

2022-2024 Affirmative Action Development Training for Agencies with Less than 25 Employees

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- ❑ **Know MN regulations for Affirmative Action (AA) and the Affirmative Action Program (AAP)**
 - Minnesota Statutes and Administrative Rules
 - Purpose of Affirmative Action Plan
 - Agency and MMB's roles
 - Key points in the AAP narrative template

Equal Opportunity & Affirmative Action

Equal Employment Opportunity is a principle that asserts that **all people should have the right to work and advance on the bases of merit and ability**, regardless of their race, sex, color, religion, disability, national origin, age, genetics, status with regard to public assistance, creed, marital status, familial status, sexual orientation, membership or activity in a local human rights commission.

Affirmative Action are employment programs required by state & federal statutes and regulations designed to remedy discriminatory practices in hiring protected group members; i.e., positive steps designed to eliminate existing and continuing discrimination, to remedy lingering effects of past discrimination, and to create systems and procedures to prevent future discrimination.

Frame of Affirmative Action Plan (AAP) in MN

❑ MS 43A.19 Affirmative Action

- Affirmative Action for the protected groups (i.e., females, racial/ethnic minorities, and individuals with disabilities) in MN

❑ MS 43A.191 Affirmative Action Programs

- Each executive agency w/ 1,000+ must have at least 1 full-time Affirmative Action Officer (AAO).
- Each executive branch agency must prepare/implement an AAP
- Affirmative Action Programs implementation obligation

❑ **Minnesota Administrative Rules 3905.0400 and 3905.0600**

- Requirements for agency Affirmative Action Plans

❑ Administrative Procedure 19.1

- Determined an AAP submission by July 31 of each even-numbered year.

Related Executive Orders

- **Executive Order 19-01**: Establishing a One Minnesota Council on Diversity, Equity, and Inclusion
- **Executive Order 19-15**: Providing for Increased State Employment of Individuals with Disabilities.
- **Executive Order 19-20**: Supporting the Selection and Employment of Veterans (FYI)

Affirmative Action Program Overview

Affirmative Action Program and Diversity/Equity/Inclusion

Affirmative Action

Remedial actions by Laws,
Regulations, Policies

Positive steps to get qualified
individuals who were historically
discriminated in employment

Quantitative / Reactive

Focus: Race, Sex, IWD, etc.

Diversity, Equity, & Inclusion

Inclusive concept & include
individuals of various
backgrounds

How the diversity in the
workplace works to change the
culture within.

