing, sign, or other visible representation that demeans, offends, threatens, or belittles any individual or group of individuals based on their protected class status, including such examples as posters, signs, photographs, drawings, cartoons, or symbols.

   b) Verbal communication, whether in-person or electronic, of demeaning, derogatory, vulgar, threatening, or offensive comments or references about any individual or group of individuals based on their protected class status.

   c) Physical acts, movements, or gestures in the presence of others that communicate demeaning, derogatory, threatening, vulgar, or otherwise offensive messages about any individual or group of individuals based on their protected class status, regardless of whether the acts involve physical contact with another.

4. Reprisal, which includes any form of intimidation, retaliation, or harassment against an individual because that individual reported an alleged violation under this policy or assisted or participated in an investigation, regardless of whether a claim of discrimination or discriminatory harassment is substantiated.

5. Knowingly making false reports or providing false information about a report of discrimination or discriminatory harassment during the investigation of such a report.

B. Responsibilities for compliance
   1. All DOC employees must take appropriate action in reporting and responding to alleged discrimination, discriminatory harassment, and reprisal.

2. All individuals affiliated with the DOC are required to comply with this policy. Failure to comply is grounds for discipline, up to and including termination of employment, contract, or other affiliation.

3. All training must be documented in the agency approved training system, including an annual acknowledgement of MMB's HR/LR Policy #1329 Sexual Harassment Prohibited.

4. All individuals subject to this policy:
   a) Must complete training in accordance with agency training plans to ensure they are aware of and understand the policy and procedures;
   b) Must comply with all aspects of this policy and procedures;
   c) May promptly advise the policy violator that his or her behavior is unwelcome and request that it be discontinued. Often this request alone resolves the problem;
   c) Are encouraged to report to a person designated to receive reports if the individual, in good faith, believes the individual has been subjected to conduct that violates this policy and whether the individual has tried to resolve the problem with the policy violator;
   d) Must report if the individual observes or otherwise learns about conduct that the individual, in good faith, believes violates this policy;
   e) Are required to cooperate in the investigative process and testify truthfully in any administrative, or legal process related to alleged violations of this policy. The investigator must provide all staff interviewed with the appropriate Garrity Warning/Tennessen Notice; and
   f) Must maintain confidentiality requirements.

5. Managers, supervisors, and lead workers must:
   a) Ensure the workplace is free from unlawful discrimination by modelling appropriate behavior in the workplace;
   b) Monitor the work environment for signs of prohibited conduct;
   c) Complete training for managers, supervisors, and lead workers in accordance with agency training plans;
   d) Educate all individuals covered by this policy about prohibited conduct and complaint procedures;
   e) Initiate and support programs and practices designed to develop understanding, acceptance, commitment and compliance with this policy;
   f) Document and report any violations of this policy they observe or have reported to them regardless of whether the individual subjected to the offending conduct chooses to report;
   g) Cooperate and testify truthfully in any investigative, administrative, or legal process related to an alleged violation of this policy;
   h) If authorized, take disciplinary action or make remedial operational changes, when necessary; and
   i) Maintain confidentiality requirements.

C. Reporting suspected violations of this policy

To encourage and facilitate prompt and appropriate response to suspected violations of this policy, the following individuals are designated to receive reports: any supervisor, manager, regional human resources director (RHRD), director of human resources or the diversity director. If the complaint concerns an agency head, individuals may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity and Inclusion. Individuals are encouraged to use the DOC's internal reporting procedures, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) or the Minnesota Department of Human Rights or other legal channels.

1. Individuals encouraged to report
   Individuals who are being, or have been, subjected to conduct that they, in good faith, believe violates this policy are encouraged to report it to their supervisor, the supervisor of the person whose conduct is objectionable, or any person designated to receive reports.

2. Individuals required to report
   All individuals subject to this policy who observe and otherwise learn of conduct that they, in good faith, believe violates this policy are required to report it.

3. Contents of report
   Reports should be made on the Discrimination/Discriminatory Harassment Report form (attached), which is also available on the DOC intranet or in any human resources office. A report must include, at a minimum, the following information:
   a) Reporting person's name, job title, work address, telephone number, and supervisor's name;
   b) The name of the person responsible for the objectionable conduct;
   c) A description of the conduct that violates this policy;
   d) The date of the most recent conduct; and
   e) The names of any individuals who witnessed the conduct.

D. Initial receipt of report

1. Person who receives a report of alleged violations
   a) For reports received on the Discrimination/Discriminatory Harassment Report form or other written reports, contact the RHRD immediately or, if RHRD is not available, the appointing authority(ies), director of field services, director of human resources, or agency affirmative action manager. If the form is missing any information, contact the individual who completed the report and obtain the necessary details to fully document the report in writing.

   b) For all other reports (verbal)
      (1) Contact the individual who has been subjected to the objectionable conduct and encourage the individual to file a report on the Discrimination/Discriminatory Harassment Report form.

