



Affirmative Action Plan 2018-2020



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Executive Summary

This Affirmative Action Plan meets the requirements as set forth in [Minnesota Statute 43A.19](#) and [Minnesota Statute 43A.191](#), in [Minnesota Rules, Chapter 3905](#) and by Minnesota Management and Budget's [Affirmative Action Program](#). This Plan contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring goals. Also included are objectives tied to underutilization, recruitment methods for achieving agency goals, and retention strategies to maintain a diverse workforce.

The two-factor quantitative analysis used to evaluate the composition of the MNIT workforce against availability revealed an underutilization of protected groups in the following EEO4 job categories:

Table 1: Underutilization Analysis of Protected Groups

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities	Veterans
Officials and Administrators		x		
Professionals				x
Technicians			x	x
Paraprofessionals				x
Office/Clerical	x			x

MNIT's intention is to ensure that every employee is aware of Minnesota IT Services' commitments to affirmative action and equal employment opportunity. Information about how to obtain or view a copy of this Plan will be provided to every employee of the agency and posted on MNIT Employee Intranet. The Plan will also be posted on the [MNIT website](#) www.mn.gov/mnit.

Affirmative Action Officer or Designee: Sarah Herder: Signature on File **Date Signed:** 7/31/18

Human Resources Director or Designee: Chad Thuet: Signature on File **Date Signed:** 7/31/18

Commissioner or Agency Head: Johanna Clyborne: Signature on File **Date Signed:** 7/31/18

Organizational Profile (Brief Overview)

Minnesota IT Services (MNIT), led by the state's Chief Information Officer, is the Information Technology agency for Minnesota's executive branch, providing enterprise and local IT services to over 70 agencies, boards, and commissions. MNIT employs more than 2,350 people across 90 physical locations. Together, we build, maintain, and secure the state's IT infrastructure, applications, projects, and services. MNIT sets IT strategy, direction, policies, and standards for enterprise IT leadership and planning. We also serve Minnesotans by connecting all 87 counties, 300 cities, and 200 public higher education campuses across the state on Minnesota's Network for Enterprise Telecommunications (MNET). Through public-private partnerships, MNIT proactively protects the state's information systems and the private data of 5.5 million Minnesotans.

MNIT's mission is to partner with Minnesota state agencies to deliver technology solutions that transform how government provides services for the people of Minnesota.

MNIT's vision, last updated in 2017, is as follows:

- Partners in Performance – We will become the true and trusted partners for all state agencies, using our knowledge to help further the work of government.
- Diversify our Workforce – We will create a workforce that includes variety of backgrounds, styles, perspectives, values, and beliefs that is representative of the face of Minnesota.
- Moving Government Forward – We will partner with private industry to empower our workforce to provide the best market solutions in a blended service delivery model.

MNIT's values represent how we work as individuals and with one another, reflecting our partnerships, our decisions and the way we approach everything we do. They embody who we are and what it means to be part of MNIT. MNIT's values are:

- Partner – We work across our organization and with agencies to build partnerships that ensure success. Bringing together the business of state government and the complexity of technology, we provide solutions that benefit all Minnesotans.
- Deliver – The pride we take in our work and the confidence we have in our expertise means we meet the promise of business value by delivering quality IT solutions on time and on budget.
- Transform - We seek better ways to work. By combining the best of process and creativity, we continuously look for new ways to make government better.
- Connect – We know our ultimate customer is an individual who needs our service to support themselves, their family and their work. We do not do IT for IT sake, rather we work for those who depend on state services in their daily lives.

Statement of Commitment

This statement reaffirms that Minnesota IT Services 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, individuals with disabilities, and veterans 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: Johanna Clyborne: Signature on File Date Signed: 7/31/18

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. Commissioner

Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Program that includes goals and timetables and complies with all federal and state laws and regulations. The Commissioner, through the Commissioner of Minnesota Management and 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 agency'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 plans, and the agency's mission.
- Report annually to the Governor and the Legislature through the Commissioner of MMB the agency's progress in affirmative action.
- Notify all contractors and sub-contractors with the agency 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 Responsible

Name: Tarek Tomes

Title: Commissioner and Chief Information Officer

Email: tarek.tomes@state.mn.us

Phone: 651-556-8005

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring MNIT's affirmative action program.

Duties

The duties of the Affirmative Action Officer 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 MNIT's Commissioner for program impacts and for ongoing program activities and direction.

Name of Individual Responsible

Name: Sarah Herder Lewis

Title: Director of Equal Opportunity, Diversity, and Inclusion

Email: MN_ADA.MNIT@state.mn.us

Phone: 651-556-8029

C. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies, including taking action to remove barriers to equal employment opportunity with the agency.

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 Affirmative Action Officer.
- 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 Officer 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

The Human Resources Director is directly accountable to Assistant Commissioner Justin Kaufman.

Name of Individual Responsible

Name: Chad Thuet

Title: Director of Human Resources

Email: chad.thuet@state.mn.us

Phone: 651-201-2281

D. 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 Officer 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 MNIT's Commissioner.

Name of Individual Responsible

Name: Sarah Herder Lewis

Title: Director of Equal Opportunity, Diversity, and Inclusion

Email: MN_ADA.MNIT@state.mn.us

Phone: 651-556-8029

E. 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 Officer 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 asses the effectiveness 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 MNIT's Commissioner.

Name of Individual Responsible

Name: Sarah Herder Lewis

Title: Director of Equal Opportunity, Diversity, and Inclusion

Email: MN_ADA.MNIT@state.mn.us

Phone: 651-556-8029

F. 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 work environment free from discrimination and harassment for all employees.

Accountability

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

G. 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 communication 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 Officer, to all staff on an annual basis.
- The agency's Affirmative Action Plan is available to all employees on MNIT Employee Intranet, or in print copy to anyone who requests it. As requested, MNIT will make the plan available in alternative formats.
- A physical copy of MNIT's Affirmative Action Plan will be available to employees at the following address:

Minnesota IT Services, 200 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155
- 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 [MNIT website](http://www.mn.gov/mnit) at www.mn.gov/mnit or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer." Targeted web pages and publications include: "women, minorities, individuals with disabilities, and veterans are encouraged to apply." The agency will also ensure a representative ratio of diversity is in its 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 that may be 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:

Minnesota IT Services, 200 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155

Underutilization Analysis and Affirmative Action Goals

MNIT conducted a two-factor analysis to determine underutilization of the following protected groups: women, minorities, and individuals with disabilities within the agency.

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MNIT has set the following hiring goals for the next two years (Reference Table 2). MNIT has matched its hiring goals with its underutilization, with the goal of having no underutilization in 2020. Hiring goals are discussed with agency progress following Table 2.

Table 2: Underutilization Analysis

The second, third, fourth, and fifth columns of this chart show the number of underutilized individuals of each group in each EEO4 job category at this agency.

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disability	Veterans
Officials/ Administrators		1		
Professionals				15
Technicians			1	1
Para- professionals				1
Office/Clerical	1			1

Table 3: Hiring Goals for 2018-2020

As shown in the following table, the hiring goals are an exact reflection of the number of underutilization for each category. The second, third, fourth, and fifth columns show the agency’s hiring goals for each group in each EEO4 job category.

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disability	Veterans
Officials/ Administrators		1		

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Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disability	Veterans
Professionals				15
Technicians			1	1
Para-professionals				1
Office/Clerical	1			1

Availability

The affirmative action goals in this plan have been developed using a two-factor analysis. This takes into consideration the internal availability of current employees who might fill a particular job, as well as the external workforce availability. The availability of both is weighted according to the percentage of internal and external employees MNIT has hired over the past two years. The internal consideration includes transfers, promotions, and movement. The external data source comes from protected group members for all job categories within parallel occupations in the Minneapolis/St. Paul Metropolitan Statistical Area from the “Affirmative Action Statistics Data Packet” published by the Minnesota Department of Employment and Economic Development using American Community Survey compilation data from 2006-2010. This geographic area was selected because less than 1 percent of MNIT’s external hires over the past two years fell outside of this boundary.

Women

The percentage of women comprising the MNIT workforce stands at 37.7 percent, matching the percentage from 2016. MNIT considers this an achievement, as the external marketplace availability for women in Information Technology occupations is only 27 percent. The agency works hard to recruit and retain women.

