

OVERVIEW

Objective

The State of Minnesota is committed to providing equal employment opportunities for all qualified applicants and employees. State agency affirmative action programs are a powerful tool to promote equal access to State employment opportunities.

The objective of this policy is to clarify minimum staffing requirements, position classification requirements and reporting relationships for the Affirmative Action Officer (AAO) position in state agencies.

Policy Statement

Minnesota Statutes, section 43A.191, establishes requirements for designating an agency AAO and describes the duties of an AAO. State agencies must meet minimum staffing requirements for an AAO. AAO positions must be placed in the classified service and AAOs must report directly to the agency head with respect to their affirmative action activities.

Scope

This policy applies to all agencies in the executive branch, as defined in Minnesota Statutes, section 43A.02, subdivisions 2 and 22, and the Minnesota State Retirement System, the Public Employees Retirement Association, and the Teacher’s Retirement Association.

Definitions and Key Terms

Terms	Definitions
<i>Affirmative Action Officer</i>	An agency employee who has primary responsibility for development and maintenance of the agency’s affirmative action plan.

Exclusions

N/A

Statutory References

Minnesota Statutes, section 43A.191, subd. 1

GENERAL STANDARDS AND EXPECTATIONS

An AAO is responsible for promoting equal employment opportunity and developing and maintaining the agency's affirmative action plan. The AAO's other affirmative action activities include: conducting inquiries; advising on, critiquing and investigating agency operations as they pertain to affirmative action, equal opportunity and/or non-discrimination; and acting in a timely and appropriate manner to promote and encourage an agency's compliance with affirmative action plan requirements and legal requirements regarding equal opportunity and non-discrimination.

Affirmative Action Officer Designation; Minimum Staffing

Agencies with 1,000+ employees

Each agency with 1,000 employees or more must employ at least one full-time AAO, who has primary responsibility for developing and maintaining the agency's affirmative action plan.

The AAO's full-time responsibilities must consist of affirmative action activities.

Agencies with few than 1,000 employees

Agencies with fewer than 1,000 employees must employ at least one AAO, who has primary responsibility for developing and maintaining the agency's affirmative action plan.

AAOs at agencies with fewer than 1,000 employees are not required to perform affirmative action duties on a full-time basis, and their job duties may include duties in addition to affirmative action activities, such as human resources duties.

However, when the agency AAO is also a human resources employee, and an internal complaint is made under the Harassment and Discrimination Prohibited policy challenging a decision or action that involved human resources staff, the agency must seek outside assistance to review the complaint. Examples of outside assistance include an agency employee who does not work in human resources but who has training in addressing complaints and/or conducting investigations, an employee of another agency retained through an interagency agreement, an employee of Minnesota Management and Budget, or an outside investigator.

Reporting Structure

In every agency, regardless of size, the agency AAO must report directly (solid line) to the agency head with respect to the AAO's affirmative action activities. The direct reporting relationship between the agency head and the AAO requires that the agency head: 1) conducts the AAO's annual performance review with respect to affirmative action activities; 2) annually reviews the agency's affirmative action plan performance; and 3) provides direct access for the AAO to report any concerns about the agency's affirmative action program.

The AAO may have an indirect (dotted-line) reporting relationship to a deputy or assistant agency head.

AAOs at agencies with fewer than 1,000 employees who have job responsibilities in addition to affirmative action responsibilities (such as human resources responsibilities) may have a direct reporting relationship to someone other than the agency head with respect to their non-affirmative action responsibilities.

Classification Requirement

Agencies must place the position of the agency AAO in the classified service.

RESPONSIBILITIES

Agencies are responsible for:

Adopting this policy.

MMB is responsible for:

Updating this policy as necessary.

Consultation, technical support, and training for AAOs.

FORMS AND SUPPLEMENTS

N/A

REFERENCES

[Minnesota Statutes Section 43A.191](#)

CONTACTS

Enterprise Employee Relations

Equal Opportunity, Diversity & Inclusion Team