      (2) If the individual being subjected to the offensive conduct chooses not to file a written report,
         (a) Collect the necessary information;

(b) Complete the Discrimination/Discriminatory Harassment Report form on behalf of the individual; and

(c) Immediately submit the form to the RHRD, or, if RHRD is not available, the appointing authority(ies) or director of field services, or agency affirmative action manager.

c) The RHRD, the appointing authority(ies), or the director of field services must immediately forward the report to the agency affirmative action manager.

2. The RHRD and the appointing authority(ies), in consultation with the director of human resources must determine whether it is necessary to limit contact between the individual allegedly responsible for the offensive conduct and the individual who has been subjected to it and, if so, give directions for temporary reassignment of anyone involved. Depending on the seriousness of the alleged conduct, any individual involved may be reassigned pending the investigation.

3. The agency affirmative action manager reviews and determines whether the report alleges conduct based on protected class status in violation of this policy, whether a fact-finding investigation is necessary, and what the scope of the investigation should be. If the report does not provide adequate information to determine if an investigation should take place, the agency affirmative action manager assigns an individual to obtain more information to determine if an investigation is necessary.

a) If no investigation is warranted under this policy, the agency affirmative action manager notifies the RHRD or appointing authority(ies). The appointing authority(ies) must deal with the issues raised in a manner appropriate to the situation.

b) If an investigation is necessary, the director of human resources notifies, in writing, the individuals who reported or were subjected to the conduct, and the individual(s) whose conduct allegedly violated this policy, and notifies the RHRD and/or appointing authority(ies) and associate or deputy commissioner. Whenever practical, written notification is delivered on behalf of the agency affirmative action manager by the RHRD/designee.

E. Investigation

1. Agency affirmative action manager
The agency affirmative action manager assigns an investigator to conduct an investigation into the alleged violation(s) of this policy.

2. Assigned investigator
The investigator assigned to conduct the investigation:

a) May interview any or all individuals who were involved in or witnessed the alleged violation of this policy and may review pertinent documents, including such examples as personnel files, reports of related investigation(s), computer files, and e-mail.

b) Conducts the investigation with respect for confidentiality to the extent practicable and in accordance with federal and state data privacy laws; however, confidentiality is not guaranteed. To protect the privacy of the complainant(s), respondent(s) and other participants in the investigation, only those persons determined to have an absolute business need to know are informed of an ongoing investigation and all parties involved in an investigation are directed not to discuss the matter with any individual who does not have a business reason to know.

c) Submits a written report of the findings to the agency affirmative action manager when the fact-finding investigation is complete, generally within 30 calendar days of the decision to investigate unless there is reasonable cause for delay.

F. Review of findings and determination of whether violation of policy has been substantiated
The agency affirmative action manager reviews and determines, based on the totality of the circumstances, whether the findings of the investigation substantiate a violation of this policy within 60 days after a formal complaint has been filed per Minn. Rule 3905.0500.

1. If the findings of the investigation do not support the conclusion that a violation of the policy occurred, the agency affirmative action manager:
   a) Notifies, in writing, the individual(s) who were subjected to and responsible for the alleged misconduct that the investigation has been completed. Whenever practical, written notification is delivered on behalf the agency affirmative action manager by the RHRD/designee.
   b) Provides the RHRD and appointing authority(ies) with a copy of the report for review of other policy violations and additional follow-up.

2. If the investigation findings support the conclusion that a violation of the policy occurred, the agency affirmative action manager:
   a) Notifies the RHRD, the appointing authority(ies), and the respective assistant or deputy commissioner;
   b) Provides them with a copy of the report;
   c) Refers the matter to them to determine what corrective actions are necessary; and
   d) Notifies, in writing, the individual(s) who were subjected to and responsible for the alleged misconduct that the investigation has been completed. Whenever practical, written notification is delivered on behalf the agency affirmative action manager by the RHRD/designee.

G. Corrective action

1. The appointing authority(ies) and the RHRD determine what corrective actions are appropriate and consult with the agency affirmative action manager to ensure all policies, procedures, post orders, collective bargaining agreements, and organizational concerns are considered. Corrective actions include such examples as employee discipline and remedial operational changes. Third parties found to have been in violation of this policy will be subject to appropriate action, which will depend on the facts and circumstances, including the relationship between the third party and the agency.

2. The appointing authority(ies), after consulting with the agency affirmative action manager, must:
   a) Promptly administer the disciplinary action;
   b) Implement any remedial operational changes;
   c) Remind affected employees of the availability of conflict resolution options and the employee assistance program; and
   d) Arrange a meeting with the employee responsible for the misconduct and supervisor to reinforce the department's expectations of maintaining a work environment free from illegal discrimination, including sexual harassment.
3. Discipline may not be carried out or altered during any grievance procedure of a collective bargaining agreement unless authorized by the agency affirmative action manager.

H. Maintaining records
1. The appropriate RHRD has primary responsibility for maintaining records of all reports filed pursuant to this policy.

2. Reports on the disposition of complaints must be filed with Minnesota Management and Budget within 30 calendar days of a final determination; and each January in the DOC's annual report.

INTERNAL CONTROLS:

A. All training is documented and retained in the agency-approved electronic training management system.

B. Copies of all reported violations, investigation reports, and communication with the involved parties are retained by the appropriate RHRD.