In its last Affirmative Action Plan, MNIT set a goal of adding two women in the Officials/Administrators job category. MNIT exceeded this goal, adding four women and increasing the percentage of women in this category from 30.1 percent to 36.6 percent. The

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agency is now closer to having this job category mirror the percent of women throughout the organization, which is 38 percent. Marketplace availability is only 34.7 percent.

MNIT also remained constant in its percentage of women in the Professionals category, holding at 37.5 percent. The agency improved slightly in the Paraprofessionals and Technicians categories, from a combined 27.7 percent to 33.3 percent.

In its 2016-2018 AA Plan, MNIT set a goal of adding one woman to its Office/Clerical category. While MNIT had a net decrease of 12 women in this category, the total number of employees in this category also decreased by 15 people. The effect is that the percentage of women in the Office/Clerical category actually increased three percentage points, from 82.8 percent to 85.7 percent.

The current underutilization analysis shows that MNIT is only underutilized by one woman employee in the Office/Clerical category. MNIT has set a corresponding goal of adding one woman employee in this area between 2018 and 2020.

Racial/Ethnic Minorities

In 2016, MNIT set a goal of doubling the representation of racial/ethnic minorities in its Officials/Administrators category, from four to eight staff. While the agency did not reach that goal, it did add two racial/ethnic minorities to its leadership positions, increasing three percentage points, from 5.5 percent to 8.5 percent. This year, MNIT has set its hiring goal of adding one additional racial/ethnic minority, in line with the underutilization associated with the two-factor analysis. MNIT believes this is a realistic and assertive goal. MNIT has also set in place some specific objectives to target this area and remains committed to achieving parity with external marketplace availability.

Between 2016 and 2018, MNIT saw a net gain of 168 racial/ethnic minorities and increased the overall percentage of racial/ethnic minorities in the agency from 17.0 percent to 22.6 percent—nearly a six-point jump. This gain is reflected in the Professionals category, which holds 95 percent of all MNIT positions. Within Professionals, MNIT gained 173 racial/ethnic minorities, surpassing its hiring goal of 30 by more than 140 employees! The Professionals category shifted from 17.0 percent racial/ethnic minorities in 2016 to 22.9 percent in 2018. MNIT has now passed the external marketplace availability for IT professionals (19 percent) by four percentage points. The agency is pleased to have such rich racial and ethnic diversity among its staff; our workforce is now a better reflection of the populations within the state whom we serve.

MNIT did see a decrease in racial/ethnic minorities in the combined categories of Technicians and Paraprofessionals, from 27.7 percent to 25.0 percent and in its Office/Clerical category, from 31 percent to 28.6 percent. However, MNIT was not previously, and is still not,

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underutilized in racial/ethnic minorities in its Technicians, Paraprofessionals, or Office/Clerical EEO4 job categories.

Individuals with Disabilities

MNIT saw a slight overall increase in the number and percentage of individuals with a disability between 2016 and 2018. The agency added 22 individuals with a disability, increasing the percentage for the agency overall from 7.2 percent to 7.4 percent. MNIT exceeded Governor Dayton's goal of having 7 percent individuals with a disability within the Executive Branch workforce by the end of 2018. The agency will continue to strive to remove barriers and create inclusive workplaces where individuals with a disability can thrive.

The percent of individuals with a disability within Officials/Administrators increased from 11 percent to 15.5 percent. The number of individuals with a disability within the Professionals category increased from 142 to 161, increasing the percentage of employees from 7.1 percent to 7.2 percent.

For the combined Technicians and Paraprofessionals categories, MNIT's number of employees with a disability remained constant, but as the total number of employees in the category dipped slightly, the percentage increased slightly from 6.4 percent to 6.8 percent. This year, MNIT has broken out these EEO4 categories and run an underutilization analysis for both Technicians and Professionals. The agency is underutilized by one employee in Technicians and set a corresponding goal of adding one employee to this category.

MNIT set a goal of adding one individual with a disability to its Office/Clerical category in 2016 and was unfortunately unsuccessful in reaching this goal. Due to a decrease in the total staff in this category, however, MNIT's percent of individuals with a disability in this group actually increased from 3.5 percent to 7.1 percent. Because of this shift, MNIT is not currently underutilized in this EEO4 category.

Veterans

MNIT did not include hiring goals for veterans in its 2016-2018 Affirmative Action Plan, but wanted to begin monitoring this segment of its workforce more closely and is thus adding this group to its 2018-2020 Plan. MNIT is using a slightly different underutilization calculation for veterans. Currently, MNIT's representation of veterans in its workforce matches that of other Executive Branch agencies, with an overall composition of 8.6 percent veterans. However, statewide, the percentage of veterans rises to 10 percent. Therefore, MNIT used that higher data point for its external marketplace availability calculation in the two-factor analysis to create an internal stretch goal for the agency. This would mean an additional 15 individuals in its Professionals category, as well as one additional staff member in its Paraprofessionals, Technicians, and Office/Clerical categories (rounding up).

Separation and Retention Analysis by Protected Groups

MNIT is committed to the retention of all employees, including members of the following protected groups: women, racial/ethnic minorities, individuals with disabilities, and veterans. MNIT 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. MNIT’s retention strategy utilizes a multi-faceted approach, guided by MNIT’s executive leadership, Equal Opportunity Director, Human Resources Director, and agency supervisors and managers.

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

Title	Contact Information
Commissioner	Tarek Tomes, 651-556-8005
Deputy Commissioner	Jon Eichten, 651-556-8027
Equal Opportunity Director	Sarah Herder Lewis, 651-556-8025
Human Resources Director	Chad Thuet, 651-201-2281

MNIT 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.

Following is a chart that provides a snapshot of MNIT’s separations throughout the past two years, as well as a narrative describing the separation analysis. Please note that numbers or percentages with a denominator less than 10 are indicated with “n/a” for purposes of data privacy.

Table 5: Type of Separation

Type of Separation FY2016-2018	Total Number	Total Percent	Percent of Women	Percent of Minorities	Percent of Individuals with Disabilities	Percent of Veterans
Dismissals/Non Certification	12	3.3%	n/a	n/a	n/a	n/a
Resignations	102	27.8%	n/a	n/a	n/a	n/a
Retirement	156	42.5%	n/a	n/a	n/a	n/a
Death*	7	1.9%	n/a	n/a	n/a	n/a
Termination w/o Rights	90	24.5%	n/a	n/a	n/a	n/a
Total Separations	367	100%	36%	21.5%	11.2%	10.9%

*Statistics for which the denominator is less than 10 are suppressed for data privacy and are noted as “n/a.”

Total Workforce

MNIT had 367 total separations between FY 2016 and FY 2018. Approximately 3.3 percent of these separations were due to dismissals/non-certifications, 27.8 percent to resignations, 42.5 percent to retirements, 1.9 percent to deaths, and 24.5 percent to terminations without rights. (Employees whose temporary/unclassified positions end make up the category of “termination without rights.”)

MNIT had no layoffs or enhanced separations during this time period.

Women

Women represent approximately 37.9 percent of the total agency workforce, yet comprised 36.0 percent of total separations. This reveals that women are leaving a slightly lower rate proportional to their agency representation.

Among various types of separations, women were over-represented in retirements and under-represented in dismissals/non-certifications.

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Total dismissals were combined with non-certifications in the chart, but are less than ten, so the number and percentage remain private data and is too low to assess a data trend.

Non-certifications are comprised of individuals who are not able to demonstrate proficiency within their probationary period, and are therefore primarily new, external hires. Of all new, external hires, 29 percent are women. Women are under-represented among this group, which is the group that would be eligible to be non-certified. Women were also under-represented in resignations.

Termination without rights means that an employee's temporary/unclassified position has come to an end. Women are under-represented in that form of separation, as well. MNIT notes, however, that women are over-represented in temporary/unclassified positions and will be examining that statistic more closely.

Racial/Ethnic Minorities

Racial/ethnic minorities represent 22.4 percent of the total MNIT workforce, yet comprised 21.5 percent of all separations, revealing they are leaving at a rate slightly lower than their proportional representation in the agency.

Among different types of separations, racial/ethnic minorities were over-represented in dismissals/non-certifications.

The total number of dismissals was too low to break down and assess trends.

Non-certifications are comprised of individuals who are not able to demonstrate proficiency within their probationary period and are therefore primarily new, external hires. Of all new, external hires, 43 percent are racial minorities. Therefore, racial minorities are actually under-represented in that more precise grouping. Another way to analyze this data is to compare the total percentage of new hires that are non-certified, which is 3 percent, with the total percentage of minority hires who are non-certified, which is also 3 percent, indicating that racial minorities are not overrepresented in non-certifications.