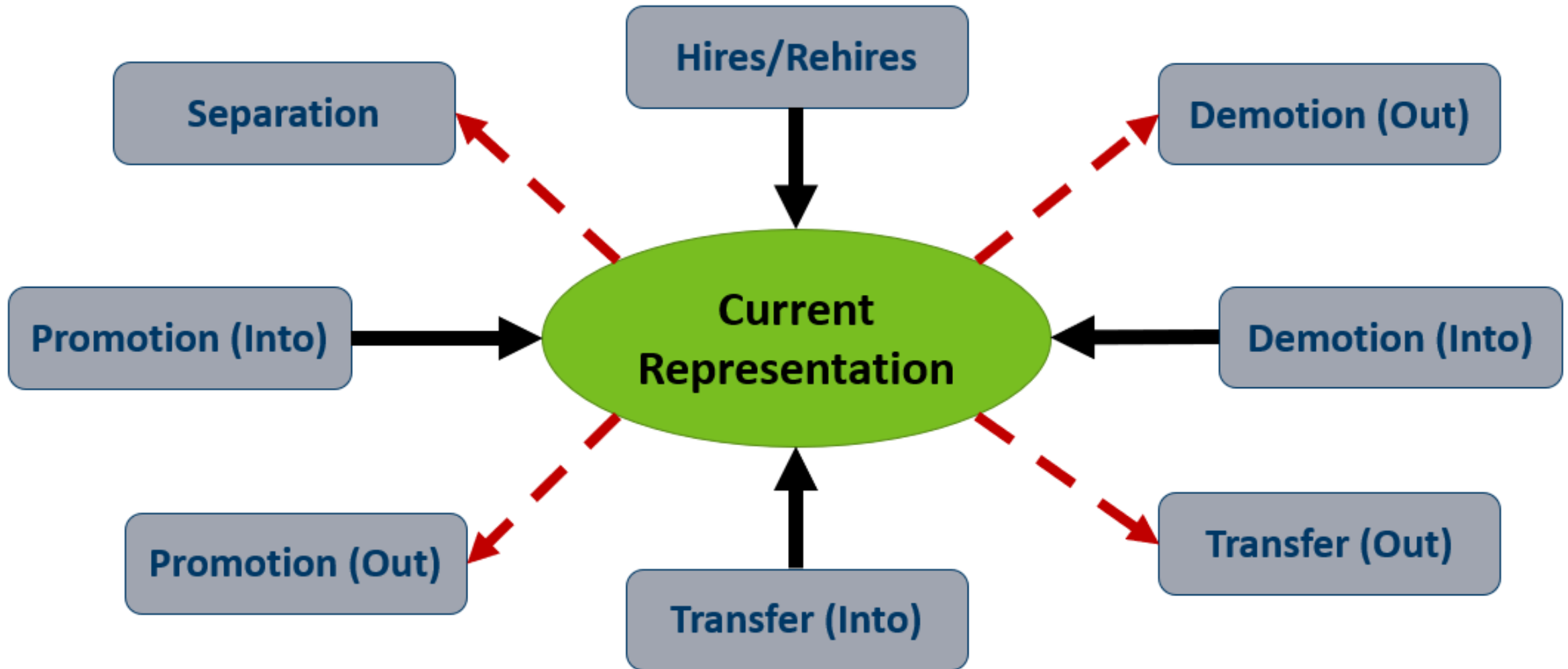
Qualitative / Proactive

Focus: Similarities, Differences

BALANCE AND COMPLEMENTARY TOWARD THE SAME GOALS



Current Representation and Personnel Transactions



- ❑ **Affirmative Action Plan (AAP) is a tool to ensure the playing field is even.**
 - If the above statement is true, further examine your agency strategies:
 - ✓ **How does your workforce actually look compared to the workforce your agency wants?**
 - Trends? – If the prior year's data is too of a small, analyze the past five or more years-accumulated data to determine trends
 - ✓ **Are there any potential indicator(s) of barrier(s) in our practices? – If so, we need to take action!**
 - Hiring/recruiting
 - Separation/retention
 - Promotion
 - Training
 - ✓ **Did our efforts make a positive impact on the workforce? – If not, what else should we do?**
 - Past efforts – if they work, keep and credit them. If not, choose different strategies.

MMB and Agency's Roles

MMB

- Provide:
 - AAP template, tools, resources, and related information/updates
 - Training and technical assistance
- Oversee:
 - Agencies' AAP submission and plan approval
 - Report submission
- Monitor regulatory changes and adjust practices/AAP content
- Collaborate agencies, System Office, and Metropolitan agencies

Agencies

- Implement and submit AAP by July 31, 2022 for 2022-2024 plan
- Post approved AAP on the agency's website and report the link to MMB.
- Submit approved AAP to the Legislative Library.
- Direct the agency complaint process and procedure.
- Submit reports to MMB (audit & sanction)
 - Annual ADA
 - Internal Complaint Disposition Report
 - Annual Internal Complaint
 - Annual Veteran's report

Agency Reporting Obligations

Report	Statutes	Due Date
Monitoring the Hiring Progress Quarterly Report	<u>M.S. 43A.191</u> ; <u>Minn. Rule 3905.0700</u> Agencies less than 25 employees are <u>NOT</u> required.	Q1 (Jan./Mar): 3 rd Friday April Q2 (Apr./June): 3 rd Friday July Q3 (July/Sept.): 3 rd Friday Oct. Q4 (Oct./Dec.): 3 rd Friday Jan.
Annual Internal Complaint Report	<u>M.S. 43A.04, subd. 3</u> ; <u>Minn. Rule 3905.0500</u>	Reported by calendar year; due January 30 th annually
Annual ADA Report	All State Agencies <u>M.S. 43A.191</u> ; <u>Exec. Order 96-9</u> ; <u>Title I and Title II of the Americans with Disabilities Act (“ADA”)</u>	Reported by fiscal year; due September 1 st annually
Annual Veteran’s Report	<u>Executive Order 10-13 Supporting the Selection and Employment of Veterans</u> and <u>Laws of Minnesota 2009, Chapter 94, Article 3, Section 22</u>	Reported by fiscal year; due November 11 th
Internal Complaint Disposition Report	All State Agencies <u>M.S. 43A.04, subd. 3</u> ; <u>Minn. Rule 3905.0500</u>	Ongoing; within 30 days of final disposition of complaint

Monitoring the Hiring Process Reports

□ **Monitoring the Hiring Process** – HR/recruiter use

- Track each appointment by hiring steps and protected group
 - Total Applicants
 - Met minimum qualifications
 - Interviewed
 - Position offered
 - Hired
- **Best Practice**

Track **ALL** appointment decisions

Documents, Documents, Documents!

