

## State of Minnesota

## Employment and Economic Development (DEED)

## July 1, 2022 – June 30, 2024 Affirmative Action Plan

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To request an alternative format of this document, please contact the Office of Diversity and Equal Opportunity at [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)

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Table of Contents

- State of Minnesota ..... 1
- Employment and Economic Development (DEED) ..... 1
- July 1, 2022 – June 30, 2024 Affirmative Action Plan ..... 1
  - Statement of Commitment ..... 1
  - Federal Equal Opportunity Assurances ..... 2
  - Executive Summary ..... 2
  - Organizational Profile ..... 3
  - Individuals Responsible for Directing/Implementing the Affirmative Action Plan ..... 4
    - Commissioner ..... 4
    - Affirmative Action Officer ..... 5
    - Human Resources Director ..... 7
    - Americans with Disabilities Act (Title I and II) Coordinator ..... 7
    - Senior Managers and Facility Executive Team Leaders ..... 9
    - All Employees ..... 11
  - Communication of the Affirmative Action Plan ..... 11
    - Internal Methods of Communication ..... 11
    - External Methods of Communication ..... 11
  - Job Category Analysis ..... 12
  - Determining Availability ..... 12
  - Utilization/Comparing Employees to Availability, Goal Establishment, and Timetables ..... 13
  - Identification of Areas for Further Monitoring ..... 15
    - Women ..... 17
    - Racial/Ethnic Minorities ..... 17
    - Individuals with Disabilities ..... 17
  - Corrective Actions and Action-Oriented Programs ..... 19
    - Corrective Actions ..... 19
    - Other Action-Oriented Programs ..... 23
    - Barriers ..... 23
    - Recruitment Processes ..... 23
    - Retention ..... 24
    - Learning and Development ..... 26
  - Methods of Auditing, Evaluating, and Reporting Program Success ..... 27

Pre-Employment Review Procedure/Monitoring the Hiring Process.....	27
Policies, Procedures, and Notice .....	30
A. DEED Harassment and Discrimination Prohibited Policy.....	30
B. DEED Sexual Harassment Prohibited Policy.....	41
C. DEED Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template .....	50
D. DEED ADA Reasonable Accommodation Policy #404.....	52
Request for Reasonable Accommodation Form.....	58
E. DEED Americans with Disabilities Act (ADA) Title II Policy #423.....	59
F. Americans with Disabilities Act (ADA) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form .....	69
G. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance....	70
Appendix.....	73
Appendix A: Progress Report.....	73
Appendix B: Separation Analysis from July 1, 2020 – June 30, 2022.....	75
Appendix C: Utilization-Goal Analysis .....	81
Definitions of Terms Used in This Affirmative Action Plan .....	84

# Statement of Commitment

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Minnesota Administrative Rules, part 3905.0400, subpart 1, item C

This statement reaffirms the Minnesota Department of Employment and Economic Development (DEED), thereafter “the agency,” 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, childbirth, and related medical conditions), color, creed, religion, age, national origin, sexual orientation, sex stereotyping, gender expression, , gender identity, disability, marital status, familial status, status about 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 qualified employees and applicants with disabilities.
- This agency will continue to actively promote a program of affirmative action, wherever women, individuals with disabilities, and Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan native people (referred to as racial/ethnic minorities in Minnesota Statute 43A.19 and throughout this plan), are underrepresented in the workforce; and the agency will also 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:** *Steve Grove*

**Date Signed:** 07/25/2022

## Federal Equal Opportunity Assurances

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In addition to the Minnesota Department of Employment and Economic Development’s commitment to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with state equal opportunity and affirmative action laws, the agency also reaffirms it’s commitment to equal opportunity under [Section 188](#) of the Workforce Innovation Opportunity Act (WIOA).

Therefore, as a condition to the award of financial assistance from the Department Labor under Title I of WIOA, the agency has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the awards of federal financial assistance:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity.

## Executive Summary

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Minnesota Administrative Rules, part 3905.0400, subpart 1, item A

This Affirmative Action Plan meets the requirements as set forth in statute, in Administrative Rule, and by Minnesota Management and Budget (MMB). The plan outlines:

- Affirmative action goals
- Timetables
- Reasonable and assertive hiring and retention methods for achieving these goals

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

**Table 1 Workforce Underutilization Analysis of Protected Groups**

(X indicates the job categories and protected groups that have underutilization. The names of protected class categories are consistent with Minnesota Statute 43A.19.)

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Officials/Administrators			
Professionals			
Technicians			

Job Categories	Women	Racial/Ethnic Minorities	Individuals with Disabilities
Office/Clerical/Paraprofessional			
Service Maintenance		X	

Once complete, information about how to obtain or access a copy of this Plan is provided to every employee of the agency. Our intention is to make every employee aware of DEED’s commitments to affirmative action and equal employment opportunity. The completed Plan is also posted on the agency’s website and maintained in the Office of Diversity and Equal Opportunity (ODEO).

**Affirmative Action Officer or Designee:** *Heather Stein*

**Date Signed:** 07/25/2022

**Human Resources Director:** *Sheila Reger*

**Date Signed:** 07/25/2022

**Commissioner or Agency Head:** *Steve Grove*

**Date Signed:** 07/25/2022

## Organizational Profile

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The Minnesota Department of Employment and Economic Development (DEED) is the state’s principal economic development agency. DEED programs promote business recruitment, expansion and retention; international trade; workforce development; and community development.

The agency facilitates an economic environment to produce jobs and improve the quality of the state’s workforce and manages over 60 programs and the services to support them throughout the state.

DEED’s mission is to empower the growth of the Minnesota economy, for everyone. To meet that mission, we partner with organizations and communities across the state to take on the challenges our economy faces at this critical inflection point in Minnesota. The agency is currently working hard to reach Minnesotans from all backgrounds and to connect with populations in Minnesota hit hardest by racial and other disparities in employment – including gender, sexual orientation, geography, race/ethnicity, national origin, color, disability, age, or other protected groups.

### Service Delivery Model

DEED is committed to helping create equitable communities and economic opportunities and will tailor our statewide outreach and service delivery model based on different community strengths around the state.

DEED provides direct service to its customers via staff located throughout the state. It leverages its resources by contracting with vendors or partners to deliver services that help DEED achieve its mandate. And, to incent innovation, DEED awards grants to qualified entities to deliver service in a new way or resolve unmet needs.

Specialists market Minnesota to attract new business and help develop existing or start-up businesses. Community development staff address revitalization issues and prepare for economic development opportunities.

There are nearly 50 CareerForce locations where people looking for jobs can find employment and career assistance. An online job bank—MinnesotaWorks.net—connects job seekers and employers. Unemployment Insurance benefits are available for people who have lost their jobs through no fault of their own. In addition, DEED's labor market information helps all customers make educated decisions about their futures.

**Mission:** *To empower the growth of the Minnesota economy for everyone.*

**Values:**

- **Focus on the customer.** We are public servants who strive for fairness and results for the people, businesses, and communities of Minnesota. We build authentic relationships. We listen to the people we serve and consider their feedback in our service delivery.
- **Communicate early and often.** We believe in effective communication, honesty, and good listening. Great work happens when everyone is clear on where we're heading, and who is doing what. We strive for transparency with the public and our stakeholders.
- **Seek solutions.** When a challenge arises, we collaborate across teams and brainstorm ways to solve it. We focus on impact. We choose optimism, and get things done.
- **Create inclusion.** We actively remove barriers that have historically left people out. We believe we're far stronger when we are inclusive and equitable. We respect opinions that are different than ours and we seek out diverse perspectives in the planning and execution of our work.
- **Encourage new ideas.** We celebrate and encourage creative thinking, giving ourselves the permission to think boldly. We believe it is okay to try a new approach; it's the only way to learn and improve.
- **Be gracious.** We're honored to serve the people of Minnesota. We approach our work with respect and kindness towards those we work with and for. We elevate each other. Bringing joy to our jobs makes DEED a great place to work.

## Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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Minnesota Administrative Rules, part 3905.0400, subpart 1, item B

### Commissioner

#### Responsibilities

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the Commissioner reports the agency's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB, and reports to MMB on the results of the agency's affirmative action plan

at the same time as the agency submits its biennial budget request to MMB. The MMB Commissioner is responsible for reporting all agencies progress to the Governor and the Legislature.

## Duties

The duties of the Commissioner include, but are not limited to:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency’s Affirmative Action Plan in their position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the department’s commitment to affirmative action and equal employment opportunity and ensure the statement is shared with all employees.
- Make decisions and changes in policies, procedures or physical accommodations as 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.
- Notify all contractors and sub-contractors within the department of their affirmative action responsibilities.
- Enforce 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.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

## Accountability

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

### Name of individual(s) responsible:

**Name:** Steve Grove

**Email:** [s.grove@state.mn.us](mailto:s.grove@state.mn.us)

**Title:** Commissioner

**Phone:** 651-259-7110

## Affirmative Action Officer

### Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring the agency’s affirmative action program.

### Duties

The duties of the Affirmative Action Officer include, but are not limited to:



- 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 of progress on affirmative action and equal opportunity goals 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 coordinate the development the training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Identify high-need recruitment job areas within the agency.
- Develop innovative programs to attract and retain individuals from protected groups in the agency.
- Support and collaborate in the recruitment individuals of protected groups 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 candidates and employees from protected groups.
- Maintain relationships with community stakeholders, colleges and universities, and CareerForce locations to assist HR with effective diversity recruitment strategies.
- 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's diversity, equity, and inclusion strategic plan.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

## **Accountability**

The Affirmative Action Officer is accountable to the Commissioner, Steve Grove, for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administrator of ADA Title I and II, administrators of Diversity, Equity, Inclusion, and other Equal Opportunity and Access related administrators. In addition, the Affirmative Action Officer reviews

aggregated data and trends of complaints of illegal discrimination in hiring with the General Counsel's Office and that data is provided and shared with the Human Resources Director on a quarterly basis.

### **Name of individual(s) responsible**

**Name:** Heather Stein

**Email:** [heather.stein@state.mn.us](mailto:heather.stein@state.mn.us)

**Title:** Director of Diversity and Equal Opportunity

**Phone:** 651-259-7097

## **Human Resources Director**

### **Responsibilities**

The Human Resources Director or designee is responsible for ensuring equitable and uniform administration of all personnel policies, in conjunction with the agency Affirmative Action Officer and ADA Coordinator, to remove barriers to equal employment opportunity with the agency. The HR Director or designee is responsible for assisting managers and supervisors in human resources management activities.

Staff within Human Resources who collaborate on affirmative action responsibilities, ADA, and diversity issues are accountable to the HR Director.

### **Duties**

The duties of HR Directors include, but are not limited to:

- 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 use of selection criteria to ensure they are objective, uniform, and job related.
- Oversee the administration of the agency diversity recruitment program, and partner with the Affirmative Action Officer to continually improve diversity of the workforce.
- Maintain active participation in the state-wide recruiters' group.
- Assist in recruitment and retention of protected groups 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 in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with 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 recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.

- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities toward attaining strategic diversity goals and objectives.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the creation of supported worker positions. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the 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.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

## Accountability

The Human Resources Director is accountable to the Deputy Commissioner of DEED, Evan Rowe. Human Resources staff are accountable to the Human Resource Director.

## Name of individual(s) responsible

**Name:** Sheila Reger

**Email:** [sheila.reger@state.mn.us](mailto:sheila.reger@state.mn.us)

**Title:** Human Resource Director

**Phone:** 651-259-7099

## Americans with Disabilities Act (Title I and II) Coordinator

### Responsibilities

The Americans with Disabilities Act (ADA) Title I and II Coordinator is responsible for ensuring the agency's compliance with the ADA Title I – Employment, and 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 I Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, 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 for hiring and retaining 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 including Connect 700 program 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 HR 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 state-wide 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, perform essential functions of the job, and/or enjoy equal benefits and privileges.

The 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 job and if necessary, complete a step-by-step job analysis.
- Determine the precise job-related limitations.
- Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform 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.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

## Accountability

The ADA Title I and II Coordinator is accountable to the Director of the Office of Diversity and Equal Opportunity.

## Name of individual(s) responsible

**Name:** Karen Lilledahl

**Email:** [karen.lilledahl@state.mn.us](mailto:karen.lilledahl@state.mn.us)

**Title:** ADA Coordinator/WIOA Equal Opportunity  
Compliance Manager

**Phone:** 651-259-7089

## 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 executive team leaders include, but are limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the agency.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ensure 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.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

## **Accountability**

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

## **Name of individual(s) responsible**

**Name:** Steve Grove

**Email:** [s.grove@state.mn.us](mailto:s.grove@state.mn.us)

**Title:** Commissioner

**Phone:** 651-259-7110

## **All Employees**

### **Responsibilities**

All employees are responsible for conducting themselves in accordance with the State of Minnesota's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of race, sex (including pregnancy, childbirth, and related medical conditions), color, creed, religion, age, national origin (including limited English proficiency), sexual orientation, sex stereotyping, gender expression, transgender status, gender identity, disability, marital status, familial status, status about public assistance, political opinions, or affiliations, or membership or activity in a local human rights commission. 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 include, but are not limited to:

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.
- Refrain from any actions that would adversely affect a colleague on the race, sex (including pregnancy, childbirth, and related medical conditions), color, creed, religion, age, national origin (including limited English proficiency), sexual orientation, sex stereotyping, gender expression, transgender status, gender identity, disability, marital status, familial status, status about public assistance, political opinions, or affiliations, or membership or activity in a local human rights commission.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

### **Accountability**

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

# Communication of the Affirmative Action Plan

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Minnesota Administrative Rules, part 3905.0400, subpart 1, item D and Minnesota Administrative Rules, part 3905.0400, subpart 1, item E

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

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action, will be sent from the agency's leadership or the Affirmative Action Officer, to all staff on an annual basis.
- **Intranet.** The agency's Affirmative Action Plan is available to all employees on the [agency's internal website](https://mn.gov/deed/about/what-we-do/agency-results/aa-plan/) (<https://mn.gov/deed/about/what-we-do/agency-results/aa-plan/>) and in print to anyone who requests it. As requested, the agency will make the plan available in alternative formats to individuals with disabilities.
- **Printed copy.** A physical copy of the Agency's Affirmative Action Plan is available to employees at the following address:

180 East Fifth Street 12<sup>th</sup> Floor Saint Paul, MN 55101

- **New Employee Orientation.** The Office of Diversity and Equal Opportunity informs new employees of DEED's commitment to Affirmative Action and Equal Employment Opportunity during the required New Employee Orientation called 'Living DEED's Values.' The NEO includes information about the process to follow for requesting and/or providing a reasonable accommodation for a person with a disability and the process for discussing and/or filing a complaint of discrimination, as well an overview of diversity, equity, inclusion and access.
- **Policies and Procedures.** All Affirmative Action and Equal Employment Opportunity policies, procedures and practices are included in DEED's Policy and Procedures Manual. The Policy and Procedures Manual is updated routinely and is available on the [DEED Intranet](https://mn365.sharepoint.com/sites/DEED-DEN/SitePages/Agency-Resources.aspx) (<https://mn365.sharepoint.com/sites/DEED-DEN/SitePages/Agency-Resources.aspx>).
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees in all Minnesota CareerForce Centers and DEED locations. ODEO oversees the statement and notice requirements at all DEED locations and provides updates as laws are revised or implemented.

## External Methods of Communication

- **Public website.** The agency's Affirmative Action Plan is available on the [agency's public website](https://mn.gov/deed/about/what-we-do/agency-results/aa-plan/) (<https://mn.gov/deed/about/what-we-do/agency-results/aa-plan/>). Printed copies are available to anyone who requests it. As requested, the agency will make the plan available in alternative formats to individuals with disabilities

- **Equal opportunity employer language.** The agency’s website homepage, letterhead, publications, and all job postings, includes DEED’s “equal opportunity employer” statement. The agency will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters displayed include: Equal Employment Opportunity is the law, WIOA Equal Opportunity is the Law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- **Printed Copy.** A physical copy of the Agency’s Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

180 East Fifth Street 12<sup>th</sup> Floor Saint Paul, MN 55101

- **Client Forms.** DEED requires that all client forms, brochures, handouts, and advertising have the wording “Equal Opportunity Employer and Service Provider” statement and reference to Babel Notice.
- **Nondiscrimination Plan.** Information about the Affirmative Action and Equal Opportunity policies and contract assurance requirements are provided to all individuals and organizations receiving grants or funding from DEED. The contract assurance requirements contain inclusive language identifying all state and federal civil rights legislation. All contracts are reviewed to ensure inclusion of equal opportunity language. This language is in the [WIOA Nondiscrimination Plan](#) on page 6.

## Job Category Analysis

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Minnesota Administrative Rules 3905.0600 Subp 3.A and Minnesota Administrative Rules 3905.0600 Subp 3.B

The agency conducted a Job Category Analysis to determine the number of protected group employees in each job category. The job category analysis lists job class titles in each Equal Employment Opportunity (EEO) job category at the agency. A job classification is a group of one or more positions with similar duties and responsibilities. These classifications help clarify positions within the class so the same schedules of pay can be applied with equity to all positions in the class that fall under the same, or substantially the same, employment conditions.

## Determining Availability

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MS 43A.19(b), MS 43A.19(c), Minnesota Administrative Rules 3905.0600 Subp 1, Minnesota Administrative Rules 3905.0600 Subp 2, Minnesota Administrative Rules 3905.0600 Subp 3C, and Minnesota Administrative Rules 3905.0600 Subp 3D

For purposes of this Affirmative Action Plan, “availability” means an estimated percentage of qualified women, racial/ethnic minorities, and individuals with disabilities in the relevant labor market who are eligible for positions in each job category at a state agency.



The agency used the 2014-2018 American Community Survey statistical data for external availability and feeder job statistics of employees for internal availability. For affirmative action purposes, “feeder job” means staffed positions within the agency that can be promoted and/or transferred into/within EEO job categories (refer to Appendix D. Feeder Jobs for details).

DEED determined the recruitment area to be Twin Cities Metro for Officials and Administrators and statewide for all other job categories. Statewide availability is considered because approximately 40% of agency staff are located outside of central office across the State of Minnesota. In conducting the underutilization analysis, the agency incorporated internal and external availability based on the ACS, historical hiring patterns, and the percentage of DEED workers who are employed in promotable classifications to obtain the final availability.

These external and internal factors are weighted according to the agency’s past hiring patterns and/or future recruitment focus to obtain the final availability (Refer to Appendix E. Determining Availability for details).

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with “<10” in accordance with Minnesota Management and Budget’s guidance on data privacy.

## **Utilization/Comparing Employees to Availability, Goal Establishment, and Timetables**

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Minnesota Administrative Rules 3905.0400 Subp 1 Item G, Minnesota Administrative Rules 3905.0600 Subp 3, Minnesota Administrative Rules 3905.0600 Subp 4, and Minnesota Administrative Rules 3905.0600 Subp 5

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state.

Underutilization Analysis worksheets are attached in the appendices. Numbers less than 10 are indicated with “<10” in accordance with Minnesota Management and Budget’s guidance on data privacy.

Through the utilization and availability analysis, the agency determines which job categories are underutilized for women, racial/ethnic minorities, and individuals with disabilities in the agency and sets hiring goals for the next two years. Hiring goals are objective and used for making good faith efforts for all aspects of the affirmative action program. Effective hiring goals are strategic, actionable, and measurable efforts the agency is committed to pursuing and implementing in 2022-2024.

The goals are not quotas, nor do they require protected group status-based hiring preferences. They are aspirational goals so that the agency makes good faith efforts to remove barriers to equal employment opportunity.

The agency uses the whole person rule to establish a hiring goal. This means when the actual representation percentage of women, racial/ethnic minorities, and individuals with disabilities is less than reasonably would be expected given the workforce participation in the labor market area, and

that difference is at least one whole person (more than 1), then a goal is established for that job category.

When a hiring goal for a job category is established, a percentage goal equal to the final availability percentage is calculated for women, racial/ethnic minorities, and individuals with disabilities in that job category.

In Appendix F. the Utilization Goals indicates if a job category by protected group is underutilized.

Area(s) in the agency’s workforce that require further monitoring appear in the “Establish Goals?” column as:

- “Yes”: there is underutilization.
- “Monitor”: the agency needs to monitor the job it may be underutilized where employee movement occurs.

In Table 2. Hiring Goals by Job Category and Protected Group, if a protected group in a job category shows “Monitor,” the agency will proactively make good faith efforts to recruit external qualified protected groups. The agency will also train and retain employees in the job category to help prevent underutilization due to an employee move or attrition.

Refer to *Appendix C. Utilization-Goals* for details for underutilization and hiring goals.

**Table 2. Hiring Goals by Job Category and Protected Group**

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2022-2024	Racial/Ethnic Minorities Establish Goals?	Racial/Ethnic Minorities If Yes, Goals for FY 2022-2024	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2022-2024
Officials/Administrators						
Professionals						
Technicians						
Office/Clerical/Paraprofessional						
Service Maintenance			Yes	24.08%	Monitor	

## Identification of Areas for Further Monitoring

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Minnesota Administrative Rules 3905.0400 Subp. 1 Item H, Minnesota Administrative Rules 3905.0600 Subp 6, and MS 43A.19 Subd. 1(a)(3) for separations

Monitoring personnel activities can serve as a means of measuring the agency's progress toward achieving the established goals in the absence of discrimination and effectiveness of the agency's good faith efforts.