Termination without rights means that an employee's temporary/unclassified appointment has come to an end. The representation of racial minorities in all temp/unclassified appointments is 40 percent. Within that group, minorities are slightly under-represented among those whose temporary positions are coming to an end. However, MNIT notes that racial minorities are over-represented in temporary/unclassified positions and will be examining that trend. (It is also noted, though, that racial minorities comprise 43 percent of all new hires, as indicated above.)

Racial/ethnic minorities were slightly under-represented in resignations and significantly under-represented in retirements.

Individuals with Disabilities

Individuals with disabilities represent 7.5 percent of the total agency workforce, yet made up 11.2 percent of all separations. This reveals that individuals with disabilities are leaving at a higher rate than is proportional to their agency composition. A quick look shows individuals with a disability were also over-represented in each of the various separation categories, as well, including dismissals/non-certifications, resignations, retirements, and terminations without rights.

A deeper dive into the dismissals/non-certification category reveals that individuals with a disability make up about 9 percent of all new, external hires. Non-certifications are comprised of individuals who are not able to demonstrate proficiency within their probationary period and are therefore primarily new, external hires. Therefore, they are actually under-represented in this more nuanced examination.

The over-representation in retirements stands to reason, as age is correlated with disability and retirement.

MNIT will keep tracking separation rates of individuals with a disability to monitor these trends.

Veterans

Veterans comprise 8.6 percent of the total workforce at MNIT and 10.9 percent of all separations, revealing a disparate number of veterans are leaving the agency.

Non-certifications are comprised of individuals who are not able to demonstrate proficiency within their probationary period and are therefore primarily new, external hires. Veterans make up 12 percent of new, external hires and are over-represented in non-certifications.

Veterans make up 5 percent of all temporary/unclassified positions and are slightly over-represented in terminations without rights, as well.

When it comes to retirements and resignations, veterans are leaving at a disproportionately higher rate than other employees, as well.

MNIT notes the disparities for veterans in its separation data and will begin to track and assess this situation moving forward to determine potential causes and solutions.

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

MNIT’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 in which MNIT 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 MNIT has committed to pursuing and implementing between FY 2018-2020.

Objective for Racial/Ethnic Minorities in Officials/Admin Category

The following job category has been identified as underutilized for racial/ethnic minorities.

Table 6: Racial/Ethnic Minorities in Officials/Administrators Category

EEO4 Job Category: Officials/Administrators	Percentage
Racial/Ethnic Minorities in Officials/Administrators Category	8.5 %
Racial/Ethnic Minorities in Officials/Administrators Category Hired	9.7 %
Racial/Ethnic Minorities in Officials/Administrators Category Separated*	n<10

*Statistics for which the denominator is less than 10 are suppressed for data privacy and are indicated as “n<10.”

The following corrective actions have been planned to eliminate the barriers for racial/ethnic minorities in the Officials/Administrators category.

Recruitment

Recruitment actions for Racial/Ethnic Minorities in Officials/Admin Category

- MNIT will strive to recruit more internal candidates to leadership positions within the Officials and Administrators category. To achieve this, MNIT is creating a new Deputy CBTO position for business partners with the most need to ensure that a talent pipeline exists that extends all the way to the position of Chief Business Technology Officer (CBTO). By providing this transitional role, MNIT hopes to provide additional pathways

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to top leadership positions. This is part of a broader effort to focus on succession planning as a means of strengthening the agency's workforce.

- MNIT will match the percent of self-identifying racial/ethnic minorities who are minimally qualified with the percent interviewed for positions within the Officials/Administrators job category.
- MNIT will utilize the Diversity Recruitment Director at MMB for all positions 18M and above.

Recruitment barrier identified for Racial/Ethnic Minorities in Officials/Admin Category

While MNIT did finally see a net addition of two employees to this category, the agency has previously struggled to recruit racial minority candidates to executive-level positions who are more qualified than other candidates. Part of MNIT's challenge previously was also having underutilization in its Professionals category, which can serve as a pipeline into Officials/Admin positions. MNIT is hopeful that with its strong gains in racial/ethnic minorities in its Professionals category, leadership positions will enjoy more diverse candidate pools in the future.

Future Evaluation

MNIT's Director of Equal Opportunity will monitor progress on a monthly basis and report to MNIT's Commissioner on a quarterly basis.

Past Evaluation

MNIT had set a hiring goal of adding four racial/ethnic minorities to this EEO4 category in its previous Affirmative Action Plan and was unable to fully meet that goal, adding only two individuals. This year, the agency is underutilized by one person, and has set a goal of adding one additional self-identifying racial/ethnic minority to this EEO4 job category.

The objective described here is a new initiative, intended to narrow in on the specific need that exists to create a transitional role between director-level and executive-level positions.

Persons Responsible

- Commissioner Tarek Tomes
- Deputy Commissioner Jon Eichten
- Equal Opportunity Director, Sarah Herder Lewis
- Human Resources Director, Chad Thuet
- Human Resources Staffing Supervisor, Kris Stiebler

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Target Dates

Ongoing: Percent of self-identifying racial/ethnic minorities who are minimally qualified will match percent of interviewed for Officials/Admin positions.

Ongoing: MNIT's Recruitment Director will utilize MMB's Diversity Recruitment Director to market positions that are classified as 18M and above.

January 1, 2019: Deputy CBTO positions will be created for larger business partners.

June 1, 2020: MNIT will achieve its hiring goal of adding two individuals who are racial/ethnic minorities to the Officials/Administrators category.

Retention

Retention action for Racial/Ethnic Minorities in Officials/Admin Category

All MNIT supervisors, managers, directors, and executive leaders will be encouraged to discuss future career goals with their direct reports and complete Individual Training and Development Plans to ensure MNIT is fostering growth opportunities and future talent.

Retention barrier identified for Racial/Ethnic Minorities in Officials/Admin Category

One retention barrier is that there is inherent higher-than-average turnover in top leadership positions, which comprise many of the Officials/Admin jobs. The retention action listed is focused more on positions just outside of the Officials/Admin category and those just inside of it in order to retain diverse individuals there as long as possible by providing growth opportunities.

Future Evaluation

MNIT's Director of Equal Opportunity will monitor progress on a monthly basis and report to MNIT's Commissioner on a quarterly basis.

Past Evaluation

MNIT had set hiring goals for this EEO4 job category in its previous Affirmative Action Plan and was unable to meet those goals. While the agency was effective in adding racial and ethnic minorities to the Officials/Admin category, it also lost employees, ending in a net neutral position.

This is a new objective, however, which intends to further the goal of creating a full and robust talent pipeline that runs all the way to the CBTO position.

Persons Responsible

- Commissioner Tarek Tomes
- Deputy Commissioner Jon Eichten
- Equal Opportunity Director, Sarah Herder Lewis
- Human Resources Director, Chad Thuet
- Human Resources Staffing Supervisor, Kris Stiebler

Target Dates

January 1, 2020: Supervisors, managers, and other MNIT leaders will have had conversations with their direct reports about future career goals and their Individual Training and Development Plans.

June 1, 2020: MNIT will achieve its hiring goal of adding two individuals who are racial/ethnic minorities to the Officials/Administrators category.

Objective for Women in Office/Clerical Category

The following job category has been identified as being underutilized in women.

Table 7: Women in Office/Clerical Category

EEO4 Job Category: Office/Clerical	Percentage
Women in Office/Clerical Category	85.7%
Women in Office/Clerical Category Hired	n<10
Women in Office/Clerical Category Separated*	n<10

*Statistics for which the denominator is less than 10 are suppressed for data privacy and are indicated as “n<10.”

The following corrective action has been planned to eliminate the barriers for women in the Office/Clerical EEO4 job category.

Recruitment

Recruitment action for Women in Office/Clerical Category

- MNIT will match the percent of women who are minimally qualified with the percent interviewed for positions within the Officials/Administrators job category.

Recruitment barrier identified for Women in Office/Clerical Category

Women make up such an overwhelming majority of employees in this EEO4 job category in the external marketplace that MNIT is underutilized in a two-factor analysis even at 89.5 percent.

Future Evaluation

MNIT's Director of Equal Opportunity will monitor progress on a monthly basis and report to MNIT's Commissioner on a quarterly basis.

Past Evaluation

MNIT had set a hiring goal of one additional woman employee within this EEO4 job category in its previous Affirmative Action Plan. While the percentage of women in this category increased over the past two years, the agency was still underutilized in the current year's analysis.