ACA STANDARDS: 2-CO-1C-11, 1-ABC-1C-05, 1-ABC-1C-02 BP7, 4-JCF-6D-01 BP7, 4-4056, 4-APPFS-3E-16, 4-APPFS-3E-05, 4-APPFS-3E-06, 2-CI-6D-4, 4-JCF-6D-06

REFERENCES: Minn. Stat. §§ 241.01, subd. 3a; 43A.01, subd. 2
Minnesota Human Rights Act (Minn. Stat. Ch. 363A
Minn. Rule 3905.0500
MMB HR/LR Policy #1329 Sexual Harassment Prohibited
MMB HR/LR Policy #1436 Harassment and Discrimination Prohibited
Age Discrimination in Employment Act
Americans with Disabilities Act
Genetic Information Nondiscrimination Act
Rehabilitation Act of 1973
Title VII of the Civil Rights Act of 1964

REPLACES: Policy 103.300, "Discrimination-free Workplace," 11/19/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means, regarding this topic.

ATTACHMENTS: Discrimination/Discriminatory Harassment Report form (103.300A)
MMB HR/LR Policy #1329 Sexual Harassment Prohibited Acknowledgement (103.300B)

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support

Attachment F: Form 103.300A (Discrimination/Harassment Report)

Minnesota Department of Corrections

Discrimination/Discriminatory Harassment Report Form

This information is being collected to help the Department understand and investigate your complaint. Although you are not legally required to provide the requested information, failure to do so may make it difficult to investigate your report. This information will be handled according to the Minnesota Government Data Practices Act. You are advised that the information you provide during the course of this investigation may be released to other persons and/or entities as required or allowed by law and/or upon direction by proper authority and/or pursuant to court order.

Person Alleging Prohibited Conduct	
Name:	Employee ID:
Job Title:	Work Location:
Division:	Phone:
Supervisor:	

Person(s) who Allegedly Violated Policy	
Name:	Job Title:
Work Location:	Division:
Their Phone:	Their Supervisor:

Check any of the following that may be the Basis for the Report (check all that may apply)			
☐Age	☐Familial Status	☐National Origin	☐Sexual Orientation
☐Color	☐Gender	☐Race	☐Reliance on Public Assistance
☐Creed	☐Genetic Information	☐Reprisal	☐Membership/Activity in local Human Rights Commission
☐Disability	☐Marital Status	☐Sex	

Describe the situation(s) that makes you feel you have been discriminated against or harassed. Be specific, and include the date and time of the incident(s). Use additional paper if necessary.

Please list the names of any others who may have witnessed the situation or incident, may know of it, or with whom you have discussed it.	
1.	3.
2.	4.

Form Completion			
☐I completed this form on behalf of myself			
Name:		Date:	
OR			
☐Staff Person who collected information to complete this form on behalf of person alleging prohibited conduct			
Name:	Date:	Job Title:	Phone:

Attachment G: 103.300B MMB HR/LR Policy #1329 Sexual Harassment Prohibited Acknowledgment

ACKNOWLEDGEMENT

I acknowledge that I have received and read Minnesota Management and Budget's HR/LR Policy, #1329 Sexual Harassment Prohibited, and accompanying complaint procedure. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, applicant for employment, vendor, contractor, volunteer, customer, or business partner, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by this policy by any State employee, applicant for employment, vendor, contractor, volunteer, customer or business partner, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the commissioner. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Signed: _____ Date: _____

Employee Name: _____

Attachment H: Statewide HR/LR Policy #1329 (Sexual Harassment Prohibited)

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint with an appropriate authority. Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors

- Contractors
- Volunteers
- Customers
- Business Partners

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.
M.S. Ch. 363A
M.S. Ch. 43A
Minn. Rule 3905.0500

GENERAL STANDARDS AND EXPECTATIONS

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

- Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
- Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
- Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
- Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
- Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
- Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment with:

- An agency supervisor;
- The agency's affirmative action officer;
- An agency's human resource office;
- Agency management, up to and including the commissioner.

If the complaint concerns an agency head, the complainant may contact Minnesota Management & Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a complaint of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

- The name, department, and position of the person(s) allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The name(s) of other individuals who may have been subject to similar harassment;
- What, if any, steps have been taken to stop the harassment;
- Any other information the complainant believes to be relevant.

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

III. Supervisor Responsibility

Supervisors are responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
- When a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that a problem exists, the supervisor must appropriately respond to the complaint or problem;

- Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer so that prompt and appropriate action can be taken;
- Complying with their agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources offices are responsible for the following:

- Modeling appropriate behavior;
- Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee is responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures to ensure the prompt and appropriate action in response to complaints of sexual harassment;
- Keeping the agency apprised of changes and developments in the law.

VI. Investigation and Discipline

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures. For a sample investigation procedure, please review the documents available on the MMB Equal Opportunity, Diversity, and Inclusion website, including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees

- For agencies with 25 or fewer employees

Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

RESPONSIBILITIES

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, including developing:
    - An educational program;
    - A process for reporting complaints; and
    - A procedure under which complaints will be addressed promptly.
    - Enforcing this policy.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy and updating this policy as necessary.

