

AFFIRMATIVE ACTION AUDIT PROCESS

Description and Scope - Audit procedures are designed to ensure that agencies in the State of Minnesota have comprehensive programs and procedures that comply with all federal, state and local laws related to Affirmative Action and Equal Employment Opportunity including the Americans with Disabilities Act. Audits are conducted by representatives of state agencies, including the Department of Employee Relations.

Objectives - To provide procedures for conducting and documenting agency audits and for the reporting of each agency's efforts and progress toward achieving and maintaining a representative work force.

Definitions - Key Terms -

- Agency Desk Audits - An examination of a representative sample of agency records or material requested by ODEO that is related to the recruitment and retention process, affirmative action compliance or analysis of an agency under audit.
- Agency On-site Audits - A thorough examination of all agency records or material requested by ODEO that is related to the recruitment and retention process, affirmative action compliance or analysis of an agency under audit. Audit teams may also interview agency representatives.

Responsibilities -

A. Appointing Authorities:

- Cooperate with audit teams by providing requested documentation within established time frames.
- Provide audit teams with 3 copies of all requested documentation.
- Designate agency representative to serve as an audit team member when need arises.
- Provide a summary report of complaints filed during the reporting period. This summary should consist of: 1) the basis of the complaint (i.e., race, sex, religion, color, national origin, sexual orientation, etc.); 2) action involved (i.e., appointment, promotion, harassment, disciplinary action, etc.); 3) attempts at resolution (i.e., mediation, investigation, conciliation, arbitration, etc.); 4) outcome (i.e., settlement, pending, referral to external organization, etc.).

B. Department of Employee Relations(DOER)/Office of Diversity & Equal Opportunity(ODEO):

- Establish policy for determining justifiable non-affirmative action hires to remedy existing disparities and a policy for determining missed opportunities.
- Establish standards for desk and on-site audit processes including a process for appeal, and coordinate audit teams.
- Establish criteria for selection of agencies subject to on-site audits.
- Provide 30 days written notice of intent to perform either an on-site or a desk audit by each agency location.
- Compile an audit report consisting of the results of each agency's outcome in regard to the audited agency's overall achievement of optimum affirmative action compliance.
- Provide written confirmation of agency compliance or non-compliance within 30 days from the completion of the audit.
- Provide guidance to agencies found in non-compliance.
- Submit reports, to the Governor and the agencies, indicating the results of the agency affirmative action desk and on-site audits.

Provisions:

- All agencies required to develop and implement affirmative action plans are subject to desk and onsite audits. The audit will occur annually and consist of examination, analysis and review of records and material related to affirmative action compliance. This will include verification of information submitted in the Affirmative Action Plan.
- Agency compliance will be determined by the factors identified in M.S. 43A.191, Subd. 3. Those factors include: number of missed opportunities (failure to justify a nonaffirmative hire), efforts to recruit protected group members, implementation of a retention plan, process for complaint resolution, and innovation to promote diversity awareness.
- An agency not in compliance must identify programs to improve performance and to reallocate resources internally in order to increase support for affirmative action programs and submit program and resource reallocation proposals to DOER for approval. An agency must submit these proposals within 120 days of being notified by DOER that it is out of compliance with affirmative action requirements.
- The affirmative action process will be in accordance with appropriate federal and state laws related to access to agency records (i.e., data practices).

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

A. Personnel Rules 3905.0400, 3905.0600, 3905.0600, 3905.0700

B. M.S. 43A.191, Subd. 3