Annual Internal Complaint Report and Internal Complaint Disposition Report

Annual Internal Complaint Report

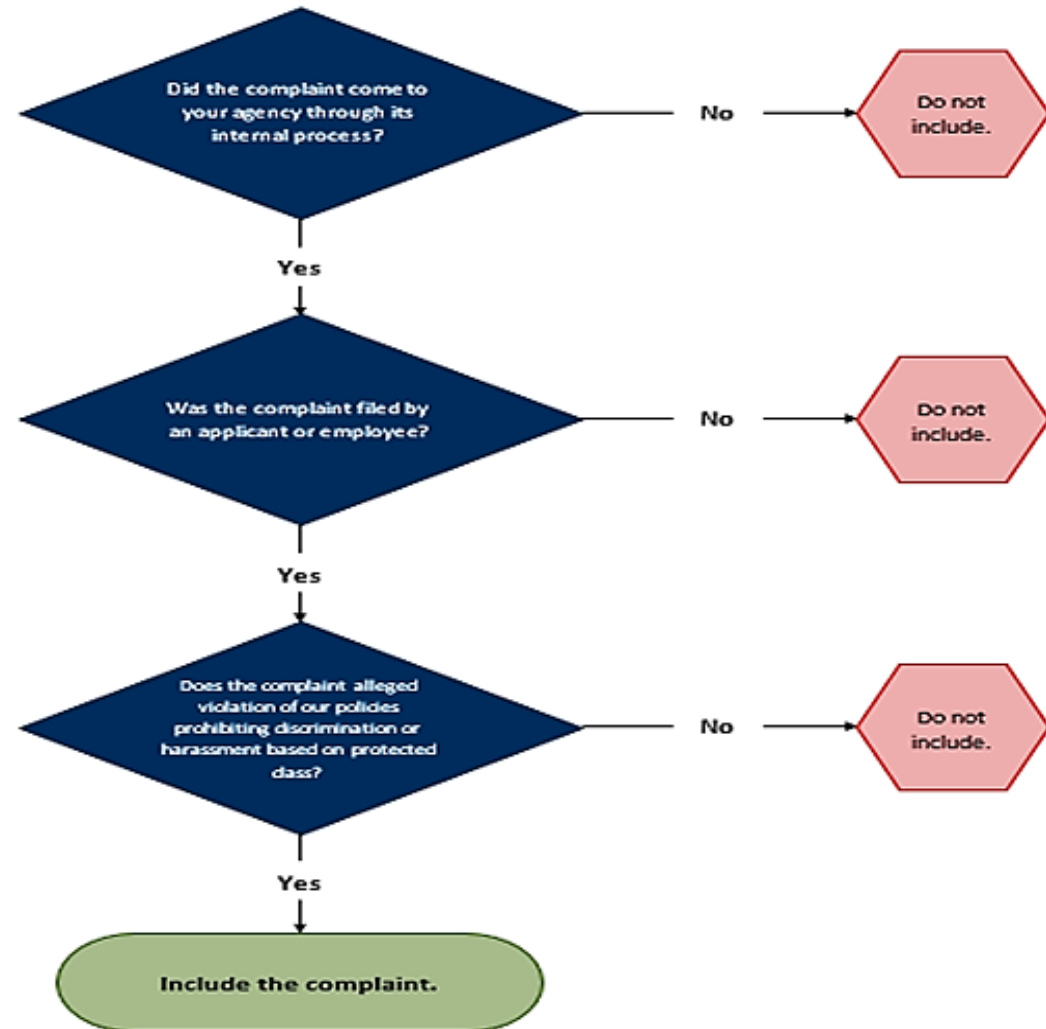
- A summary of the internal complaint disposition reports during the reporting period

Internal Complaint Disposition Report

- Report each internal complaint report within 30 days of final determination of the complaint

FAQs are coming!