FORMS AND SUPPLEMENTS

See acknowledgement form, below, which can be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, Sexual Harassment Prohibited, and accompanying complaint procedure. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, applicant for employment, vendor, contractor, volunteer, customer, or business partner, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by this policy by any State employee, applicant for employment, vendor, contractor, volunteer, customer or business partner, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the commissioner. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Signed: _____Date:_____

Employee Name:_____

Attachment I: Policy 103.310 (ADA Reasonable Accommodation)

Minnesota Department of Corrections

Policy:	**103.310**	**Title: Reasonable Accommodation**
Issue Date:	**5/19/15**	
Effective Date:	**5/19/15**	

AUTHORITY: The Americans with Disabilities Act (ADA) of 1990 as amended
The Minnesota Human Rights Act

PURPOSE: To reasonably accommodate qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges.

APPLICABILITY: All qualified applicants, current employees, and employees seeking promotion who have a physical, sensory, or mental impairment that substantially or materially limits one or more major life activity.

POLICY: Consistent with federal and state statutes, the department must reasonably accommodate qualified applicants and employees. An accommodation must provide an opportunity for a person with a disability to achieve the same level of performance or to enjoy benefits or privileges equal to those of an average, similarly situated employee without a disability.

The department provides funding for accommodations unless the accommodation will cause an undue hardship or pose a direct threat to the health or safety of others in the workplace.

The facility and field services coordinators provide aggregate information to the DOC and ADA coordinator annually. This information is reported to the Minnesota Management and Budget (MMB) in the ADA annual report.

DEFINITIONS:
Direct threat - a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.

Reasonable accommodation - any change or adjustment to a job, an employment practice, or a work environment that makes it possible for a qualified individual with a disability to enjoy equal employment opportunities. Examples of accommodations may include acquiring or modifying equipment or devices, modifying examinations and training materials, making facilities readily accessible, job restructuring, modifying work schedules, providing qualified readers or interpreters and reassignment to vacant positions.

Undue hardship - an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature, position, or operation of the department.

PROCEDURES:

A. Job applicant

1. When an applicant requests a reasonable accommodation for the selection process, human resource management (HRM) must consider the request and discuss the possible alternatives with the applicant.

2. HRM makes a decision regarding the request for accommodation and, if the accommodation is approved, must take the necessary steps to ensure the accommodation is provided.

3. If the accommodation cannot be provided, HRM must inform the applicant in an accessible format of the reason within a reasonable time period.

B. Employees

1. The employee must inform his/her supervisor, manager, or ADA coordinator of the need for an accommodation, preferably by completing the Employee Request for Reasonable Accommodation form (attached). Facility/field service ADA coordinators must review and maintain all documentation (separate from the employee personnel file) on all requests for reasonable accommodations and accommodation agreements made at their site, and provide the aggregate information to the DOC ADA coordinator annually.

2. The regional human resources director (RHRD) must serve as the regional ADA coordinator. The office of diversity provides consultation and assistance to the RHRD.

3. The ADA coordinator may not request medical information in support of every accommodation request, but may require reasonable information/documentation where the disability and/or need for accommodation is not obvious or otherwise known. The ADA coordinator may then only seek documentation which is reasonably necessary to establish that the employee/requester is an individual with a disability and needs the accommodation requested. Medical information and inquiries must be kept apart from the general personnel files as a separate, confidential medical record, available only under the limited conditions specified in the ADA and other applicable laws.

4. The ADA coordinator, without unreasonable delay and without waiting for documentation if it was requested, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
   a) Discuss the purpose and essential functions of the particular job involved and complete a step-by-step job analysis;
   b) Determine the precise job-related functional limitations;
   c) Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
   d) After discussion and approval from management, select and implement the accommodations that are the most appropriate for both the employee and the employer using the Reasonable Accommodation Agreement (attached). While an employee's preference must be given consideration, the department is free to

choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

5. If an accommodation agreement cannot be reached, the ADA coordinator must forward the request for accommodation, along with his/her recommendation, to the department assistant commissioner for operational support (assistant commissioner), who must review the request for accommodation, along with the recommendations, and advise regional management.

6. If an accommodation cannot overcome the existing barriers, or if the accommodation would cause an undue hardship (see Procedure C of this policy) on the operation of the business or pose a direct threat (see Procedure D of this policy) to the requesting employee, the health or safety of the employee or others in the workplace, the employee and the supervisor, in consultation with the ADA coordinator and regional management, must work together to determine whether reassignment may be an appropriate accommodation.
   a) HRM must first look for a vacant position in the department equivalent to the one presently held by the employee in terms of pay and job status. If the individual with the disability is not qualified, with or without reasonable accommodation, for a vacant position (or a position the department knows will become vacant within a reasonable period of time), the department may, as a reasonable accommodation, assign the employee to a lower grade vacant position for which the individual is qualified. If this occurs, the department is not required to maintain the individual's salary at the previous level.

   b) HRM must help the employee identify transfer, mobility, noncompetitive and competitive opportunities (Minn. Stat. §43A.).

   c) The department is <u>not</u> required to create a new job or to bump another employee from a job in order to provide an accommodation.