### Progress Reports

The progress report examines hiring goals established in the prior Affirmative Action Plan. As a part of the agency's monitoring practices, the agency evaluated if it met the hiring goal(s) established in the prior Affirmative Action Plan (refer to [Appendix A. Progress Report](#)).

[Appendix A. Progress Report](#) includes only job categories that have hiring goal(s) established in the prior Affirmative Action Plan and it evaluates if the agency attained the hiring goal(s).

Where the indication of the "Goal Met?" column is:

- "Yes": the agency met the goal established in the prior Affirmative Action Plan.
- "No": the agency did not attain the goal established in the prior Affirmative Action Plan.
- "No Hire/Prom": there were no opportunities in the prior Affirmative Action Plan period.

### Racial/Ethnic Minorities

DEED met the one hiring goal in the 2020-2022 Affirmative Action Plan. There was an underutilization of Racial/Ethnic Minorities in the Paraprofessionals/Admin Support job category.

### Separations

Appendix B. Separation Analysis shows the results by separation type and the protected group during *the prior* affirmative action plan period to evaluate and identify potential action area(s) for retention strategies for the 2022-2024 plan year.

*The separation percentages were* derived within the separation type by protected group to identify impact on protected group members. There are two examinations in this worksheet:

1. The total percentage indicates the percentage by separation type. For example, there were 1,000 separations in total. Of those separations, 150 employees separated due to dismissal or non-certification. The dismissal or non-certification percentage is 15.00% (150 divided by 1,000).
2. The "percentage type<sup>1</sup>" indicates percentage by protected group type within a separation type. For example, there were 150 separations by dismissal or non-certification in total. Of those separations, 80 were female employees. The female dismissal or non-certification separation is

53.33% (80 divided by 150). Therefore, the “percentage type<sup>1</sup>” analyzes the percent of protected group compromised in each separation type.

3. The “percentage type<sup>2</sup>” indicates percentages by separation type within the protected group. For example, there were 500 female separations in total. Of those separations, 80 female employees separated due to the dismissal or non-certification reason. The female dismissal or non-certification separation is 16.00% (80 divided by 500). Therefore, the “percentage type<sup>2</sup>” analyzes the percent of separation type within the protected group.

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

Type of Separation FY2021 and 2022	Total Percentage	Percentage of Women	Percentage of Racial/Ethnic Minorities	Percentage of Individuals with Disabilities
Dismissals or Non-Certification	3.89%	57.14%	28.57%	7.14%
Resignation	42.5%	58.17%	28.76%	15.03%
Retirement	32.78%	70.34%	10.17%	15.25%
Death	1.11%	0%	0%	25%
Lay-off	6.67	58.33%	29.17%	12.5%
Termination without Rights	13.06%	59.57%	29.79%	12.77%
<b>Total Separations</b>	<b>100.00%</b>	<b>61.67%</b>	<b>22.50%</b>	<b>14.44%</b>

In fiscal years 2021 and 2022 the agency had 360 total separations. Of these, the number of retirements, deaths, and terminations without rights accounts for 47% of separations. The agency had 167 separations through resignation or dismissal/non-certification. These specific separation types can be influenced through strategic agency plans focused on retention, selection, on-boarding, and performance management. For these reasons, the separation analysis below focuses on these separation types.

The ODEO reviewed the separation data for FY 2021 and FY 2022 for trends and potential concerns. Initial findings demonstrate that out of the total separations for dismissals and non-certifications, the rates are disproportionate for employees of color (referred to as racial/ethnic minorities in Minnesota Statute 43A.19). While employees who identify as racial/ethnic minorities make up 18.17% of the workforce, they make up 28.57% of all dismissals and non-certifications during this time. The ODEO and HR will implement targeted strategies to better assess dismissals and non-certifications for racial/ethnic minorities.

Overall total separations include 61.67% from women, 22.5% from racial/ethnic minorities, and 14.44% from individuals with disabilities (combination of dismissals/non-certifications, resignations, retirements, deaths, and layoffs).

## **Women**

Women represent approximately 69.83% of the total agency workforce. The agency saw a total of 360 separations from FY 2021 and FY 2022. Women were 61.67% of all separations. This is proportionately relative, and slightly lower than the agency's total workforce representation.

Women in the professional job category separated the agency through dismissals/non-certifications at a rate of 50%, which is less than their representation in the agency (68.52%) in this job category. Women in the Office/Clerical job category leave the agency through resignations at a lower rate (61.54%) as compared to their representation in the agency (86.43%) in this job category. Women in the service maintenance job category separated via resignations at a lower rate (0%), than their representation in the job category (26.67%). Women in the Officials and Administrators job category separated via retirement at a rate of 57.14% and via resignation at a rate of 40%, both of which are at a lower rate than their representation in the job category (68.54%).

Women Professionals account for the largest protected class separation by job category to separate from resignations and dismissals/non-certifications at 50%. However, this is less than a proportionate rate relative to the representation of Women professionals at 68.52%.

## **Racial/Ethnic Minorities**

Racial/ethnic minorities represent approximately 18.17% of the total agency workforce. The agency saw a total of 360 separations during FY 2021 and FY 2022. Employees who identify as racial/ethnic minorities make up 22.50% of all separations and 28.36% of all hires. While separations are higher than the agency's total representation, it is less than the percent hired, meaning that the number of racial/ethnic minorities professionals leaving the agency is lower than the number entering the agency.

Professionals who identify as racial/ethnic minorities are resigning at a higher rate (29.55%) than their representation in the professional job category (17.97%). Additionally, racial/ethnic minorities employees account for 28.57% of all dismissals/non-certifications which is also higher than the representation. Notably, racial/ethnic minorities make up 25% of those who separated in the Professional job category. This shows that while there are more professionals in the racial/ethnic protected class group with the agency than there were in previous years, racial/ethnic minorities are still leaving at higher rates in this category, and this requires targeted attention.

Simultaneously, the representation of racial/ethnic minorities has continued improved in all job categories besides the service maintenance job category.

## **Individuals with Disabilities**

Individuals with Disabilities represent approximately 16.02% of the total agency workforce. The agency saw a total of 360 separations from FY 2021 and FY 2022. Individuals with Disabilities were 14.44% of all separations, which is lower than the total representation of 16.02%. When the various separation

types are examined, there is an increase in all separation types from the last plan for individuals with disabilities, except for retirements.

For individuals with disabilities, separations via dismissals/non-certifications is up from the previous rate of 6.25% to 7.14%, and from 12.61% for resignations to 15.03%. The rate of separation via retirements decreased from 21.3% to 15.25%.

At DEED, all job categories have increased representation of individuals with disabilities from the last plan except Service Maintenance. While there is no underutilization of individuals with disabilities, we need to monitor the hiring and retention of individuals with disabilities in the Service Maintenance category to avoid an underutilization in the future.

# Corrective Actions and Action-Oriented Programs

Minnesota Administrative Rules 3905.0400 Subp 1 Item H

The agency’s Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meet requirements found in Minnesota Statutes, section 43A.191 Subdivision 2. These Action-Oriented Programs are carried out throughout this Affirmative Action Plan period.

## Corrective Actions

This section identifies ways the agency will eliminate barriers, provide corrective actions, and make good faith efforts toward the affirmative action goals for underutilized protected groups (broken down by specific job categories).

The agency developed the below action-oriented programs specific to the job category/protected group(s) identified in the “Identification of Areas for Further Monitoring” section supported by the “Utilization /Availability Analysis, Establishment of Statement of Goals, and Timetable” and “Progress Reports and Personnel Analyses sections.”

**Table 3. Areas of Further Monitoring and Corrective Actions**

Areas for Further Monitoring:	Corrective Actions
<p><b>Service Maintenance</b></p> <ul style="list-style-type: none"> <li>• Racial/ethnic minorities are underutilized in this job category.</li> <li>• The agency needs to “monitor” Individuals with Disabilities attrition to avoid future underutilizations.</li> </ul>	<ul style="list-style-type: none"> <li>• Effective September 1, 2022, DEED employees who identify as racial/ethnic minorities who apply for DEED positions in the Service Maintenance job category, will be invited to interview for positions if they meet the minimum qualifications for the position. The HR Director is responsible for this action.</li> <li>• Develop an intentional diversity recruitment strategy to increase the representation of racial/ethnic minorities and Individuals with Disabilities in this category. The HR Director and Talent Acquisition Supervisor are responsible for this action.</li> </ul>

Areas for Further Monitoring:	Corrective Actions
<p><b>Professionals</b></p> <ul style="list-style-type: none"> <li>• Although the agency does not have an underutilization of racial/ethnic minorities in this job category, the agency will develop strategies to increase retention to minimize separation and increase representation.</li> <li>• Data shows racial/ethnic minorities professionals leave voluntarily by resignation at a higher rate (29.55%) than their representation of professionals (17.97%).</li> <li>• Data shows racial/ethnic minority employees account for 28.57% of all dismissals/non-certifications which is higher than the representation at 18.17%. Additionally, employees who identify as racial/ethnic minorities make up 25% of those who separated in the Professional job category.</li> </ul>	<p>Even though there is no underutilization of racial/ethnic minorities in this job category, it is an area that the agency may have an underutilization in the future if current attrition rates are not improved.</p> <ul style="list-style-type: none"> <li>• Continue to transparently communicate work out of class opportunities via Talent Share to all employees. The HR Director is responsible for this action.</li> <li>• Continue to make diversity, equity, inclusion, and access training available to all DEED employees. The ODEO Director and Diversity Equity, and Inclusion Coordinator are responsible for this action in partnership with DEED’s Training and Development staff in HR.</li> <li>• Continue Intercultural Skills Development Program (ISDP) to help people managers lead diverse teams, center equity in decision making, and ensure we are providing accessible and culturally responsive services to all. The ISDP includes all people leaders taking the Intercultural Development Inventory and meeting with a Qualified Administrator for an individualized consultation. They then create Intercultural Development Plans to increase skills in desired growth areas. Increasing people leader’s cultural competency is an action aimed at retaining diverse teams. The ODEO Director and Diversity Equity, and Inclusion Coordinator are responsible for this action in partnership with DEED’s Training and Development staff in HR.</li> <li>• Develop an Early Conflict Resolution program in which staff in ODEO and HR offer one-on-one consulting, conversation facilitation, and mediation to assist employees in resolving conflicts. This also includes training people leaders on various intercultural conflict styles. The ODEO Director and Diversity Equity, and Inclusion</li> </ul>



Areas for Further Monitoring:	Corrective Actions
	<p>Coordinator are responsible for this action in partnership with HR staff.</p> <ul style="list-style-type: none"> <li>• Identify intervention points and create a pre-review procedure to examine supervisor/manager performance concerns of employees who identify as racial ethnic minorities prior to supporting a non-certification or dismissal. HR and ODEO Directors are responsible for this action.</li> <li>• Continue to offer Career Insights programming which is designed to equip employees with skills to own their professional development and career advancement. This includes developing an employee web page that will contain information on the hiring, work out of class, and reallocation processes. The HR Director and Training and Development staff in HR, and ODEO Director are responsible for this action.</li> <li>• Dedicate a staff member in ODEO to build the infrastructure for Employee Resource Groups and collaborate with the Diversity, Equity, and Inclusion Committee to begin building Employee Resource Groups. ERGs will have mentorship opportunities built into the infrastructure. ODEO Director is responsible for this action.</li> </ul>

Areas for Further Monitoring:	Corrective Actions
<p><b>Officials and Administrators</b></p>	<ul style="list-style-type: none"> <li>• Develop an intentional diversity recruitment strategy to increase the representation of underrepresented communities (including racial/ethnic minorities, , Individuals with Disabilities, members of the LGBTQ+, and veterans in the Officials/ Administrators job category. Diversifying leadership positions will likely increase recruitment, retention, and employee engagement of diverse employees. The HR Director and Talent Acquisition Supervisor are responsible for this action in partnership with ODEO staff.</li> <li>• By September of 2023, determine and integrate steps in the hiring process to elevate leadership candidates who have strong experience working with diverse communities. This may include screening questions related to cultural competency and/or weighting DEI related interview questions more heavily.</li> </ul>

## Other Action-Oriented Programs

This section provides an overview of the agency's general efforts and actions to ensure equal opportunity. Agencies have reviewed barriers to hiring during the previous plan period and identified recruitment strategies, processes, and training to address underutilization for this plan year.