Persons Responsible

- Human Resources Staffing Supervisor, Kris Stiebler
- Equal Opportunity Director, Sarah Herder Lewis

Target Dates

June 1, 2020: MNIT will achieve its hiring goal of adding one woman employee to the Office/Clerical job category.

Objective for Individuals with a Disability in Technicians Category

The following job category has been identified as underutilized for individuals with a disability.

Table 8: Individuals with a Disability in Technicians Category

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EEO4 Job Category: Technicians	Percentage
Individuals with a Disability in Technicians Category	4.0%
Individuals with a Disability in Technicians Category Hired	n<10
Individuals with a Disability in Technicians Category Separated*	n<10

*Statistics for which the denominator is less than 10 are suppressed for data privacy and are indicated as “n<10.”

The following corrective actions have been planned to eliminate the barriers for individuals with a disability in the Technicians EEO4 category.

Recruitment

Recruitment actions for Individuals with a Disability in Technicians & Multiple Categories

- MNIT will match the percent of self-identifying individuals with a disability who are minimally qualified with the percent interviewed for positions within the Officials/Administrators job category.
- MNIT will review job postings for openings in the Technicians category to ensure that job requirements meet equal opportunity standards and reflect the true qualifications necessary to carry out the essential functions of the job.
- MNIT will explore opportunities for student internships with Project Search.

Recruitment barrier identified for Individuals with a Disability in Technicians Category

Very few MNIT jobs fall within the Technicians category, so this EEO4 category was previously combined with Paraprofessionals. Separating them will give MNIT an opportunity to narrow in on these positions and see what barriers might exist.

MNIT is not underutilized for individuals with a disability in other categories, but understands that with higher rates of individuals with disabilities retiring, the agency will need to maintain a focus on recruitment and retention in this area.

Future Evaluation

MNIT’s Director of Equal Opportunity will monitor progress on a monthly basis and report to MNIT’s Commissioner on a quarterly basis.

Past Evaluation

MNIT did not previously separate out this EEO4 job category.

Persons Responsible

- Human Resources Staffing Supervisor, Kris Stiebler
- Equal Opportunity Director, Sarah Herder Lewis

Target Dates

June 1, 2020: MNIT will achieve its hiring goal of adding one individual with a disability to the Technicians job category.

Objective for Veterans in Professionals Category

While not technically an area of underutilization based on its two-factor analysis, MNIT has set internal hiring goals for veterans and has put in place corresponding recruitment actions to achieve those goals.

Table 9: Veterans in Professionals Category

EEO4 Job Category: Veterans in Professionals	Percentage
Veterans in Professionals Category	8.6%
Veterans in Professionals Category Hired	9%
Veterans in Professionals Category Separated	10.1%

The following corrective action has been planned to increase the percentage of veterans in the Professionals EEO4 job category.

Recruitment

Recruitment action for Veterans in Professionals Category

- MNIT will match the percent of self-identifying veterans who are minimally qualified with the percent interviewed for positions within the Professionals job category. MNIT will do this exclusively for veterans for six months. At that point it will evaluate results

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and determine whether to continue or to incorporate other protected groups, as MNIT has previously done.

- MNIT will also seek to become a Yellow Ribbon employer, thus demonstrating to potential candidates its commitment to achieving and sustaining veteran-friendly status.

Recruitment barrier identified for Veterans in Professionals Category

While Recently Separated Veterans (RSVs) and Certain Disabled Veterans (CDVs) are entitled to those preference rights defined in statute (M.S. § 43A.11), and MNIT follows state laws with regard to the ranking of veterans, the agency recognizes an additional need for those veterans who do not fit certain statutory definitions. MNIT appreciates the service and sacrifice of all U.S. Armed Forces, and thus wanted to expand the pool of veterans assisted in the hiring process.

Moreover, MNIT previously committed to matching the percent of qualified individuals in other protected groups with the percent interviewed and saw improvements in most areas. Thus, the agency hopes that by focusing this activity on veterans for a period of time, it will see an increase in the representation of veterans within its Professionals category.

Future Evaluation

MNIT will monitor the percentage of veterans in its Professionals job category on a monthly basis and will evaluate the strategy in February 2019 to determine next steps.

Past Evaluation

This is a new initiative, so MNIT does not have reflection on past evaluations.

Persons Responsible

- Human Resources Staffing Supervisor, Kris Stiebler
- Equal Opportunity Director, Sarah Herder Lewis

Target Dates

June 1, 2020: MNIT will have reached its internal stretch goal of adding 15 veterans to its Professionals category, totaling 9.2 percent of its overall workforce.

Objectives for Multiple Protected Groups in Multiple EEO4 Job Categories

MNIT has made significant strides in diversifying its workforce, and is therefore underutilized in only a few areas. The agency will continue many of its recruitment and retention efforts,

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however, in order to maintain these rates of workforce participation among protected groups and ensure the kind of inclusive environment that will allow us to retain the diversity we now enjoy.

Recruitment

Recruitment actions for multiple protected groups in multiple categories

Every two years, MNIT creates a full Recruitment Plan targeting multiple protected groups. The objectives of this recruitment plan are to: ensure the agency's recruitment programs are publicly marketed; to attract and obtain qualified applicants; to raise awareness about state employment; and to assist in meeting the affirmative action goals so that MNIT's workforce reflects the communities it serves.

The anticipated budget for FY 18 is \$25,000. Following are various recruitment methods or strategies that MNIT implemented during the past year, as well as those it plans to use in 2018-2020. The most commonly used recruitment sources are: paid and unpaid online marketing, school and college career services, job fairs, open houses, professional organizations, and current employees.

MNIT utilized a blend of paid advertising and free events, with a variety of focus on student recruitment, disability recruitment, veteran recruitment, and specialty skill recruitment (e.g., Project Management, GIS, etc.). These strategies have been determined to be highly effective through a process of resume collection at each event, compilation into a MNIT database, and ongoing communication with candidates. MNIT's Recruitment Director uses fields such as graduation date and specialty skill to target communications and sends mass communications to promote new career opportunities.

For FY 2017 and 2018 combined, there were more than 20 career events and presentations. MNIT continues to re-evaluate prospective and existing events to ensure that recruitment efforts meet the needs of the organization and reach diverse potential job seekers.

Accessibility Initiatives

- **Chief Information Accessibility Officer (CIAO):** MNIT has prioritized accessibility, utilizing a unique position to ensure accessibility in all communications. MNIT employee Jay Wyant is the State's CIAO, and as such, works with state agencies to define best practices, design and implement strategies to change organizational culture, improve procurement processes, and organize communities of practice, all focused on ensuring that the State's information and services are fully accessible to its citizens and employees.
- **Accessibility Matters Campaign:** MNIT continues to participate in this important campaign by distributing marketing materials and resources to staff and reminding them to create accessible electronic documents and systems so that employees with

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disabilities can access the same information and resources as other employees. MNIT will continue to evaluate its programs and contracts for accessibility.

Advertising Sources

MNIT's paid advertising was as follows:

- FY 17: \$17,470
- FY 18: \$15,075

These payments covered:

- LinkedIn Recruiters License and three sponsored job slots (\$15,000 annually)
- Unlimited annual advertising package with Minnesota Jobs, which also sweeps postings on Indeed, SimplyHired, and DiversityMN (\$6,400). MNIT Services, through the paid advertising vendor with Minnesota Jobs, is able to display their open job postings on the [MNIT website](http://www.mn.gov/mnit) www.mn.gov/mnit through an automated job-scrape.
- See delineation of costs and associated statistics below for hundreds of jobs posted below.

Table 10: Recruitment Activities in CY17 and CY18

Activities	CY2017	CY2018 (as of 7/1/18)
# Jobs Posted	487	328
Price Per Posting	\$13.61	\$10.11
# of Views	82,116	40,792
Price Per View	\$0.08	\$0.08
# Clicked to Access Application	5,092	7,100
Price Per Application Access	\$1.30	\$0.47

MNIT also took advantage of the following unpaid advertising sources:

- DEED: MinnesotaWorks
- Facebook
- International Institute of Business Analysis (IIBA)
- Indeed
- LinkedIn

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- Metro State
- MMB Diversity Recruitment Office's diversity email blast
- Minnesota GIS/LIS Consortium
- Project Management Institute (PMI)
- Twitter
- U of M: Goldpass
- Twin Cities Quality Assurance Association (TCQAA)
- ZipRecruiter

MNIT has created subscription-based email messaging for candidates using GovDelivery. The email blast, branded "MNIT HOT JOBS," is sent twice a month. This email communication highlights career opportunities, provides a link to all open MNIT positions, notifies interested individuals of MNIT's location at upcoming career events, and provides features such as tips for resumes and information on state benefits. Metrics are available to see how many job seekers read this publication and what links they select. It has been proven to be a valuable tool to keep in communication with the more than 20,000 job seekers, community partners, placement specialists, and interested individuals who sign up while visiting MNIT's website.