7. If a reasonable accommodation cannot be made, the ADA coordinator, with the assistant commissioner's approval will provide the employee with written notification explaining the reason(s) for denying approval within a reasonable time period.

C. <u>Undue hardship</u>:
   1. The manager of the office of diversity must discuss the requested accommodation with the assistant commissioner and/or deputy commissioner.

   2. They must determine if the request poses an undue hardship by considering the factors including, but not limited to:
      a) The nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the department's operation; and
      b) The impact of the accommodation on the nature or operation of the division.

Additional factors to consider when determining undue hardship are found in 42 U.S.C. § 126, 12111 (1990) and 29 C.F.R. 1630.2 (2010).

3. If the accommodation is considered to impose an undue hardship, an analysis and recommendation must be sent to the commissioner.

4. The commissioner must provide a written decision to the assistant commissioner or deputy commissioner, as applicable. The employee requesting the accommodation must be immediately notified, in writing, of the final determination. Facility/field service ADA coordinators must review and maintain all documentation (separate from the employee personnel file) on all requests for reasonable accommodations and accommodation agreements made at their site, and provide the aggregate information to the DOC ADA coordinator.

D. Direct threat:

1. Management must make an individualized determination of an individual's current ability to safely perform a job's essential functions.

2. Determinations must be based on objective information and not on myths or stereotypes.

3. The determinations must:
   a) Demonstrate there is a significant risk of substantial harm;
   b) Identify the specific risk;
   c) Demonstrate the risk is current, as opposed to speculative or remote;
   d) Support the risk assessment with objective medical evidence related to the particular employee; and
   e) Consider whether the risk can be eliminated or reduced below the level of a direct threat by reasonable accommodation.

E. Statewide reporting: the DOC ADA coordinator reports all accommodation requests to MMB in the ADA annual report.

INTERNAL CONTROLS:

A. Facility/field service ADA coordinators review and maintain all documentation on all requests for reasonable accommodation and accommodation agreements made at their site.

B. The DOC ADA coordinator reports all accommodation requests to MMB in the ADA annual report.

REVIEW: Annually

REFERENCES: ACA Standards 2-CO-1C-01; 2-CO-1C-09; 4-4053; 4-4048; 4-APPFS-3E-02; 4-APPFS-3E-03
29 CFR 1630.2
Policy 103.240, "Return to Work Program"
Policy 103.300, "Anti-Discrimination and Sexual Harassment"

SUPERSESSION: Policy 103.310, "Reasonable Accommodation," 11/5/13.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Employee Request for Reasonable Accommodation (103.310A)
Authorization for Release of Medical Information ADA Request for Accommodation (103.310B)
Reasonable Accommodation Agreement (103.310D)
Provider Report/ADA Eligibility and Request for Accommodations (103.310C)

/s/
Deputy Commissioner, Facility Services

Deputy Commissioner, Community Services

This document is available in alternative formats to individuals with disabilities by calling
(651) 361-7256 (V) or (800) 627-3529 (TTY)

Attachment J: Form 103.310A (Request for Reasonable Accommodation Form)

Employee Request For Reasonable Accommodation

Give completed form to ADA Coordinator. Please Print or Type

Employee Name:	Job Title:	Date Requested:
Division/Unit: **Note: Continue on back if you need more room for any of the following questions**		

1. Please describe the nature of your medical condition for which you are requesting an accommodation. Describe how it substantially limits any major life activities.

2. How does it affect your ability to perform your job?

3. Type of accommodation requested:

____ Making facilities readily accessible

____ Job restructuring

____ Part-time or modified work schedule

____ Acquisition of equipment or devices

____ Modification of equipment or devices

____ Qualified reader or interpreter

____ Other (specify):_____

Please describe in detail the accommodation you are requesting:
4. Has your medical provider recommended the accommodation? Yes No
5. How will the requested accommodation be effective in allowing performance of the essential job function(s)?
6. Has your job been altered? When was it altered? Please describe how and why it has altered:
Additional Comments:
Signature of Employee: DATE:

Distribution: Employee

ADA Coordinator

DOC ADA Coordinator

Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

Knowledge and preparation by both individuals needing assistance and those who don't is key to reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator or designee in each agency will work to develop a plan and consult the appropriate building and safety personnel.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the agency contact(s) below to request the type of assistance they may need.