### Barriers

The agency has constraints to address underutilization and areas for monitoring identified in the previous section.

- The agency has limited positions in the Service Maintenance category.
- Representation of protected class employees is based on self-reporting and thus, data is not completely accurate. Potential unwillingness of employees to self-identify will affect the representation of employees in respective protected groups. For reference, 7.6% of employees did not disclose their race, and 8.5% of employees did not disclose their disability status.

### Recruitment Processes

The agency takes the following actions to improve recruitment and increase the number of qualified individuals with disabilities, Black, Indigenous and People of Color (racial/ethnic minorities), and women in the applicant pool:

- The agency posts vacant positions on a variety of job boards including Minnesota Works, Handshake, Connect MSP, LinkedIn, and Facebook on LOCUS (opportunities for and by People of Color and Indigenous People in the Twin Cities), and Twin Cities Professionals of Color.
- The agency sends email announcements of job opportunities to diverse community partners throughout the state and includes DEED opportunities in MMB's Diversity focused employment emails blasts.
- Human Resource staff participate in enterprise recruitment efforts.
- The agency will continue to place advertisements of job opportunities through [the State of MN Career site](https://mn.gov/mmb/careers/search-for-jobs/) (https://mn.gov/mmb/careers/search-for-jobs/).
- Continue to utilize the second look practice as a good faith effort that managers are not overlooking qualified candidates due to biases.
- The agency will develop an intentional diversity recruitment strategy to increase the representation of racial/ethnic minorities in all job categories, specifically in Service Maintenance where there is an underutilization, Officials and Administrators where diversifying leadership positions have several benefits, and professionals where most of our workforce is categorized. In addition to new efforts, the agency will also continue with current and promising practices adopted in the past two years:
  - HR incorporates DEED core values and behaviors into job posting qualifications, including language to attract individuals who have experience working with diverse communities.
  - Hiring Managers will determine which positions require multi-lingual skills and post these skills as minimum/preferred qualifications for jobs as applicable.

- Continue to develop new relationships with various community partners to best engage with current and future DEED employees of diverse backgrounds.
- Post positions on DEED’s social media accounts on an ongoing basis, specifically featuring hard to fill and high-volume positions in the categories where the agency is underutilized.
- Use best practices to ensure job postings are inclusive in order to attract diverse candidates.
- Use LinkedIn job posting feature to search for qualified applicants.
- Advertise the Connect 700 program to attract qualified individuals with disabilities by providing a link to MMB’s web site.
- Continue to use the EEO tag line on all job postings and advertisements.
- Communications continues to publish recruitment related media depicting individuals that represent protected groups.
- Review/evaluate job postings on an ongoing basis to eliminate non-inclusive language.
- Develop a pipeline for jobs across job categories by using state-wide internship opportunities like Right Track, Step Up, Urban Scholar, and Star of the North Fellows. Additionally, build pipelines that connect to DEED’s public facing employment and training programs to hire for DEED roles.

## **Persons Responsible**

- Sheila Reger, Human Resources Director
- Kim Luchsinger, Assistant Human Resources Director
- Laura Schmitz, Talent Acquisition Supervisor
- Heather Stein, Diversity and Equal Opportunity Director

## **Retention**

The agency has developed a strong foundation for diversity, equity, inclusion, and access (DEIA) at DEED. The agency will build on these existing efforts and programming to improve the retention of a workforce that represents the rich diversity of Minnesotans.

- Rooting our culture and belonging efforts in DEED’s values.
- Continue to implement the new employee on-boarding program, including Living DEED’s Values where we establish shared language around DEIA principles.
- Utilize the Equity Change Framework for decision making and policy creation and renewal.
- Division leaders establish and pursue Equity Objectives and Key Results focused on disparity reduction, where all employees play a role in making transformational change in Minnesota’s economy.
- Collaborate with DEED’s employee led Diversity, Equity and Inclusion Committee, Employee Engagement Committee, and Accessibility Champions to provide insight on workplace culture,

provide the senior management team with recommendations for improvement, and develop work plans that cultivate a culture of belonging.

- DEED’s Commissioner will conduct listening sessions with diverse employee groups to learn more about what improvements employees would like to see in workplace culture.
- Regularly advertise statewide employee resource group opportunities for staff to join.
- Continue to transparently communicate work out of class opportunities via Talent Share to all employees.
- Continue to make diversity, equity, inclusion, and access training available to all DEED employees.
- Hold Community Reflections and Critical Conversations to sustain a supportive and learning-focused community of employees.
- Continue weekly shout-outs to staff in Commissioner’s Friday messages and value share outs at monthly town hall meetings for all staff.
- Evaluate employee engagement survey results and disaggregate protected class data to identify opportunities to target and/or strengthen programming.
- Collect exit interview information, analyze the data, and address identified concerns.
- Monitor separation data and exit survey data on a quarterly basis and share as needed with the Senior Leadership Team.
- Continually evaluate the hiring, promotional, and discipline practices in the agency to address barriers.
- Partner meetings with division director to share key information about their respective divisions, including:
  - Workforce Demographics broken down by EEO4 job category,
  - Separation data of women, racial/ethnic minorities, and individuals with disabilities in each EEO4 job category; and
  - Qualitative data from exit surveys, etc.

New initiatives and program development in the works that will have a significant impact on the retention of diverse employees include:

- Continue building out the Intercultural Skills Development Program (ISDP) to help people managers lead diverse teams, center equity in decision making, and ensure we are providing accessible and culturally responsive services to all. The ISDP includes all people leaders taking the Intercultural Development Inventory and meeting with a Qualified Administrator for an individualized consultation. They then create Intercultural Development Plans to increase skills in desired growth areas. Increasing people leader’s cultural competency is an action aimed at retaining diverse teams and reducing racial and other disparities in Minnesota’s economy.
- Develop an Early Conflict Resolution program in which staff in ODEO and HR offer one-on-one consulting, conversation facilitation, and mediation to assist employees in resolving conflicts. This also includes training people leaders on various intercultural conflict styles.

- Dedicate a staff member in ODEO to build the infrastructure for Employee Resource Groups and collaborate with the Diversity, Equity, and Inclusion Committee to begin building Employee Resource Groups. ERGs will have mentorship opportunities built into the infrastructure.
- Design new programming for DEED employees to come together and engage in more personal dialogue and reflection around DEIA topics, in addition to offering Community Reflections and Critical Conversations.
- Continue to offer Career Insights programming which is designed to equip employees with skills to own their professional development and career advancement. This includes developing an employee web page that will contain information on the hiring, work out of class, and reallocation processes.

### **Persons Responsible**

- Heather Stein, ODEO Director
- Karly Turner, DEI Coordinator
- Sheila Reger, HR Director
- Kim Luchsinger, Assistant HR Director
- Laura Schmitz, Talent Acquisition Supervisor
- Sarah Groskreutz, Learning and Development Manager

### **Learning and Development**

The agency has developed a strong foundation for learning and development at DEED. The agency will build on existing efforts and programming to improve the retention of a workforce that represents the rich diversity of Minnesotans. Ongoing and new training opportunities include:

- Communicate learning and development opportunities to employees via DEN and electronic communications.
- Continually improve the quarterly new employee orientation for employees to learn about agency mission, department objectives, agency values and behaviors, HR policies and the benefits of a diverse and inclusive workplace culture.
- Host monthly manager’s meet ups with various discussion/training topics, examples may include psychological safety, unconscious biases, microaggressions, performance management, the hiring process, hiring through Connect 700, etc.
- Continue the Innovation Lab to encourage employees to learn human-centered design and be creative in solving agency problem.
- Continue building out the Intercultural Skills Development Program (ISDP) to provide employees with the opportunity to dig deeper into cultural dimensions and adaptive strategies to bridge cultural differences.
- As an initiative associated with the Early Conflict Resolution program, assessments and training will be provided to employees to learn more about intercultural conflict styles.
- Diversity Spotlight events will continually be offered to employees to learn about diverse lived experiences and celebrate various dimensions of identity.
- Continue to promote leadership development programs, such as ELI and SLI to all employees.
- LinkedIn Learning licenses and resources are continually offered and updated.

- The DEN (DEED Employee Network) is continually updated with new opportunities for learning.

## **Persons Responsible**

- Heather Stein, ODEO Director
- Sheila Reger, HR Director
- Sarah Groskreutz, Learning and Development Manager

## **Methods of Auditing, Evaluating, and Reporting Program Success**

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Minnesota Administrative Rules 3905.0400, subpart 1, item I

### **Pre-Employment Review Procedure/Monitoring the Hiring Process**

The agency monitors its selection process to ensure its requirements do not necessarily screen out a disproportionate number of women, racial/ethnic minorities, or individuals with disabilities. The agency has modified the hiring process to include evidence-based hiring practices to mitigate bias wherever possible. The agency will use the Monitoring the Hiring Process (MHP) to track the number of women, racial/ethnic minorities, and individuals with disabilities for hires in job categories where underutilizations exist. The key points of analysis identified in previously used pre-hire justification forms were integrated into the hiring process from 2021-2022 to administer a more proactive and inclusive hiring process. The inclusive hiring process is detailed below.

Directors, managers, and supervisors will work closely with human resources in reviewing position requirements, posting, and the screening and interviewing processes to ensure that equal opportunity and affirmative action requirements are adhered to. The Affirmative Action Officer will continue to review all MHP forms for approval and conduct random audits of Human Resources documentation of hiring decisions to monitor compliance.