College and University Events

MNIT has established many different partnerships with academic institutions around the metro area, state, and region. MNIT's recruiter has developed relationships with faculty and staff at these institutions to provide a mutually beneficial pathway for communication and information about the type of recruits that MNIT needs and the skills that recent graduates will have when entering the workforce.

The demographic of new graduates is one with a considerably higher percentage of racial and ethnic minorities, and thus MNIT strives to not only recruit these students, but is also working to create more entry-level positions to facilitate a pipeline of diverse future talent.

Following is a list of schools, colleges, and universities with which MNIT has partnered to promote its jobs and source candidates:

Training/Boot camp Programs

- Prime Digital Academy Career Event (4/26/18)
- Software Guild Interviewing Event (5/2/18)

Technical/College/Universities

- U of M Job and Internship Fair (2/26/18)

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Student Presentations

- Advance IT Security Boot camp – IT Security Careers in Government

Community and Job Fairs

MNIT participates in numerous job and community fairs throughout the year to promote jobs and recruit candidates. These recruitment efforts help to build a pipeline of talent for diverse current and future candidates. Following is a breakdown of these events.

Community Presentations

- Burnsville Workforce Center (5/16/18)
- Southern Washington County (3/13/18)
- Scott County (4/12/18)
- Ramsey County (4/25/18)

Events Focused on Veterans

- DEED Veterans Career Fair (7/18/18)
- Hiring Our Heroes (8/28/18)
- US Dept. of Veteran Affairs Career Fair (11/8/18)

General Job-Seeker Events:

- Employer of the day – Minneapolis Workforce Center (8/7/18)

Specialty Skill Events:

- Cyber Security Summit (10/22-10/24/18)
- Project Management Institute Career Fair (4/16/18)
- SFS Cyber Corps Virtual Career Fair (October 2018)

Minnesota State Fair

In 2017, MNIT partnered with other state agencies to staff a booth at the Minnesota State Fair. In 2018, MNIT had its own booth to talk to fair-goers about MNIT Services, discuss employment opportunities at MNIT, answer questions, and raise awareness of MNIT as an employer of choice.

People of Color Career Fair

In 2016 and 2017, MNIT joined other state agencies to participate in the State of Minnesota's booth at the People of Color Career Fair.

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Statewide Career Fair

In 2016 and 2017, MNIT joined other state agencies to participate in the Statewide Career Fair. In 2018, MNIT participate by helping to staff the event and hosting a booth.

Diversity Recruiter

MNIT will continue to utilize MMB's Recruitment Office to help recruit for top leadership positions to help reach our goals within the Officials/Administrators category and ensure that agency leaders reflect the agency and our community.

Internships and Work-Trainee Program

MNIT primarily provides internships under the Student Worker classification so that students can complete any needed internship requirements and then continue as a part-time student to gain professional work experience until nearing graduation.

MNIT has multiple student workers across the agency in the fields of IT, HR and Communications. To recruit for these positions, MNIT sends email communications to career development offices, professors, and students currently in the state applicant system. Advertising is done through student job boards and connecting directly with students that MNIT has met through presentations, mock interviews, and career events.

In 2015, MNIT was the first state employer accepted into the Scholarship for Service (SFS) program that was originally established for federal employment only. SFS is a scholarship program that trains students in IT Security, and upon graduation, students agree to work for government for at least two years. In 2017, MNIT hosted four students from this program for summer internships.

In the spring of 2017, MNIT piloted its first ever work-trainee program beginning with five trainees in the following locations: MNIT Partnering with DHS, MDH and MMB. This training program was created to prepare individuals for an entry-level position (ITS 1) with MNIT. To this end, it provides specialized training, skills, and knowledge to adequately prepare prospective candidates with a pathway into MNIT with a concentration on job seekers with the greatest barriers to employment. Part of the mission of this program is to address racial disparities in education, training, and employment in Minnesota, specifically in the area of informational technologies.

MNIT will also explore additional opportunities for student interns, including through the Project Search collaborative.

Job Postings

MNIT will review job postings for physical and sensory requirements to determine whether the qualifications listed are job-related and consistent with business necessity. Where appropriate, MNIT will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.

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MNIT prominently displays on its website that staff members will provide reasonable accommodations to qualified individuals with a disability who apply for its positions, as needed. Once hired, MNIT educates employees, supervisors, and managers on accommodating employees in the workplace. For example, in 2017 all supervisors and managers received training related to reasonable accommodations.

Relationship Building and Outreach

MNIT participates in the MNCARRS (Minnesota Community Advisors on Recruitment and Retention Solutions) coalition when it is active. Through this collaboration, MNIT has built several valuable partnerships with community partners. MNIT has attended career events, and staff have completed formal presentations for placement specialists and job seekers. MNIT also meets directly with these partners and meets with the individuals they refer for mock and informational interviews and resume reviews:

- AchieveMpls
- Goodwill Easter Seals
- Jewish Family and Children Services
- Minneapolis Urban League
- Ramsey County – Job Connect
- RESOURCE/Employer Action Council
- U.S. Department of Veterans Affairs

MNIT also partners with programs and groups that focus on layoffs and job transition. MNIT attends program meetings and sponsored events and meets directly with clients that are referred. These programs and groups include:

- Rapid Response Team (DEED)
- RESOURCE

MNIT has built relationships with several educational programs. This includes presenting to classes, participating in employer board meetings, attending recruitment events, and presenting on employer panels. Following are academic institutions with which MNIT has developed strong relationships with educational/program staff:

- FUSION/ Advance IT/Metro State
- IT Futures/IT Ready
- Prime Digital Academy
- Scholarship for Service, Security Students enrolled in program, in various schools (only one in MN – St. Cloud State University)
- Software Guild

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- U of M Technology Leadership Institute – Security Master’s Program

Following are relationships built to enhance recruitment of persons with a disability:

- Vocational Rehab Services (VRS): MNIT has built a partnership with Vocational Rehab Services (VRS) at DEED. MNIT staff has assisted with informational interviews and resume reviews and receives notices of special events to attend that are focused on the disability community.
- Return2Work Solutions: MNIT’s Recruitment Director meets with clients of placement specialists that work with individuals who have had work comp injuries and have been retrained in a new field and are now seeking jobs. MNIT will continue to conduct informational interviews for clients and resume reviews for individuals served by Return2Work Solutions.
- Other Events: MNIT has developed numerous partnerships that allow staff to attend events and career fairs focused on the disability community (please see “B. Job and Community Fairs”).

Other valuable partnerships created:

- MNIT’s Recruitment Director participates with the State Recruiters quarterly meeting, where discussions are had regarding the most valuable events, measuring results, and connecting with other state agencies and HR staff/recruiters to share and promote candidates.

These partnerships were of great value to MNIT’s recruitment efforts. They enabled staff to learn what students are gaining through formal training and certifications, how MNIT can assist students in gaining state employment, and potential barriers to employment. Currently, MNIT is working on career pathways for non-traditional IT hires so that graduates from these programs can be eligible for entry-level employment in the IT sector.

MNIT will continue to evaluate the partnerships that have been built and continue to develop strategic partnerships to further improve recruitment efforts.

Special Hiring Programs

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

MNIT supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by supported employment workers. MNIT will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.

MNIT will implement and ensure that reviews of positions are taking place. MNIT will work with VRS or the MMB State ADA Coordinator to receive assistance in these efforts.

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Connect 700 Program

MNIT will continue to participate in the Connect 700 Program, which allows hiring managers to hire qualifying individuals with a disability through a non-competitive process which allows the applicant up to 700 hours to demonstrate qualifications on the job. At the end of the trial period, MNIT can hire the individual.

Since the program was relaunched in December of 2016, MNIT has placed 21 individuals, and of these, has converted 11 to full-time employment.