MN DOC agency weather and emergency evacuation plan web links or contacts

Location	Safety Director	Email address	Phone Number	Evacuation Plan
St. Paul Central Office	Wayne Niles	Wayne.niles@state.mn.us	(651) 361-7223	Central Office Evacuation sites
Faribault	Melissa Warhol	melissa.m.warhol@state.mn.us	(507) 334-0719	Faribault Evacuation sites
Lino Lakes	Bola Asaolu	Ajibola.Asaolu@state.mn.us	(651) 717-6570	Lino Lakes Evacuation sites
Willow River /Moose Lake	Karm Hedley	Karm.hedley@state.mn.us	(218) 485-5047	Willow River/Moose Lake
Oak Park Heights	Melissa Jensen	Melissa.m.jensen@state.mn.us	(651) 779-1449	Oak Park Heights
Red Wing	Chris Barth	Christopher.barth@state.mn.us	(651) 267-3754	Red Wing
Rush City	Barry Lund	Barry.p.lund@state.mn.us	(320) 358-0522	Rush City

Location	Safety Director	Email address	Phone Number	Evacuation Plan
Shakopee	Steve Forster	Steve.forster@state.mn.us	(952) 496-4904	Shakopee
St. Cloud	Ben Drilling	Ben.drilling@state.mn.us	(320) 240-3053	St. Cloud
Stillwater	Rachelle Sykora	Rachelle.a.sykora@state.mn.us	(651) 779-2743	Stillwater
Togo	Mahjoub Labyad	Mahjoub.labyad@state.mn.us	(218) 376-4000	Togo
Community Services	Mike Locher	Mike.Locher@state.mn.us	(763) 279-0346	N/A
MINNCOR	Rick Lee	Rick.lee@state.mn.us	507-334-0700	N/A

-MN DOC Policy 300.036

Evacuation Options

Individuals with disabilities have four basic, possibly five, evacuation options (Note: Not all of the options will apply to your agency depending on the location, building type, and type of equipment available for evacuations):

- Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- Stairway evacuation: Using steps to reach ground level exits from building;
- Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- For agencies equipped with an evacuation chair: Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is

equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair.

Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities

Individuals with disabilities should follow the following procedures:

- Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs"): Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- Hearing disabilities: The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- Visual disabilities: The agency's buildings are equipped with fire alarm 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 be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different form the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options

Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

* Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
* Elevator evacuation: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or

* Shelter in Place: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

Attachment K: Policy 301.160 (Emergency Plans)

Minnesota Department of Corrections

Policy:	**301.160**	**Title: Emergency Plans**
Issue Date:	**4/5/16**	
Effective Date:	**4/19/16**	

AUTHORITY: Minn. Stat. §§12.02, 12.09, and 241.01
Governor's Executive Order 15-13, "Assigning Emergency Responsibilities to State Agencies

PURPOSE: To ensure that plans are developed at all agency locations to handle emergency situations. To ensure that there is an evacuation procedure in place for persons with disabilities.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: Each location must prepare emergency plans and/or security instructions for handling emergency situations and ensure that these emergency plans meet the distinctive requirements of the location. Many facility emergency plans are confidential and each location must inform staff on a "need to know" basis.

DEFINITIONS: None

PROCEDURES:

A. Emergency plans

1. Emergency plans may include such examples as the following emergency situations, as appropriate:
   a) Escape;
   b) Riot;
   c) Hostage situation;
   d) Terroristic action (including bomb threat);
   e) Adverse job action/employee strike;
   f) Natural disaster (including severe weather);
   g) Fire;
   h) Response to the State Emergency Operations Center (SEOC) through the Minnesota Emergency Operations Plan (MEOP); and
   i) Any other plan deemed necessary to maintain safe and secure operations.

2. Emergency plans must be readily available to the staff required to use them, but every necessary security precaution (i.e., securing computer workstations when not in use, etc.) must be taken relative to the plans (to avoid offender access).

3. The location must establish a liaison with outside agencies to develop and clarify the outside agencies' roles when interacting with the location during emergencies.

4. The location must conduct emergency plan training at least annually. Training must be documented using appropriate incident reports and incident command system (ICS) forms. Incident reports and completed ICS forms are retained at the appropriate facility.

5. Each location uses the ICS as a communications system within the location and between the location and the community in the event of an emergency situation. The emergency messaging system must be used to notify staff of the event and the possible need to report.

6. Each site must have emergency plans including provisions for emergency repairs or replacement in life-threatening situations.

7. Each site may have instructions/operating guidelines/post orders, as appropriate, regarding emergency power including:
   a) Determination of essential lighting, security, and life support functions;
   b) Security level of emergency power source;
   c) Determination/mitigation of adverse effect of emergency power operations upon:
      (1) Security functions; and
      (2) Control center computer systems/controls; and
   d) Maintenance, storage, and deployment of portable emergency power equipment, such as:
      (1) Portable generators; and
      (2) Lighting (flashlights, lanterns, light sticks, etc.).

8. Each site must maintain continuity of operations plans (COOP) following the guidelines in Policy 105.012, "Continuity of Operations."

B. Emergency plans – facility safety administrators and the central office safety director
   1. All site safety administrators must ensure that the site complies with applicable fire codes and regulations as mandated by the State of Minnesota regulations.

   2. The office services supervisor must have copies of the DOC central office emergency and evacuation plan available upon request.

INTERNAL CONTROLS:
A. Instructions detailing emergency plans are attached herein.
B. Incident reports and completed ICS forms are retained at each facility.