An agency that does not meet its hiring goals for competitive appointments, and noncompetitive appointments under MS 43A.08, subd. 1(9), (11) and (16), and 43A.15, subd. 3, 10, 12, and 13, must justify its non-affirmative action hires. The affirmative action statute was amended in 2019 so agencies can no longer take missed opportunities. The agency will report the number of affirmative and non-affirmative hires to MMB on a quarterly basis.

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

Continue conducting a 'second-look,' good faith effort to identify candidates to interview. When hiring supervisors and managers are ready to select interview candidates, they will identify the shared qualifications each interviewee demonstrates. HR staff will conduct a 'second-look' at applicant materials review to ensure other candidates who meet these criteria are also invited to interview.

The ODEO will partner with HR to continually evaluate DEED's hiring processes to determine if there are areas that could be adjusted to better support agency diversity, equity, and inclusion goals, including hiring goals and improved retention. DEED's inclusive hiring process was designed to promote and hold accountable, hiring managers as they fill positions in their divisions. These steps include:

1. Consult with hiring manager on the inclusive recruitment and selection process.

During consultation:

- i. Inform hiring managers about the *Unconscious Bias in the Search Process* video on the DEN and recommend that they and all interview panel members view it prior to conducting their selection process.
  - ii. Ensure qualifications are job related, non-discriminatory, and inclusive, including substitutions and alternatives to meet the min quals in accordance with guidance from Minnesota Management and Budget on assessing and setting qualifications.
2. Inform hiring manager of the requirement to select interview questions from the approved interview question bank located on the DEN and/or seek review of questions from their TA Specialist. These questions have been approved by DEED's Office of Diversity, Equity, and Inclusion.
3. Ensure hiring manager utilizes a resume ranking score spreadsheet based on minimum and preferred qualifications and that it is retained in a selection folder by Job ID#.
4. Review and approve list of applicants selected for interview and retain in folder by Job ID# as noted above
  - a. Compare list of applicants for interview with Affirmative Action Report to ensure diverse representation overall but particularly in goal area(s).
  - b. Perform Second Look; adding equally qualified candidates in protected classes based on equal opportunity commitment, RSVs, statutory requirements, affirmative action goals, and agency underutilizations.
5. Ensure hiring manager utilizes an interview ranking score spreadsheet.
6. Ensure hiring manager uses a standard, objective, and inclusive rubric with proper, job-related assessment criteria in rating applicants.
7. Ensure additional assessment/exercise scores, if utilized, are standard, objective, inclusive and job related.
8. Collect and review interview responses, interview panel member ranking score spreadsheet, assessment/exercise scores and retain in selection folder.
9. Review finalist(s) and ensure hires are justified based on the most qualified candidate and/or agency underutilized category specified in DEED's Affirmative Action Plan. If a hire is *not justified*, HR will document a summary of hiring process in PTR notes section, and route to ODEO for review and approval, prior to a selection being finalized.



10. Collect employment reference information utilizing objective, job-related criteria within the SkillSurvey automated platform. Retain in selection folder as noted above.
11. Determine finalist, review salary determination per DEED guidelines using MMB approved determination form.
12. Initiate criminal background check per PPM 419- Criminal Background Checks.

### **Pre-Review Procedure for Layoff Decisions**

The Affirmative Action Officer, in conjunction with the agency's human resources office, is responsible for reviewing all pending layoffs to determine whether there is a disparate impact or effect on the agency's affirmative action goals.

If it is determined that there is a disparate impact on protected groups, the agency will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other relevant reasons. The agency will determine if other alternatives are available to minimize the disparate impact on protected groups.

### **Other Methods of Program Evaluation**

The agency submits the following compliance reports to MMB 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
- Disposition of Internal Complaint (submitted to MMB within 30 days of final disposition)

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

- Monitors progress toward stated goals by job category each quarter
- Analyzes employment activity (hires, promotions, and terminations) by job category to determine if there is disparate impact annually
- Analyzes compensation program to determine if there are patterns of discrimination annually
- Reviews the accessibility of online systems and websites, and ensures that reasonable accommodations can be easily requested on an ongoing basis
- Discusses progress with agency leadership on a periodic basis and makes recommendations for improvement on an ongoing basis

# Policies, Procedures, and Notice

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## A. DEED Harassment and Discrimination Prohibited Policy

DEED

DISCRIMINATION AND HARASSMENT PROHIBITED POLICY

PPM417

Contents

[INTRODUCTION](#)

[POLICY](#)

[SCOPE](#)

[DEFINITIONS](#)

[RESPONSIBILITIES](#)

[COMPLAINTS](#)

[RESOURCES](#)

[CONTACT](#)

Contact: [Heather Stein](#), 651.259.7097; 651.297.5343 (fax)

### INTRODUCTION

This chapter provides policy and procedures for dealing with discrimination, discriminatory harassment, and retaliation at the Minnesota Department of Employment and Economic Development (DEED). The purpose of this policy is to ensure work environments and services are free from discrimination and harassment based on protected class. All DEED job applicants, employees, or customers can file a complaint of discrimination under this policy.

In addition, DEED employees funded by WIOA Title I and customers of WIOA Title I programs may choose to file a complaint of discrimination under DEED's Internal Policy (this policy) or DEED's WIOA Equal Opportunity Policy – 8.1 Discrimination Complaints. Section 188 of the WIOA prohibits discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship as a lawfully admitted immigrant authorized to work in the United States, or participation in any WIOA Title I financially assisted program or activity (29 CFR 38).

DEED's Office of Diversity and Equal Opportunity (ODEO) offers training on preventing and responding to all forms of discrimination and harassment, including sexual harassment, in the workplace. All DEED employees must attend this training once every five years.

Additional information may be requested from ODEO.

### POLICY

Any form of harassment or discrimination based on protected class is strictly prohibited. Harassment or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited. 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.

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 complaint with the Office of Diversity and Equal Opportunity using the complaint process outlined below. 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 [DEED's PPM 421: Prohibition of Sexual Harassment](#) and [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 the Minnesota Department of Employment and Economic Development (DEED).

These prohibitions include any public service environment and extend to any location, activity, or event associated with DEED or its employees in their capacities as representatives of the State of Minnesota.

## **DEFINITIONS**

### **Complainant**

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

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

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication

- Discriminatory conduct based on an individual’s actual or perceived protected class that segregates, separates, limits, or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

### Protected Class

Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin (including limited English proficiency)
- Sex\* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Status regarding public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information
- \*See [DEED’s PPM 421: Prohibition of Sexual Harassment](#) and [HR/LR Policy #1329: Sexual Harassment Prohibited](#) for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

### Public Service Environment

A location where public service is being provided.

### 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
- Member of a community board
- Consultants

- 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 Definitions

### 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.

### Color

The general appearance of one's skin or skin pigmentation.

### Creed

A system of belief, principles, or opinions; including religious and spiritual observances, practices, and sincerely held beliefs. A creed does not have to include a deity. (For example, courts have held vegetarianism to be a creed.)

### 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.

### 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.

### Gender

A social construct that includes both gender identity and gender expression. Gender is not a result of physical or biological differences (see Sex). Gender is distinct from sexual orientation (see Sexual Orientation). Gender is not binary. The most common genders include female (cis), male (cis), and transgender. This is ***not*** an exhaustive list.

*Gender expression* refers to the external presentation or appearance and physical manifestation of one's gender identity expressed personal choice of clothing, hairstyle, voice, behavior, body shape, etc. It also extends to pronouns she/her(s); he/him/his; they/them/theirs; etc. An individual's gender and pronouns should not be assumed based on someone's appearance. It is a best practice to respectfully ask an individual what their pronouns are.

*Gender identity* refers to one's internal, deeply felt sense of being female, male, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity that they define for themselves and that they can change. One's gender identity can be the same or different from their sex assigned at birth.

*Cisgender* (or *cis*) is used to refer to the alignment of gender identity with sex assigned at birth. If one's sex assigned at birth was female and the person identifies as female, then she is cisgender, or a cisgender female, or *cis*.

*Transgender* is an umbrella term for people whose gender identity or gender expression differs from the sex they were assigned at birth.

### **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.

### **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 based on race, color, creed, religion, national origin, sex, age, disability, marital status, status regarding public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

### **Marital Status**

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

### **National Origin**

The place of birth of an individual or any of the individual's lineal ancestors. National origin discrimination includes protections based on limited English proficiency.

### **Race**

A social construct that considers a human population distinct based on their common history, nationality, or geographic distribution. Race can also be based on descent (racial classification of parents) and one or more physical characteristics.

### **Status regarding Public Assistance**

The condition of being a recipient of federal, state, or local assistance--including medical assistance--or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

### **Retaliation**

Occurs when adverse actions are imposed against individuals who have reported allegations of discrimination or harassment or have participated in an investigation. For employees, an adverse action is a tangible employment action that causes a significant change in employment status, such as demotion, termination, failure to promote, or reassignment with significantly negative changes in responsibilities. For a customer, an example of retaliation could be refusal to provide services or

accommodations. Mere inconveniences or business-driven alterations of job responsibilities are not necessarily adverse actions.

### Religion

A commitment or devotion to a religious faith or observance. Religion includes all aspects of religious observance, practice, and belief. DEED is obligated to reasonably accommodate the religious observances or practices of both its employees and applicants, unless doing so would cause an undue hardship on the nature of its business.

### Sex

Sex, or sex assigned at birth, is the assignment and classification of people as Women, male, intersex, or another sex category. Sex is assigned to each of us at birth based on a variety of physical and biological characteristics including chromosomes, hormones, anatomy, genitals, reproductive organs, and secondary sex characteristics. Sex discrimination also includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

### Sexual Harassment

Sexual harassment under this policy is any conduct or communication of a sexual nature that is unwelcome. This includes unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature. See [PPM #421 DEED's Prohibition on Sexual Harassment Policy](#).

### Sexual Orientation

Sexual orientation is about who you are attracted to and who you feel drawn to have relationships with romantically, emotionally, and sexually. Sexual Orientations include heterosexual (straight), homosexual (lesbian/gay), bisexual, queer, or asexual – this is not an exhaustive list. Sexual orientation is different from gender and gender identity. (See Gender.)

## RESPONSIBILITIES

Application of this policy is the responsibility of each DEED manager, supervisor, and employee.

### Employee and Third-Party Responsibilities

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 using the internal complaint process at the end of this policy.

### HR Personnel, Manager, and Supervisor Responsibility

HR personnel, managers, and supervisors must:

- Model appropriate behavior
- Treat all reports of protected class harassment/discrimination seriously

- Immediately report all allegations or incidents of protected class harassment/discrimination to ODEO
- 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

*\*Any supervisor or manager who witnesses or receives a written or oral complaint of alleged discrimination, harassment, or acts of retaliation that occur in DEED employment or provision of services shall promptly report it to the Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.*

## **COMPLAINTS**

DEED will take seriously all reports of protected class harassment/discrimination or retaliation and will take prompt and appropriate action.