Additional Recruitment Activities

- In 2017, MNIT's Recruitment Director did extensive outreach to veteran organizations throughout Minnesota and added a total of 122 email addresses to MNIT's recruitment database through these efforts.
- In 2018, MNIT will seek recognition as a Yellow Ribbon employer, demonstrating that the agency has in place a comprehensive network that connects and coordinates all key areas within the agency for the purpose of proactively supporting Service members and military families.
- MNIT has recognized a need to lower positions in order to create a full, robust pipeline of talent. Toward this goal, hiring managers lowered 106 positions between January 1, 2016 and July 18, 2018. MNIT will continue to look for opportunities to lower positions where possible with the intention of further diversification of talent.
- MNIT will continue to conduct periodic self-assessments to determine if: its systems and documents are accessible, its language in job postings is inclusive, reasonable accommodations have been provided, and staff have been trained on how to provide reasonable accommodations.
- MNIT will continue to respond to applicant inquiries and concerns and meet with interested applicants who have concerns about barriers in the system in order to better understand and recruit diverse talent.

Recruitment barriers identified for multiple groups in multiple categories

MNIT is challenged with recruiting top talent in a highly competitive, highly paid industry with very low unemployment.

Future Evaluation

MNIT will monitor the success of these objectives by regularly monitoring new hire data and current workforce demographics. In addition, MNIT's Recruitment Director will evaluate the return on investment for various types of recruitment efforts.

Past Evaluation

MNIT has had significant gains in protected group employees through many of the measures listed in its recruitment plan. Staff previously monitored protected class staff in each EEO4 job category on a monthly basis, and will continue to do so.

Persons Responsible

- Recruitment Director, David Berthiaume
- Equal Opportunity Director, Sarah Herder Lewis

Target Dates

June 1, 2020: MNIT will reach its hiring goals for those areas in which it is currently underutilized.

Retention

Retention actions for multiple protected groups in multiple categories:

- MNIT will continue its successful Mentorship Program, connecting mentees and mentors across the organization for professional growth and development opportunities.
- MNIT will also continue to support employees as they apply for and participate in the Emerging Leaders Institute (ELI) and Senior Leaders Institute (SLI).
- MNIT will support the new Employee Resource Group (ERG) initiative.
- MNIT will continue to offer educational programming on a variety of diversity and inclusion topics, including but not limited to the following:
 - Sexual harassment training for all employees (developed by MMB)
 - Respect training for supervisors and managers (developed by MNIT)
 - Respect training for all employees (developed by MMB)
- MNIT will actively participate in the anticipated statewide engagement survey. MNIT also currently plans to continue with its own practice of annual engagement surveys and conduct one for MNIT employees in fall, 2018.
- MNIT will continue to send exit surveys to all employees leaving the agency in order to better understand the needs and wants of its employees, as well as what may draw employees to competitors.

Retention barriers identified for multiple protected groups in multiple categories

In order to create an inclusive work environment where individuals can fully contribute and feel valued, MNIT recognizes a need for ongoing education. Moreover, understanding that employees want to continue to develop professionally, MNIT must provide growth opportunities. Finally, due to the size and spread of the agency, MNIT needs to collect data through surveys and other quantitative means. However, MNIT will also seek feedback from individuals, ERGs, and other organized groups to ensure it is meeting the needs of its diverse workforce.

Future Evaluation

MNIT will monitor the success of these objectives by regularly monitoring current workforce demographics, engagement survey results, and separation data on an annual basis.

Past Evaluation

MNIT has utilized engagement surveys, individual feedback, organized group feedback, exit surveys, and quantitative demographic data to inform retention efforts.

Previous retention efforts include the following:

- Standardizing job classes to ensure uniformity and to achieve fairness for all employees. This work also minimizes the risk of disparate impacts on protected classes.
- Developing and publishing minimum qualifications for the entire ITS series, ITS 1 through ITS 5.
- Engaging leadership in a civility campaign with the book *Mastering Civility*.
- Providing unconscious bias training at the 2017 Government IT Symposium.
- Organizing a listening session after the verdict of the shooting death of Philando Castile in 2017.
- Providing resources on a variety of diversity and inclusion topics to MNIT employees throughout the agency upon request and in response to environmental issues.
- Creating a Wellness Room in the Centennial Office Building for accommodations for nursing mothers, religious accommodations, and reasonable accommodations for persons with a disability.
- Sending periodic agency communications on a variety of diversity and inclusion topics.

Persons Responsible:

- Equal Opportunity Director, Sarah Herder Lewis
- Human Resources Director, Chad Thuet

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- Assistant Human Resources Director, Annie Porbeni

Target Dates:

Ongoing evaluation of various actions during FY 18-20

Methods of Auditing, Evaluating, and Reporting Program Success

Pre-Employment Review Procedure/Monitoring the Hiring Process

Progress Report

Over the last two years, MNIT took significant steps to ensure equal opportunity in the hiring process. Human Resources (HR) and Equal Opportunity (EO) created and delivered a two-hour training which all hiring managers were required to complete. This training was intended to level-set with all staff involved in the hiring process on matters of equal opportunity and provide requirements and best practices in all stages of the hiring process. Stages reviewed included: selecting interview panelists, creating interview questions and scoring criteria, determining which candidates to interview, scheduling interviews, preparing interview panelists, delivering interview questions, rating interviewees, selecting a finalist, writing a justification, making the hire, and retaining records.

MNIT changed its internal processes to come into compliance with having EO approval on hiring justifications in underutilized areas. As part of that work, MNIT implemented a new pre-hire review form to standardize justifications and ensure that affirmative action and equal opportunity laws are being followed. The agency provided a step-by-step guide to all managers on completing this form.

Additionally, hiring managers are now required to submit interview questions and scoring criteria to their staffing representative in advance of an interview to ensure that questions and scoring are tied to qualifications of the position. By establishing strong scoring criteria and connecting questions to qualifications, hiring managers are able to mitigate the effects of unconscious bias and get the most qualified candidate. To assist with this undertaking, MNIT provided a large bank of interview questions and scoring criteria on its intranet for hiring managers.

2018-2020 Affirmative Action Plan

Since the above steps were implemented, MNIT has seen a significant improvement in the strength of selection justifications and in the connection between interview questions / scoring criteria and qualifications. MNIT will thus continue these processes in the current Plan.

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MNIT will also continue to periodically evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities.

Directors, managers, and supervisors will work closely with Human Resources and Equal Opportunity in reviewing the requirements for a position, posting the position, and interviewing and selecting candidates to ensure that equal opportunity and affirmative action laws, policies, and priorities are followed.

Any time MNIT cannot justify a hire, the agency will record the hire as a missed opportunity. Agency leadership will be asked to authorize the missed opportunity in advance of the hire. The agency will report the number of affirmative and non-affirmative hires, as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

When candidates are offered interviews, employees scheduling interviews will provide information on how an individual with a disability can request a reasonable accommodation to allow candidates requiring an accommodation equal opportunity to participate in the interview process.

MNIT's hiring process, with responsible parties, is described in Table 11 below.

Table 11: Steps in Hiring Process with Responsible Party

Action Steps	Responsible Party
Human Resources screens and forwards all applicants meeting the minimum qualifications for the position to the hiring manager/supervisor.	HR Representative
Human Resources notifies all applicants who did not meet minimum qualifications.	HR Representative
Hiring manager/supervisor screens qualified applicant pool and selects candidates for interviews.	Hiring Supervisor/Manager
Hiring manager/supervisor submits their list of interview selectees to their HR Staffing Representative before scheduling any interviews.	Hiring Supervisor/Manager
HR Staffing Representatives send hiring managers/supervisors instructions to either proceed with the interview process, as planned, or to add candidates to the interview pool.	HR Representative
Hiring managers/supervisors submit the names of any candidates that were added to the interview pool before scheduling any interviews.	Hiring Supervisor/Manager
Hiring manager/supervisor submits interview questions and scoring criteria to HR Staffing Representatives and waits for approval before interviewing.	Hiring Supervisor/Manager