REVIEW: Annually

REFERENCES: ACA Standards 2-CO-3B-01; 2CO-3B-02; 2-CO-2A-02; 2-CO-1C-01;4-4217; 4-4048; 4-APPFS-3F-02
Policy 203.230, "Death of an Offender"
Division Directive 301.020, "Escape"
Policy 301.140, "Incident Command System"
Minn. Stat. §§253B.18; 253B.185
MMB Administrative Procedure 5.4, "Time Off in Emergencies"

SUPERSESSION: Policy 301.160, "Emergency Plans," 5/20/14.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Bomb Threat Call Procedures (301.160A)

/s/
Deputy Commissioner, Community Services

Deputy Commissioner, Facility Services

Instructions
301.160FS, "Emergency Plan"
301.160RC, "Tornado and Severe Weather Emergency Plan"

Security Instructions (restricted access)
301.160RW, "Emergency Plan"
301.160-7SCL, "Use of Individual Recreation Areas in North Courtyard for Multiple Offender Disturbance Control."
301.160STW, "Fire Response"
301.160-1STW, "Demonstrations/Civilian"

Attachment L: Statewide Underutilization Analysis

WOMEN					
Job Categories	[redacted]	**AAP 2018-2020 Number Underutilized (Two-factor)**	**AAP 2016-2018 Underutilized (Two-factor)**	**Improved, Not Improved, Same**	**Numerical Difference in the Two Plans**
Officials/Administrators	[redacted]	<10	81	Improved	78
Professionals	[redacted]	0	485	Improved	518
Protective Services	[redacted]	557	923	Improved	366
Office/Clerical	[redacted]	0	258	Improved	297
Technicians	[redacted]	0	73	Improved	80
Skilled Craft	[redacted]	<10	<10	Improved	<10
Service Maintenance	[redacted]	30	100	Improved	70
Totals	[redacted]				

MINORITIES					
Job Categories	[redacted]	**AAP 2018-2020 Number Underutilized (Two-factor)**	**AAP 2016-2018 Underutilized (Two-factor)**	**Improved, Not Improved, Same**	**Numerical Difference in the Two Plans**
Officials/Administrators	[redacted]	0	<10	Improved	12
Professionals	[redacted]	18	62	Improved	44
Protective Services	[redacted]	30	150	Improved	120
Office/Clerical	[redacted]	<10	22	Improved	15
Technicians	[redacted]	<10	12	Improved	10
Skilled Craft	[redacted]	<10	12	Improved	<10
Service Maintenance	[redacted]	20	46	Improved	26
Totals	[redacted]				

INDIVIDUALS WITH DISABILITIES					
Job Categories	[redacted]	**AAP 2018-2020 Number Underutilized (Two-factor)**	**AAP 2016-2018 Underutilized (Two-factor)**	**Improved, Not Improved, Same**	**Numerical Difference in the Two Plans**
Officials/Administrators	[redacted]	0	<10	Improved	17
Professionals	[redacted]	<10	62	Improved	61
Protective Services	[redacted]	<10	166	Improved	158
Office/Clerical	[redacted]	0	28	Improved	38
Technicians	[redacted]	<10	<10	Improved	<10
Skilled Craft	[redacted]	0	<10	Improved	<10
Service Maintenance	[redacted]	<10	16	Improved	<10
Totals	[redacted]				

Attachment M: Availability & Hiring Goals Worksheet

2018-2020 Affirmative Action Plan Hiring Goals Worksheet[5]

STATEWIDE	US CENSUS UNDERUTILIZATION			TWO-FACTOR UNDERUTILIZATION			GOALS		
JOB CATEGORIES	WOMEN	MINORITIES	INDIV W DISAB.	WOMEN	MINORITIES	INDIV W DISAB.	WOMEN	MINORITIES	INDIV W DISAB.
OFFICIALS & ADMINISTRATORS	0	0	0	<10	0	0	<10	0	0
PROFESSIONALS	0	40	<10	0	18	<10	0	30	<10
PROTECTIVE SERVICE	804	44	<10	557	30	<10	230	44	<10
OFFICE/CLERICAL	0	16	0	0	<10	0	0	12	0
TECHNICIANS	0	<10	<10	0	<10	<10	0	<10	<10
SKILLED CRAFTS	<10	<10	0	<10	<10	0	<10	<10	0
SERVICE MAINTENANCE	49	32	<10	30	20	<10	15	<10	<10

[5] Established 2018-2020 agency hiring goals represent a reasonable balance between the projected US workforce availability assessed for the recruitment region and the established agency two-factor analysis.

Attachment N: Office of Diversity Department Organization Chart

Office of Diversity

The Minnesota Department of Correction's Office of Diversity serves to develop and implement an agency-wide equity, diversity, and inclusion strategy in direct alignment with the agency Mission & Vision, which states:

Vision: *Contribute to a safer Minnesota.*
Mission: Reduce recidivism by promoting offender change through proven strategies during safe and secure incarceration and effective community supervision.