If an investigation is warranted, employees may be asked to participate in the investigation. Participation in an investigation is voluntary. However, anyone who participates is expected to provide truthful, accurate information. If someone chooses not to participate, the ODEO will still make investigative findings. In other words, refusal to participate in an investigation will not prevent the completion of the investigation.

### **Confidentiality**

During an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law or business necessity. Information gathered during the course of an investigation will only be shared with those who have a business need to know in order to reach a resolution. The investigative file remains with ODEO. The file is confidential and kept separate from an employee's personnel file. The investigative file can only be accessed as permitted by the Minnesota Government Data Practices Act (M.S. 13).

### **Policy Violations**

DEED 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. Each situation will be evaluated on individual circumstances and severity.

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



## Retaliation

Retaliation against any person who opposes protected class harassment/discrimination, who reports protected class harassment/discrimination, who files a complaint, 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.

A complaint should be brought by anyone who believes they are the victim of a retaliatory action by a DEED employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

## Complaint Process

Complaints must be filed within 365 days after the last occurrence of the alleged discriminatory act. ODEO has the discretion to accept a complaint older than one year and/or after termination of employment.

Individuals are encouraged to use DEED'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), the United States Department of Labor's Civil Rights Center (CRC), or other legal channels.

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.

### **These are the steps for filing and processing a complaint:**

#### Step 1: Complainant – Filing a Complaint

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination using DEED's Electronic Complaint Form, 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 so management can address behaviors appropriately. Individuals may report to any of the following:

- The [Office of Diversity and Equal Opportunity](#)
  - [Heather Stein](#), ODEO Director and State-level Equal Opportunity Officer, 651.259.7097
  - [Karen Lilledahl](#), WIOA Compliance Officer/ADA Coordinator, 651.259.7089
- Any DEED supervisor, manager, or director
- Any HR personnel
- The Commissioner, any Deputy Commissioner, or Assistant Commissioner

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 at 651.201.8000.

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

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

### Step 2: ODEO – Determining Jurisdiction

ODEO will determine, within 10 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination or discriminatory harassment against the individual because of their protected class and if the complaint is timely and proper for resolution through this complaint procedure. The ODEO may conduct an intake call with the complainant to determine if early conflict resolution services are of interest to the complainant. If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3.

If it is determined that the complaint is not related to discrimination or discriminatory harassment based on a protected class, but rather, behavior that may violate the Respectful Workplace policy, ODEO will refer it to the Human Resources Office or other appropriate personnel.

If the complainant is suffering irreparable harm in the absence of immediate action, the ODEO director, the Human Resources director, a division director, or the Commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

### Step 3: ODEO – Mediation and/or Investigation

ODEO will determine if the complaint is appropriate for mediation or another form of conflict resolution. If so, ODEO will offer parties the opportunity to mediate. Mediation is a voluntary conflict resolution process in which both parties must agree to mediate the complaint.

If mediation fails or if ODEO determines that mediation is not appropriate, ODEO will have an impartial investigation conducted. Investigations may include interviews with all parties involved, including the complainant, respondent, and witnesses; and a review of all pertinent records or documents relating to the complaint.

ODEO will make every effort to have investigations completed and a written notice of completion within 60 days of determining jurisdiction, or within timelines established by collective bargaining

agreements. ODEO will notify the complainant if circumstances prevent completion of the investigation within established timelines.

Upon completion of the investigation, the investigator will prepare a written investigation report determining whether the complaint was substantiated. The investigator will present the written report to the ODEO director, Human Resources director, to the division director, and any other management staff as appropriate.

The investigator will provide written notification to the complainant and to the respondent stating the investigation is finished. ODEO will only provide information about the outcome of the investigation in accordance with the Minnesota Government Data Practices Act.

According to Minnesota Administrative Rules 3905.0500, Requirement for Complaint Procedures, ODEO will notify the Commissioner of Minnesota Management and Budget (MMB) regarding the disposition of the complaint within 30 days of final determination.

#### Step 4: HR and Appropriate Management Staff – Follow up

Human resources and ODEO leaders, and the appropriate management staff will review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the allegations in the complaint.

NOTE: Human resources and appropriate management, not ODEO, is responsible for corrective/disciplinary action, follow-up inquires, and any training that is necessary.

#### Step 5: Respondent – Optional Appeal

If the disposition of the complaint is not satisfactory to the respondent, they may file a union grievance or appeal the decision to the Commissioner in writing within ten (10) business days following notification of the disposition of the complaint. The Commissioner or their designee will review the appeal and give a written decision to the respondent within a reasonable period. The Commissioner's decision is final.

## RESOURCES

Discrimination or harassment because of, based on, or directed at an individual's protected class characteristic may be a violation of one or more of the following:

- [Minnesota Management & Budget's Equal Opportunity page](#)
- [Title VII of the Civil Rights Act of 1964, as amended](#)
- [Minnesota Human Rights Act \(Chapter 363A\)](#)
- [Americans with Disabilities Act of 1990 \(ADA\) as amended \(2008\)](#)
- [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
- [Equal Pay Act of 1963 \(EPA\)](#)
- [Rehabilitation Act of 1973](#)
- [Pregnancy Discrimination Act](#)
- [Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- [Minnesota Women's Economic Security Act \(WESA\) \(2014\)](#)

- [Section 188 Workforce Innovation and Opportunity Act \(WIOA\) Nondiscrimination and Equal Opportunity Regulations](#)

## CONTACT

For additional information contact DEED's Office of Diversity and Equal Opportunity at [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us) or [Heather Stein](#), 651.259.7097 (voice); 651.297.5343 (fax).

Department of Employment & Economic Development

Great Northern Building

180 East Fifth Street, 13<sup>th</sup> Floor

St. Paul, Minnesota 55101-1351

Phone: 651.259.7094

Fax: 651.297.5343

Email: [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)

This information is available in alternate formats by calling 651.259.7094.

[Return to PPM Homepage](#)

Last Modified: 7/22

### Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

#### Acknowledgement

I acknowledge that I have received and read the policy, PPM #417, Harassment and Discrimination Prohibited, including the policy's complaint procedure. I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any "third party" as defined by the policy, I will be subject to disciplinary action, up to and including discharge. I understand that if I believe that I have been subjected to harassing, discriminatory, or retaliatory conduct as defined by the policy by any State employee, or by any "third party" as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency's managers or supervisors, the agency's affirmative action officer, the agency's human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

## B. DEED Sexual Harassment Prohibited Policy

DEED

PROHIBITION OF SEXUAL HARASSMENT POLICY

PPM421

Contents

[INTRODUCTION](#)

[OBJECTIVE](#)

[POLICY](#)

[DEFINITIONS](#)

[PROHIBITION OF SEXUAL HARASSMENT](#)

[RESPONSIBILITIES](#)

[INVESTIGATION AND DISCIPLINE](#)

[CONTACT](#)

Contact: [Heather Stein](#), 651.259.7097; 651.297.5343 (fax)

### INTRODUCTION

This chapter provides policy and procedures for dealing with sexual harassment at the Minnesota Department of Employment and Economic Development (DEED). The purpose of this policy is to ensure respectful work environments and services free of sexual harassment.

The policy covers any person, whether a paid DEED employee, applicant for employment, intern, consultant, customer of DEED services, or contractor under management of DEED. Additional information may be requested from the DEED Office of Diversity and Equal Opportunity (ODEO).

### OBJECTIVE

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

To ensure compliance with all applicable state and federal laws.

To establish a written and readily accessible procedure regarding sexual harassment, including the complaint process.

To provide a timely and thorough review process for complaints.

### POLICY

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint. These prohibitions extend to any location, activity, or event associated with DEED or its employees in their capacity as state representatives.

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.

## **DEFINITIONS**

### **Complainant**

An individual who complains about sexual harassment or retaliation.

### **Public Service Environment**

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

### **Sexual Harassment**

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

### **Third Party**

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to: applicants for state employment, vendors, contractors, volunteers, customers, and business partners.

## **PROHIBITION OF SEXUAL HARASSMENT**

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

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

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, suggestions about one's body or sexual activity, degrading sexual remarks, threats.
2. Unwelcome sexually suggestive objects or pictures, publications, or graphic commentaries. Electronic display or transmission of sexually explicit, obscene, or demeaning material. Suggestive or insulting sounds, leering, whistling, obscene gestures.
3. Unwelcome physical contact or sexual advances, such as rape, sexual assault, molestation, or attempts to commit these assaults; sexually motivated physical contact such as unwelcome touching, patting, pinching, or brushing of or by the body.
4. Requests for sexual favors, 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. Intimidation, coercion, 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.
7. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
8. Any other verbal, non-verbal, or physical conduct or communication that is both unwelcome and of a sexual nature.

## RESPONSIBILITIES

Application of this policy is the responsibility of each DEED manager, supervisor, and employee.

Violation of this policy may constitute grounds for disciplinary action, up to and including discharge. Each situation will be evaluated on individual circumstances and severity.

ODEO offers training on preventing and responding to all forms of discrimination, including sexual harassment, in the workplace. All DEED employees must attend this training once every five years.

### Employee and Third-Party Responsibilities

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.

Employees may be asked to participate in an investigation. Participation in an investigation is voluntary. However, anyone who participates is expected to provide truthful, accurate information. If someone chooses not to participate, the Office of Diversity and Equal Opportunity will still make investigative findings.

### Supervisor Responsibility

Supervisors are responsible for the following:

- Modeling appropriate behavior.
- Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved.
- Responding to a complaint or issue that arises when a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that an issue exists.
- Immediately reporting all allegations or incidents of sexual harassment to the Office of Diversity and Equal Opportunity so that prompt and appropriate action can be taken.
- Complying with DEED's complaint and investigation procedures and DEED's Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Any supervisor or manager who witnesses or receives a written or oral complaint of alleged sexual harassment or acts of retaliation that occur in DEED employment or provision of services shall promptly report it to the Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.

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.

### ODEO and HR Responsibilities

The Office of Diversity and Equal Opportunity, along with the Human Resources are responsible for the following:

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

## INVESTIGATION AND DISCIPLINE

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. ODEO, HR, and supervisors will follow DEED's investigation procedures.

A complaint may also be brought by anyone who believes they are the victim of a retaliatory action by a DEED employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

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.

ODEO has the discretion to accept a complaint after termination of employment.

Regardless of the outcome of the investigation, DEED will take no adverse action or retaliatory action against a complainant because they filed a complaint or reported conduct that they considered to be a violation of DEED's policy prohibiting harassment.

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

### Retaliation

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



Coercion, reprisal, or intimidation against the complainant or those serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional complaint or charge of harassment.