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Action Steps	Responsible Party
HR Staffing Representative reviews interview questions and scoring criteria and sends feedback or approval to hiring manager/supervisor.	HR Representative
Hiring managers/supervisors may proceed with scheduling and conducting interviews.	Hiring Supervisor/Manager
Hiring managers/supervisors discuss candidate selection with Human Resources prior to making a job offer.	Hiring Supervisor/Manager
If selection is not an affirmative hire in an underutilized job category, hiring managers/supervisors complete the pre-hire review form, submit to HR Staffing Representative, and wait for approval.	Hiring Supervisor/Manager
HR Staffing Representative completes MHP form and sends to AAO with pre-hire review form.	HR Representative
AAO reviews pre-hire review form and sends signed/approved MHP form back to HR Staffing Representative.	Affirmative Action Officer
If AAO does not approve the selection, the Commissioner must determine whether to accept a missed opportunity.	Commissioner
HR Staffing Representative contacts hiring manager/supervisor about making an offer.	HR Representative
Hiring manager makes the offer.	Hiring Supervisor/Manager
All parties adhere to Minnesota Government Data Practices Act, Section 13.43: Protected group status & information regarding the pre-employment selection process is not disclosed.	HR Representative Hiring Supervisor/Manager Division Director Affirmative Action Officer
Human Resources screens and forwards all applicants meeting the minimum qualifications for the position to the hiring manager/supervisor.	HR Representative

Pre-Review Procedure for Layoff Decisions

MNIT follows labor contract agreements and applicable laws in its layoff processes. If MNIT's Human Resources department is notified about a potential layoff, it goes through a thorough review procedure, which includes the following steps:

- Determine if situation is a true layoff. If so, notify Staffing Supervisor.
- Staffing Supervisor alerts leadership of potential layoffs.
- Staffing Supervisor/Team works with manager to discuss next steps and works with affected employee.

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- Notice is sent to employee and union.
- Staffing Supervisor/Team reviews current vacancies.
- If a vacancy exists for which employee is qualified, employee is placed in that position.
If no vacancy exists for which the employee is qualified, Staffing Supervisor/Team reviews bumping options.

If no vacancy exists and bumping is not an option, the employee may choose a layoff or review alternative options

Other Methods of Program Evaluation

The agency submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency's affirmative action program:

- Quarterly Monitoring the Hiring Process Reports;
- Biannual Affirmative Action Plan;
- Annual Americans with Disabilities Act Report;
- Annual Internal Complaint Report; and
- Disposition of Internal Complaint (submitted to MMB within 30 days of final disposition).

The agency will also evaluate its Affirmative Action Plan in the following ways:

- Monitor progress toward stated goals by job category on a quarterly basis;
- Analyze employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact on protected groups;
- Analyze the agency's compensation program to determine if there are patterns of discrimination;
- Analyze employee engagement survey results to identify potential issues and address accordingly;
- Review the accessibility of online systems and websites, and ensure that reasonable accommodations can be easily requested; and
- Discuss progress with agency leadership on a periodic basis and make recommendations for improvement.

Appendices

Appendix A: 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.

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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

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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:

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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

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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.

Appendix B: Statewide Sexual Harassment Prohibited Policy



HR/LR Policy #1329

Sexual Harassment Prohibited

Date Issued: 06/17/1996
Date Revised: 02/12/2016
Rebrand Date: 11/30/2017
Authority: Enterprise Human Resources

Overview

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.

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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

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

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have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. 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;
4. 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;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. 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:

1. An agency supervisor;
2. The agency's affirmative action officer;
3. An agency's human resource office;
4. 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:

1. The name, department, and position of the person(s) allegedly causing the harassment;

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2. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
3. The name(s) of other individuals who may have been subject to similar harassment;
4. What, if any, steps have been taken to stop the harassment;
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) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

III. Supervisor Responsibility

Supervisors are responsible for the following:

1. Modeling appropriate behavior;
2. Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
3. 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;
4. 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;
5. 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:

1. Modeling appropriate behavior;
2. Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
3. Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
4. 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:

1. Modeling appropriate behavior;
2. Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
3. Complying with the agency's complaint and investigation procedures to ensure the prompt and appropriate action in response to complaints of sexual harassment;
4. 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:

- [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.

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

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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

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.

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Signed: _____ Date: _____

Employee Name: _____

REFERENCES

MMB Equal Opportunity, Diversity, and Inclusion Office:

<https://mn.gov/mmb/employee-relations/equal-opportunity/>

- [Affirmative Action Plan Template - More Than 25 Employees \(word version\)](#)
- [Affirmative Action Plan Template - 25 or Fewer Employees \(word version\)](#)

CONTACTS

Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion

**Date policy content moved to new document template featuring updated branding, logo, formatting, and corrections to typographical errors. No change to policy content.*

Appendix C: MNIT Services Complaint of Harassment, Discrimination or Disrespect Form



COMPLAINT OF HARASSMENT, DISCRIMINATION OR DISRESPECT IN THE WORKPLACE

Purpose and Intended Use of Data Collected on this Form

This form is being used to obtain information needed to investigate your complaint of harassment, discrimination or respect in the workplace. You are not legally required to provide this information, but without it, we may not be able to investigate your complaint. The data you provide on this form will be provided to individuals within Minnesota IT Services who need to access the data for investigation purposes. Under certain circumstances, other entities may have a legal right to access the data, including Minnesota Management and Budget, applicable labor organization(s), Department of Human Rights, Equal Employment Opportunity Commission, Attorney General, and the Legislative Auditor.

Information about you:

Your Name: _____ Job Title: _____

Location: _____ Phone: _____

Division: _____ Supervisor: _____

Indicate below names of the individual(s) who you believe violated the Prohibition of Harassment and Discrimination Policy or the Respect in the Workplace Policy:

Name: _____ Job Title: _____

Division: _____

Name: _____ Job Title: _____

Division: _____

PROHIBITION OF HARASSMENT AND DISCRIMINATION POLICY

Check the relevant box or boxes below to indicate a violation of Prohibition of Harassment and Discrimination Policy (available from the Policies section of the MNIT Employee Intranet):

- | | | |
|---|--|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender or Sex | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Color | <input type="checkbox"/> Membership in local human rights commission | <input type="checkbox"/> Sexual harassment |
| <input type="checkbox"/> Creed | <input type="checkbox"/> National origin or citizenship status | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Race | <input type="checkbox"/> Status regarding public assistance |
| <input type="checkbox"/> Familial or marital status | <input type="checkbox"/> Religion | <input type="checkbox"/> Veteran's Status |

RESPECT IN THE WORKPLACE POLICY

Check the box below to indicate a violation of the statewide [Respect in the Workplace Policy](#):

- Respect in the Workplace

Nature of complaint: Please describe the circumstances that occurred that cause you to file this complaint. Include names, types of behavior, location and dates of events. Attach additional sheets if necessary. Please be sure to include the first and most recent event/s.

Were there any witnesses to the incidents described above? If so, please list the names and work location (or other identifying information) of the witness(es).

- 1.
- 2.
- 3.

I hereby certify that the information I provided on this form is true and correct to the best of my knowledge.

Signature

Date

Please submit completed form to Minnesota IT Services' [Affirmative Action Officer](#)

Appendix D: Statewide ADA Reasonable Accommodation Policy, HR/LR Policy #1433



HR/LR Policy #1433

ADA Reasonable Accommodation

Date Issued: 03/09/1999
Date Revised: 07/27/2017, 12/16/2015, 07/26/2002, supersedes Policy 3.2
Authority: Equal Opportunity, Diversity, and Inclusion

OVERVIEW

Objective

The goals of this policy are:

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

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

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

Americans with Disabilities Act (ADA) Coordinator. Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat. A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

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

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

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

Individual with a Disability. An individual who:

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

Qualified Individual with a Disability. An individual who:

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

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

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

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

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

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

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

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

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

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

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

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

General Standards and Expectations

Individuals who may request a reasonable accommodation include:

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

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

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

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;

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- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

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

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

Form of the request

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

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

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

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: ["Employee/Applicant Request for Reasonable Accommodation Form"](#).

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

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

The interactive process entails

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

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

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

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

The agency ADA Coordinator shall be consulted when:

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

Agency responsibilities for processing the request

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

Commissioner

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

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA

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Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

Analysis for processing requests

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

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position; or
 - Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

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

Obtaining medical documentation in connection with a request for reasonable accommodation

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

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

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted.

Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation. Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

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

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use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

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

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

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

Accommodation Information

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

General Information

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

Approval of requests for reasonable accommodation

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

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

Funding for reasonable accommodations

The agency must specify how the agency will pay for reasonable accommodations.

Procedures for reassignment as a reasonable accommodation

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

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

Denial of requests for reasonable accommodation

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

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

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

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

Determining direct threat

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

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

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

Appeals process in the event of denial

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

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

Information tracking and records retention

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

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

Responsibilities

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

Forms and Instructions

Please review the following forms:

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

References

- U.S. Equal Employment Opportunity Commission, *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).