Quick Decision Flow Chart



AAP Narrative Template Instructions

AAP Components

- Statement of Commitment
- Organizational profile
- Individuals Responsible for Directing/Implementing the AAP
- Communication of the AAP
- Policies, procedure, and Notice

Table of Content

Statement of Commitment	1
Organizational Profile	2
Individuals Responsible for Directing/Implementing the Affirmative Action Plan.....	3
A. Commissioner.....	3
B. Affirmative Action Officer	4
C. Affirmative Action Officer Designee(s).....	5
D. Human Resources Director or Designee(s)	6
E. Americans with Disabilities Act Title I Coordinator	8
F. Americans with Disabilities Act Title II Coordinator	9
G. (Diversity) Recruitment Coordinator [omit the entire G. if not applicable].....	10
H. Senior Managers and Facility Executive Team Leaders.....	11
I. All Employees	12
Communication of the Affirmative Action Plan	13
Internal Methods of Communication	13
External Methods of Communication	13
Policies, Procedures, and Notice	14
A. Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436 (issued 6/12/2019)	14
B. Statewide Sexual Harassment Prohibited Policy Statewide HR/LR Policy #1329: Sexual Harassment Prohibited (revised 6/12/2019).....	20
C. Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy:	25
D. [AGENCY] Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template.....	27
E. Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy	28
F. Notice Under the Americans with Disabilities Act.....	41
G. [Insert Name of Agency] Grievance Procedure Under Title II of the Americans with Disabilities Act	42
H. Americans with Disabilities Act ("ADA") Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form	43
I. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance	44
Other Relevant Information	47

Technical AAP Narrative Instructions

❑ Example 1:

- This statement reaffirms **[Insert agency name]** is committed to Minnesota's statewide affirmative action efforts....

update to

This statement reaffirms *Minnesota Management and Budget* is committed to Minnesota's statewide affirmative action efforts....

❑ Example 2:

- The agency's Affirmative Action Plan is available to all employees on the agency's internal website at **[Insert internal website URL and hyperlink here.]** or in print copy to anyone who requests it.

update to:

The agency's Affirmative Action Plan is available to all employees on the agency's internal website at [MMB AAP \(https://mmb.extranet.mn.gov/mmb-extranet/hr-toolbox/\)](https://mmb.extranet.mn.gov/mmb-extranet/hr-toolbox/) or in print copy to anyone who requests it.

Technical AAP Narrative Instructions (cont. 2)

A screenshot of an 'Alt Text' dialog box. The title is 'Alt Text' with a dropdown arrow and a close button. The main text asks 'How would you describe this object and its context to someone who is blind?' and includes a recommendation '(1-2 sentences recommended)'. There is a text input field containing 'Minnesota logo'. Below the field is a button labeled 'Generate a description for me'. At the bottom, there is a checkbox labeled 'Mark as decorative' with an information icon to its right. This checkbox is circled in red.

Alt Text

How would you describe this object and its context to someone who is blind?

(1-2 sentences recommended)

Minnesota logo

Generate a description for me

Mark as decorative ⓘ

Accessible Snapshots, pictures, etc.

- Insert alternative texts
- Check the “Mark as decorative” box if the inserted snapshot/picture is a just cosmetic purpose.

Process: from Agency AAP Submission to Approval

AAP Narrative Submission and Approval

- ❑ **AAP submission – by July 31, 2022**
 - Submit to **MMB** (aareports.mmb@state.mn.us)
 - ✓ AAP narrative (all data tables must be included in the appendices section) in **Word** format.
- ❑ **Response from MMB** – within 60 calendar days after receipt
 - Either an approval memo or modification request.
 - Continue modifications until your plan is approved.
- ❑ **AFTER received an approval memo from MMB:**
 - Make the approved AAP narrative in word to PDF (it must include all required signatures).
 - Check accessibility of the approved AAP narrative in PDF.
 - Send copies of the accessible AAP narrative to the Legislative Reference Library.
 - Upload it on your web site.
 - Report the URL of the AAP and AAP Appendix to **MMB** (aareports.mmb@state.mn.us)

Template, Instructions, and Related Resources

❑ HR Toolbox:

<https://mmb.extranet.mn.gov/mmb-extranet/hr-toolbox/recruitment-and-retention/equal-opportunity/affirmative-action/templates-checklists-worksheets.jsp>

❑ MMB AAP web page:

<https://mn.gov/mmb/employee-relations/equal-opportunity/affirmative-action/resources.jsp>

Available:

- ❑ AAP narrative template
- ❑ AAP Training PowerPoint
- ❑ Recorded AAP training

Questions?

Contact Eric Falk (Eric.Falk@state.mn.us or 651-201-8088)

Thank You!

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