### Confidentiality

During an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law or a business necessity. Information gathered during an investigation will only be shared with those who have a business need to know in order to reach a resolution. The investigative file remains with ODEO. The file is confidential and kept separate from an employee’s personnel file. The investigative file can only be accessed as permitted by the Minnesota Government Data Practices Act.

### Who Does this Apply To?

*All complainants*, including employees, applicants for employment, interns, third parties, consultants, customers of DEED’s services, or contractors under management of DEED may, at any time, report a complaint to any of the following:

- The Office of Diversity and Equal Opportunity
  - [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)
  - [Heather Stein](#), ODEO Director and State-level Equal Opportunity Officer, 651.259.7097
  - [Karen Lilledahl](#), WIOA Compliance Manager/ADA Coordinator, 651.259.7089
- Any supervisor, manager, or director
- Any HR personnel
- The Commissioner, any Deputy Commissioner, or Assistant Commissioner

If the complaint concerns the Commissioner, the complainant may contact Minnesota Management & Budget (MMB), Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

The complainant, through an equal opportunity officer, will be advised of their right to file a charge of discrimination with outside administrative agencies.

### Complaint Process

The following complaint procedure may be used by any employee, intern, contractor, applicant for employment, person eligible for consideration for employment, volunteer, member of a community board, or DEED customer.

Employees and customers are encouraged to use the ODEO complaint form found at the end of this policy, but complaints will be accepted in additional formats.

Complaints must be filed within 365 days after the last occurrence of the alleged discriminatory act.

These are the steps for filing and processing a complaint:

Who	Step	What
Complainant	1	Initiate a complaint in person, over the phone, or in writing by contacting: <ul style="list-style-type: none"><li>• The Office of Diversity and Equal Opportunity</li></ul>

Who	Step	What
		<ul style="list-style-type: none"> <li>○ <a href="mailto:DEED.ODEO@state.mn.us">DEED.ODEO@state.mn.us</a> or 651-259-7094</li> <li>○ <a href="#">Heather Stein</a>, ODEO Director and State-level Equal Opportunity Officer- 651.259.7097</li> <li>○ <a href="#">Karen Lilledahl</a>, WIOA Compliance Manager/ADA Coordinator- 651.259.7089</li> </ul> <ul style="list-style-type: none"> <li>● Any supervisor, manager, or director</li> <li>● Any HR personnel</li> <li>● The Commissioner, any Deputy Commissioner, or Assistant Commissioner</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>● The name, department, and position of the person(s) allegedly causing the harassment.</li> <li>● A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.</li> <li>● The name(s) of other individuals who may have been subject to similar harassment.</li> <li>● What, if any, steps have been taken to stop the harassment.</li> <li>● Any other information the complainant believes to be relevant.</li> </ul> <p>Complainants may be asked to submit additional materials as requested.</p> <p>We encourage complainants who wish to submit a complaint in writing to submit the ODEO Complaint Form to the Office of Diversity and Equal Opportunity. The ODEO Complaint Form can be found at the end of this policy.</p> <p>Note: Complaints must be brought within one year (365 days) after the last occurrence of the alleged discriminatory act.</p>
ODEO	2	ODEO will determine, within 10 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges sexual harassment and if the

Who	Step	What
		<p>complaint is timely and proper for resolution through this complaint procedure.</p> <ul style="list-style-type: none"> <li>• If it is determined that the complaint is in fact sexual harassment, continue to Step 3.</li> <li>• If it is determined that the complaint is <i>not</i> related to sexual harassment, discrimination or discriminatory harassment based on a protected class, but rather, involves behavior that might be in violation of the Respectful Workplace policy, ODEO will refer it to the Human Resources Office or other appropriate personnel.</li> <li>• If the complainant is suffering irreparable harm in the absence of immediate action, the ODEO director, the Human Resources director, a division director, or the commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.</li> </ul>
ODEO	3	<p>ODEO will determine if the complaint is appropriate for mediation or other conflict resolution services. If so, ODEO will offer parties the opportunity to mediate. Mediation is a voluntary conflict resolution process and both parties must agree to mediate the complaint. If mediation fails, ODEO will conduct an impartial investigation.</p> <p>If ODEO determines that mediation is not appropriate, ODEO will conduct an impartial investigation which may include interviews with, or statements from, all parties involved, including the complainant, respondent, complainant's supervisor(s), witnesses, and co-workers; and a review of all pertinent records or documents relating to the complaint.</p> <p>ODEO will make every effort to have an investigation completed and a written notice of completion provided within 60 days of determining jurisdiction, or within timelines established by collective bargaining agreements. ODEO will notify the complainant if circumstances prevent completion of the investigation within established timelines.</p>
ODEO	4	<p>Upon completion of the investigation, the investigator will prepare a written investigation report determining</p>

Who	Step	What
		<p>whether the complaint was substantiated. The investigator will present the written report to the ODEO director, Human Resources director, to the division director, and any other management staff as appropriate. ODEO will provide written notification to the complainant and to the respondent stating the investigation is completed. To the extent possible under the Minnesota Data Practices Act, ODEO will provide information about any action that has been taken.</p> <p>According to Minnesota Administrative Rules 3905.0500 Requirement for complaint procedures, ODEO will notify the Commissioner of Minnesota Management and Budget (MMB) regarding the disposition of the complaint within 30 days of final determination.</p>
Human Resources and Appropriate Management Staff	5	<p>Human resources and ODEO leadership, and the appropriate management staff will review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the allegations in the complaint.</p> <p>NOTE: Human resources and appropriate management, not ODEO, is responsible for corrective and disciplinary action, follow-up inquires, and any training that is necessary.</p>

### Appeal Process

If the disposition of the complaint is not satisfactory to the respondent, they may file a union grievance or appeal the decision to the Commissioner in writing within ten (10) business days following notification of the disposition of the complaint. The Commissioner or their designee will review the appeal and give a written decision to the respondent within a reasonable period. The Commissioner's decision is final.

### External Options

Sexual harassment may be a violation of one or more of the following:

- [Title VII of the Civil Rights Act of 1964, as amended](#)
- [Minnesota Human Rights Act \(Chapter 363A\)](#)
- [Minnesota Women's Economic Security Act \(WESA\) \(2014\)](#)

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

## **Minnesota Department of Human Rights (MDHR)**

You may choose to start the complaint process on the MDHR website by submitting an [online form](#), or by contacting MDHR by telephone, mail, or in person.

Minnesota Department of Human Rights  
540 Fairview Ave N #201, St Paul, MN 55104  
Email [info.MDHR@state.mn.us](mailto:info.MDHR@state.mn.us)  
St. Paul Office Phone 651.539.1100  
St. Cloud Office Phone 320.650.3133

## **The U.S. Equal Employment Opportunity Commission (EEOC)**

The EEOC does not allow charges (complaints) to be submitted online, however, they do have an [online assessment tool](#) that can help you decide if the EEOC is the correct agency to assist you.

The EEOC does not take charges over the phone, but you can call 1-800-669-4000 to submit information about a possible charge and your local field office will follow up with you.

Visit the [EEOC website](#) on more information about filing a charge in person or by mail.

## **CONTACT**

For additional information contact the Office of Diversity and Equal Opportunity at [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us) or [Heather Stein](#), 651.259.7097 (voice); 651.297.5343 (fax).

Department of Employment & Economic Development  
Great Northern Building  
180 East Fifth Street, 13<sup>th</sup> Floor  
St. Paul, Minnesota 55101-1351  
Phone: 651.259.7094  
Fax: 651.297.5343  
Email: [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)

This information is available in alternate formats by calling 651.259.7094.

[Return to PPM Homepage](#)

Last Modified: 7/22

# C. DEED Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template

## DEED Complaint Form



### Complaint Form

If you believe you have experienced protected class harassment/discrimination, sexual harassment, retaliation or have been treated in a way that violates the Respectful Workplace Policy, you are encouraged to file a complaint. Send completed forms to [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us). (\*Relevant policy information is listed on the last page of this form.)

#### Complainant (Personal Information about You)

Complainant's Name:

Preferred Email:

Preferred Phone:

Work Address (including City and Zip):

Job Title:

Division/Agency:

Manager:

#### Respondent (Person Against Whom You are Filing the Complaint)

Respondent's Name:

Preferred Email:

Preferred Phone:

Work Address (including City and Zip):

Job Title:

Division/Agency:

Manager:

Revised 07/2022

Information on Witnesses Who You Believe Can Support Your Complaint			
Witness Name	Witness Job Title	Work Location	Witness Work Phone and Email Address

Additional witnesses may be listed on a separate sheet attached to this form.

Union Grievance  
Have you filed a union grievance?  Yes  No

If yes, what union are you a member of?

If yes, what is the status or outcome of the grievance?

#### External Complaint

Have you filed this complaint with any other governmental agency? (Equal Employment Opportunity Commission, Minnesota Department of Human Rights, etc.)?  Yes  No

If yes, what agency?

If yes, what is the status of the complaint?

#### Early Conflict Resolution

DEED's Office of Diversity and Equal Opportunity and Human Resources offices provide early conflict resolution services including one-on-one consults, facilitated conversations and mediation. Are you interested in learning more about early conflict resolution options?  Yes  No

### The Complaint

Date(s) of Complaint

Date harassment/discrimination began or occurred:

Most recent date of harassment/discrimination (if different from above):

#### Basis of Complaint

Check all that apply:

- I experienced unwelcome conduct of a sexual nature. (*Sexual Harassment Prohibited Policy\**)
- I experienced discrimination or discriminatory harassment\* based on my (*check all that apply*):
  - Race
  - Age
  - Color
  - Sex
  - National Origin
  - Pregnancy
  - Limited English Proficiency
  - Gender Identity
  - Religion
  - Gender Expression
  - Creed
  - Sexual Orientation
  - Disability
  - Genetic Information
  - Marital Status
  - Public Assistance Status
  - Familial Status
  - Membership or Activity in a Local Human Rights Commission
- I experienced harassment or disrespectful behavior, but it is not based on any of the protected characteristics listed above. (*Statewide Respectful Workplace Policy\**)
- I experienced retaliation for (check all that apply):
  - Opposing or reporting protected class harassment/discrimination or sexual harassment;
  - Reporting conduct that may violate policy;
  - Filing a complaint; and/or
  - Participating in an investigation.

\*For more information about the policies under which complaints may be filed, see last page.

Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy, the Sexual Harassment Prohibited Policy, or the Respectful Workplace Policy. List dates, locations, names, and titles of people involved. Explain why you believe the conduct was based on the items checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant (emails, notes, texts, etc.).