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- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

Contacts

Equal Opportunity, Diversity, and Inclusion Office, Minnesota Management and Budget

Appendix E: Evacuation Procedures for Individuals with Disabilities

Procedures at Various Locations

Copies of available agencies' and building weather and emergency evacuation plans can be found by contacting Facilities Management responsible for the agency's buildings. If you are unable to find your plan and have concerns or questions about a reasonable accommodation, please contact the ADA Coordinator for MNIT Services.

Reasonable Accommodations in Emergency Situations

1. Weather Emergency During Work Hours

Capitol Security (Department of Public Safety) monitors the National Weather Services Bulletins through the National Air Warning System (NAWAS). If Capitol Security is informed through the NAWAS system that St. Paul is in danger, a public address announcement will be made immediately directing personnel to relocate.

Upon notification by Capitol Security, the floor wardens, area monitors, and assistants will then assume their particular responsibilities, and each person with a disability who is in need of assistance will be provided with identified individuals who will help him/her during emergency procedures.

In the event of a tornado warning, assistants are designated to help the person with a disability move to the ground floor corridor. If the onset of the severe weather emergency is such that there is insufficient time to relocate to the ground floor, the area monitor shall direct the assistants to help the individual(s) with a disability move to an inner office, where there are no windows or exit doors to the outside.

2. Weather Emergency Notification During Non-Work Hours

When state officials determine that state offices will be closed, affected supervisors will contact employees identified as needing special notification to tell them of the closing.

3. Fire Emergency

When the building alarm sounds, assistants are designated to help the person with a disability to relocate him/her to a safe area of the building free from smoke or fire. One assistant will then immediately relocate to the main entrance (or other safe entrance) to await the fire department. Upon arrival of the fire department, the assistant will notify them of the individual's location and will assist fire fighters in locating the person with a disability.

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:

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- Karen Ricci, Office & Administrative Specialist, 651.201.1187, karen.ricci@state.mn.us
- Steve Wydra, Information Technology Specialist, 651.201.1253, Steve.Wydra@state.mn.us

Evacuation Options

Individuals with disabilities have four basic evacuation options, with one additional option for facilities with an evacuation chair:

1. Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
2. Stairway evacuation: Using steps to reach ground level exits from building;
3. 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;
4. 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
5. Additional option for facilities 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, and 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

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(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 from 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.

Appendix F: MNIT Affirmative Action Policy



Employee Policies

Name of policy: Affirmative Action Policy

This document is available in alternative formats for individuals with disabilities by calling the Human Resources Division at 651-201-2270 or through the Minnesota Relay Service at 1-800-627-3529.

Revision history

Date: 10/11/13

Author: Human Resources Office

Description: Effective Date: October 11, 2013

Revision #: New

General Information

Policy Statement: MNIT is committed to the establishment and maintenance of an affirmative action program. In accordance with Minnesota Statutes and rules, an affirmative action plan will be developed and revised every two years. The plan will contain specific components, including program objectives and hiring goals. The hiring goals and selection process and procedures will be set to eliminate underutilization of qualified protected group members, except where a bona fide occupational qualification exists.

Reason for the policy: To establish and maintain the agency affirmative action program.

Who should know about this policy: All MNIT managers, supervisors, employees, and interns should be aware of the policy.

Definitions

Ethnic/Racial minorities: refers to persons from the categories below. Persons of mixed ethnic/racial backgrounds would choose the group with which they most clearly 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 culture or origin, regardless of race.

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3. American Indian or Alaskan native – persons having the origins in 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.

Persons with disabilities: refers to a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Goals: The Commissioner of Minnesota Management and Budget will establish statewide goals for each job group by protected group based on the 2010 census. The agency's 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 group underutilizes a protected group, the commissioner will establish a goal for that protected group in that job group. EEO4 categories will be used as the basis for goal unit designators.

Contacts: For further information about this policy, contact your supervisor, or the Human Resources Division.

General standards and expectations

General Provisions: The qualified protected groups, which the State of Minnesota has identified as being underutilized in its workforce, include: (1) women, (2) ethnic/racial minorities and (3) persons with disabilities.

Human Resources Responsibility

- The Affirmative Action Officer will be responsible for developing and revising the agency's Affirmative Action Plan.
 - The agency's Affirmative Action Plan will be posted on the MNIT Employee Intranet. Employees may also request a copy from the Affirmative Action Officer, or their manager/supervisor. The agency's Affirmative Action Plan is also attached below.
- As part of fulfilling its Affirmative Action responsibilities, HR sends a quarterly "monitoring the hiring process" report to MMB. The purpose of this report is to track progress against affirmative action goals.

References

Minnesota Statutes Section [43A.187](#)

MMB Administration Procedure [19.1](#)

Minnesota Rules [3905.0500](#)

MNIT Affirmative Action Plan: MNIT AA Plan

Appendix G: Underutilization Analysis—Minnesota IT Services

Job Category Availability/Utilization/Underutilization Analysis and Annual Goals.
Worksheet for comparing incumbency to availability and setting goals to correct underutilization.

Table 1: Underutilization of Women

Job Categories	Officials/ Administrators	Professionals	Para- professionals	Technicians	Administrative Support	Totals
Total Employees in Job Group*	71	2237	19	25	14	2366
Total Number Women in Group	26	839	6	9	12	892
Percent of Women in Group	36.62%	37.51%	31.58%	36.00%	85.71%	37.70%
Availability Percentage	34.94%	31.03%	30.74%	30.57%	91.75%	
Availability Number	25	694	6	8	13	
AAP 2018-2020 Number Underutilized	-1	-145	0	-1	1	
AAP 2016-2018 Underutilized	0	-57	-1	-1	2	
Improved, Not Improved, Same	Improved	Improved	Not improved	Same	Improved	
Numerical Difference in the Two Plans	1	88	-1	0	1	

Table 2: Underutilization of Racial/Ethnic Minorities

Job Categories	Officials/ Administrators	Professionals	Para- professionals	Technicians	Administrative Support	Totals
Total Employees in Job Group*	71	2237	19	25	14	2366
Total Number Minorities in Group	6	513	7	4	4	534
Percent of Minorities in Group	8.45%	22.93%	36.84%	16.00%	28.57%	22.57%
Availability Percentage	10.09%	21.54%	22.64%	13.94%	20.92%	
Availability Number	7	482	4	3	3	
AAP 2018-2020 Number Underutilized	1	-31	-3	-1	-1	
AAP 2016-2018 Underutilized	1	12	-3	-3	-4	
Improved, Not Improved, Same	Same	Improved	Same	Not improved	Not improved	
Numerical Difference in the Two Plans	0	43	0	-2	-3	

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Table 3: Underutilization of Individuals with a Disability

Job Categories	Officials/ Administrators	Professionals	Para- professionals	Technicians	Administrative Support	Totals
Total Employees in Job Group*	71	2237	19	25	14	2366
Total Number Individuals w/Disabilities in Group	11	161	2	1	1	176
Percent of Individuals w/Disabilities in Group	15.49%	7.20%	10.53%	4.00%	7.14%	7.44%
Availability Percentage	7.00%	7.00%	7.00%	7.00%	7.00%	
Availability Number	5	157	1	2	1	
AAP 2018-2020 Number Underutilized	-6	-4	-1	1	0	
AAP 2016-2018 Underutilized	0	0	0	0	1	
Improved, Not Improved, Same	Improved	Improved	Improved	Not Improved	Improved	
Numerical Difference in the Two Plans	6	4	1	-1	1	

Table 4: Underutilization of Veterans

Job Categories	Officials/ Administrators	Professionals	Para- professionals	Technicians	Administrative Support	Totals
Total Employees in Job Group*	67	2221	18	24	14	2344
Total Number Veterans in Group	8	190	1	2	0	201
Percent of Veterans in the Group	11.94%	8.55%	5.56%	8.33%	0.00%	8.58%
Availability Percentage	12.67%	9.24%	7.63%	9.67%	5.00%	
Availability Number	8	205	1	2	1	
AAP 2018-2020 Number Underutilized	0	15	0.4	0.3	1	
AAP 2016-2018 Underutilized	n/a	n/a	n/a	n/a	n/a	
Improved, Not Improved, Same	n/a	n/a	n/a	n/a	n/a	
Numerical Difference in the Two Plans	n/a	n/a	n/a	n/a	n/a	

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

* Note: The report for veterans was pulled on a different day, and thus the totals are slightly different than other categories.