Functions

- Lead in the development of a unified equity, diversity, & inclusion (E.D.I.) plan
- Internal consulting related to E.D.I. issues, policy, and practice
- Employee Resource Group (ERG) development and coordination
- E.D.I. Training, Facilitation, and Leadership Development
- Development and implementation of agency biannual Affirmative Action Plan (AAP)
- Coordination of agency-wide diversity recruitment and retention initiatives in conjunction with the Agency's AAP

Contact Information

Direct all general inquiries to CO-Diversity.DOC@state.mn.us, with "ATTN: Staff Name" from below.

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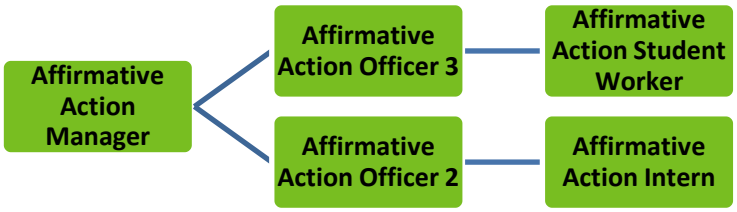
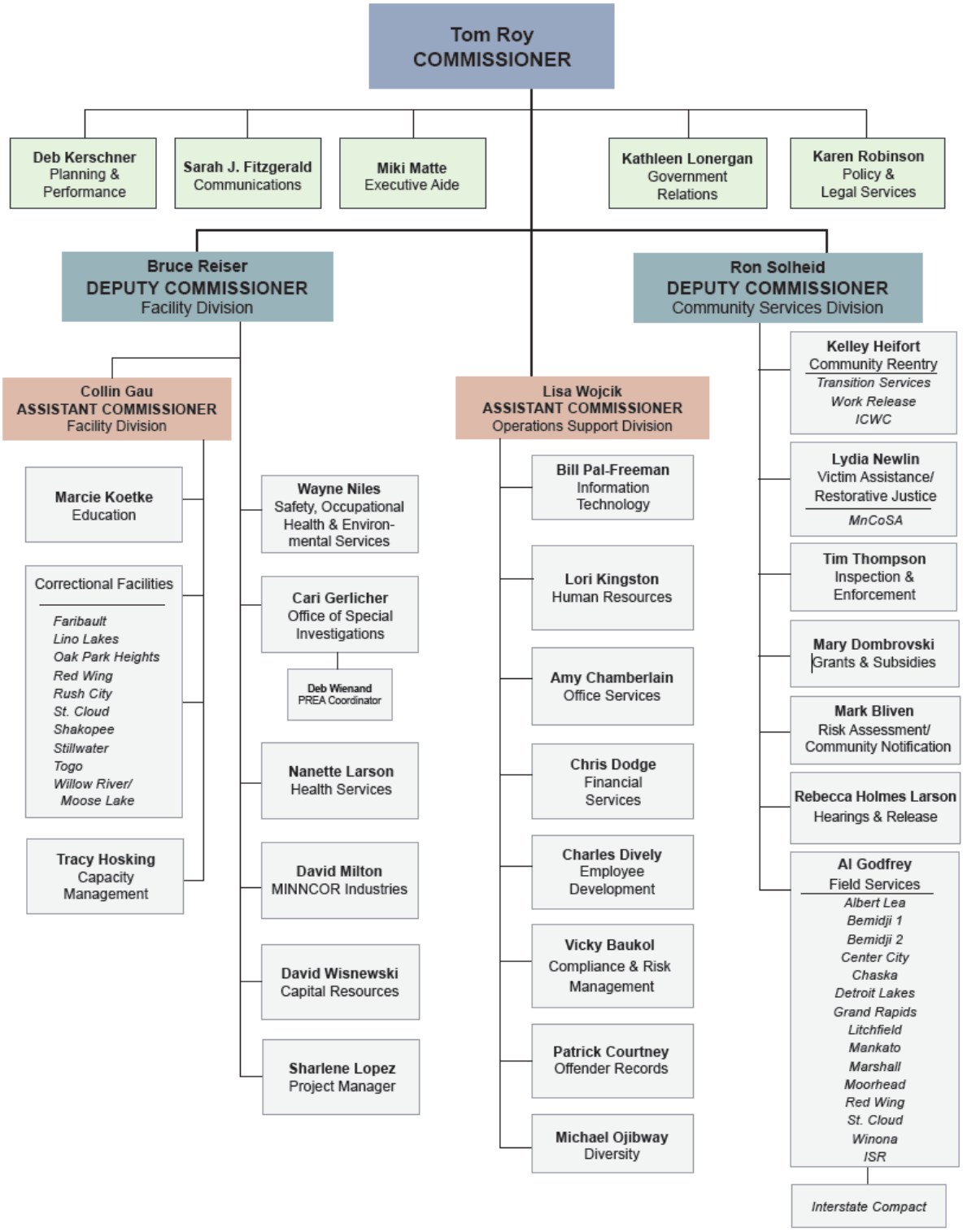
ADA Title II & Limited English Proficiency Plan Coordinator

Thuy Tran
Affirmative Action Officer 2
Recruitment Coordinator



Organization Chart

Attachment Q: MN DOC Leadership Organization Chart



The MN DOC Organization Chart is available in alternative, accessible format here.