#### Verification

*This complaint is being filed based on my honest belief that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy, the Sexual Harassment Prohibited Policy, or the Respectful Workplace Policy. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.*

Complainant's signature:  Date Signed:

Complaint Received by:  Date Signed:

## Complaint Policy Information

### Harassment and Discrimination Prohibited Policy

DEED's [Harassment and Discrimination Prohibited Policy](#) strictly prohibits any form of harassment or discrimination based on protected class. No one will be denied the opportunity to participate in any DEED program, activity, or service, or in any employment activity based on race, color, religion, national origin (including limited English proficiency), sex (including pregnancy, and pregnancy related conditions, gender identity and expression), age, disability, genetic information, creed, sexual orientation, marital status, familial status, status with regard to public assistance, or membership in a local human rights commission.

### Sexual Harassment Prohibited Policy

DEED's [Sexual Harassment Prohibited Policy](#) strictly prohibits sexual harassment in any form of any employee or third party that takes place within the workplace or public service environment, or that affects the workplace or public service environment. These prohibitions extend to any location, activity, or event associated with DEED or its employees in their capacities as representatives of the State of Minnesota.

### Respectful Workplace Policy

The State of Minnesota is committed to providing a positive environment in which all staff, members of the public and others doing business with the state are treated with professionalism and respect. Issues of harassing behavior not based on the protected classes listed above are prohibited under the statewide [Respectful Workplace Policy](#).

### Non-Retaliation Notice

Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy, the Sexual Harassment Prohibited Policy, or the Respectful Workplace Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

### Privacy Notice

DEED is asking you to provide information in this complaint form which includes private and/or confidential information under the Minnesota Government Data Practices Act. DEED is asking for this private/confidential information so that it can investigate and respond to allegations of harassment, discrimination, or disrespectful behavior. You are not legally required to provide this information. However, if you do not provide sufficient information, DEED may not be able to properly investigate your complaint. The information you provide will be used by DEED employees whose job assignments reasonably require access to the information.

### Questions

If you have any questions about the complaint process, please contact the Office of Diversity and Equal Opportunity by phone at 651-259-7094 or via email at [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us).

### Accessibility

These materials are available in alternative formats for individuals with disabilities by calling 651-259-7094 or emailing [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us).

## D. DEED ADA Reasonable Accommodation Policy #404

DEED

REASONABLE ACCOMMODATION

PPM404

Contents

[POLICY](#)

[DEFINITIONS](#)

[REQUESTING REASONABLE ACCOMMODATIONS](#)

[Procedure for Current Events](#)

[Procedure for Job Applicants](#)

[POLICY FOR FUNDING ACCOMMODATIONS](#)

[PROCEDURE FOR DETERMINING UNDUE HARDSHIP](#)

[CONFIDENTIALITY](#)

[MEDICAL INFORMATION](#)

[APPEALING DENIALS](#)

Contact: [Karen Lilledahl](#), WIOA Compliance Manager/ADA Coordinator- 651.259.7089

### POLICY

The Minnesota Department of Employment and Economic Development (DEED) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the accommodation process.

It is the policy of DEED to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship or direct threat. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (ADA), accommodations are provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or for equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

### DEFINITIONS

#### Applicant

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

#### Americans with Disabilities Act (ADA) Coordinator

DEED is required to appoint an ADA coordinator to direct and coordinate agency compliance with 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 will be based on an individualized assessment. 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.

### 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); there are a limited number of employees who could perform the function(s); or the function(s) are specialized, and the individual is hired based on the employee's expertise.

### Health Care Professional

A person who is licensed to practice in a field of health care that includes the diagnoses and assessment of the particular disability or disabilities in question. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

### Interactive Process

A two-way interactive discussion between the employer and the individual with a disability to determine an effective reasonable accommodation that will allow the person with a disability to perform the essential functions of a particular job. To be interactive, both sides must communicate and exchange information.

### Individual with a Disability

For purposes of this policy, someone who has a physical, sensory, or mental impairment that substantially limits one or more major life activities; has a record or history of such impairment; or is regarded as having an impairment.

### Major Life Activity

Basic activities people in the general population can perform with little or no difficulty. Examples include, but are not limited to, walking, seeing, hearing, caring for oneself, performing manual tasks, speaking, sleeping, breathing, concentrating, learning, and working. Also included in major life activities are the operation of major bodily functions, including the immune system, normal cell growth, digestive, bowel, neurological, circulatory, 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.

### 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.

### Reasonable Accommodation

An adjustment or alteration to a job 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 accommodation 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. Reasonable accommodation applies to three aspects of employment: 1) to assure equal opportunity in the employment process; 2) to enable a qualified individual with a disability to perform the essential functions of a job; and 3) to enable an employee with a disability to equally enjoy all benefits and privileges of employment.

An individual's preference will be given consideration; however, DEED may choose an equally effective accommodation that is less expensive or easier to obtain.

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules, and reassignment to a vacant position. The following examples are NOT accommodations:

- Elimination of essential job functions
- Creation of a new job
- Lower production standards
- Supplying personal-use items such as glasses or hearing aids

### 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.

### Undue Hardship

A specific reasonable accommodation that would require significant difficulty or expense. Undue hardship is determined on a case-by-case basis. DEED is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

## REQUESTING REASONABLE ACCOMMODATIONS

In order to qualify for a reasonable accommodation an individual must be qualified and have a disability as defined by the ADA or the Minnesota Human Rights Act. The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.

The reasonable accommodation procedure is an interactive process and requires participation by both the individual with a disability, the supervisor, and the ADA Coordinator. It may require periodic reviews to determine the continued effectiveness of the accommodations implemented.

An 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 the individual asks or states that they need DEED 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.

Supervisors and managers have the authority to approve accommodation requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$250 or standard office equipment of any value that would be purchased for any employee who did not request an accommodation. The ODEO must be notified of the accommodations.

### Procedure for Current Employees

1. Employees must inform either their supervisor or the ADA Coordinator that there is a need for an accommodation. A [Reasonable Accommodation Request Form](#) should be completed by the employee and given to the ADA Coordinator.
2. The ADA Coordinator will, in consultation with the individual and supervisor:
  - a. Discuss the purpose and essential functions of the job involved. It may be necessary to complete a step-by-step job analysis.
  - b. Determine the precise job-related limitation(s).
  - c. Identify the potential accommodation that is the most appropriate for both the individual and DEED. While an individual's preference will be given consideration, DEED may choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
3. It is the employee's or applicant's responsibility to provide the required medical information. The medical information must identify the individual's functional limitations, the effect of the impairment on the job duties, or other job-related limitations. If the ADA Coordinator believes further medical documentation is necessary to identify the individual's functional limitations, the effect of the impairment on the job duties, or other job-related limitations, the ADA Coordinator may ask for additional information or provide a medical release of information to

the employee to sign. The ADA Coordinator will then send a letter to the individual's provider seeking information specific to the reasonable accommodation request.

4. If the request is approved, the supervisor will be sent the Reasonable Accommodation Agreement by the ADA Coordinator. It must be signed by the employee and the supervisor. Supervisors must return the signed document to the ADA Coordinator.
5. DEED's ADA Coordinator is the agency's decision maker for reasonable accommodation requests outside of the supervisors' and managers' authority.
6. If the request is denied by the ADA Coordinator the employee will receive, in writing, the explanation for denial. The employee may follow the appeal process identified below.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, the ADA Coordinator and employee will work together with HR to determine whether reassignment to a vacant position may be an appropriate accommodation. Reassignment is considered only when no other accommodation is available.

DEED may look at transfer, mobility, appointment, noncompetitive, and competitive opportunities. DEED is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

NOTE: A [Reasonable Accommodation Request Form](#) must be completed for all accommodation requests and submitted to the ADA Coordinator for processing. All medical information pertaining to reasonable accommodation is kept in the confidential medical file maintained by the Office of Diversity and Equal Opportunity (ODEO).

#### Procedure for Job Applicants

1. A job applicant will inform the hiring supervisor, the Human Resources staff, or the ADA Coordinator of the need for an accommodation in order to participate in any aspect of the hiring process.
2. The request will be reviewed, and a determination will be made as to the need for accommodation and, if so, select and implement an effective accommodation.
3. Either the hiring supervisor, the Human Resources staff, or the ADA Coordinator takes the necessary steps to see that the accommodation is provided in a timely manner. If the accommodation is denied, inform the applicant within five (5) working days of the decision.

NOTE: All tangible accommodations purchased by DEED are the property of the State of Minnesota. DEED will be responsible for maintenance of any equipment.

## **POLICY FOR FUNDING ACCOMMODATIONS**

Funding must be approved by DEED for accommodations that do not cause an undue hardship. Hiring units or their divisions are required to assume the cost of accommodations.

## **PROCEDURE FOR DETERMINING UNDUE HARDSHIP**

An interactive process must occur prior to the agency making a determination of undue hardship. Determination includes granting the reasonable accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency. Prior to denying a reasonable accommodation request due to lack of financial resources, the ADA Coordinator will consult DEED's Commissioner or designee and/or the State ADA Coordinator at MMB.

## **CONFIDENTIALITY**

### **Medical Information**

The ADA Coordinator will keep all medical information or documentation obtained in connection with the reasonable accommodation process confidential. Physical copies of medical information are stored in a locked cabinet or office when not in use or unattended and maintained by ODEO. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator or appropriate ODEO staff.

The ADA Coordinator may only disclose medical information obtained in connection with the accommodation process to supervisors, managers, or agency HR staff who have a business need to know. Information that can be disclosed is limited and includes the employee's necessary work restrictions and the necessary accommodations. First aid and safety personnel are notified of the limitations if the employee may require emergency treatment or assistance in an emergency evacuation. Information may also be shared with government officials such as the state ADA Coordinator or government officials assigned to advise or investigate agency compliance with the ADA.

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 ADA Coordinator.

If the supervisor receives any medical information, pertaining to a reasonable accommodation, it should be forwarded to the ADA Coordinator. Supervisors must not retain any medical information and only have the Reasonable Accommodation Agreement in their supervisory files.

## **APPEALING DENIALS**

Employees or applicants whose accommodations are denied will receive notice, in writing of the reason for the denial. Employees, applicants, and supervisors or managers, who are dissatisfied with the decisions pertaining an accommodation request may file a written appeal within 10 business days of the decision with DEED's Commissioner. The DEED Commissioner or their designee will review the

information and make the final decision on appeal requests within 10 business days of receiving the request for appeal.

Further actions can be processed through other governmental agencies such as the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission. For more information on the appeal process and for answers to any questions about reasonable accommodation, contact the ADA Coordinator.

**ADA Coordinator**

[Karen Lilledahl](#) - ADA Coordinator, WIOA Compliance Manager  
651.259.7089

Department of Employment & Economic Development  
Great Northern Building  
180 East Fifth Street, 13<sup>th</sup> Floor  
St. Paul, Minnesota 55101-1351  
Fax: 651.297.5343  
Email: [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)

This information is available in alternate formats by calling 651.259.7089.

Last Modified: 7/22

## **Request for Reasonable Accommodation Form**

[Reasonable Accommodation Form](#)

[Agency Name]

**Employee/Applicant Request for Americans with Disabilities Act ("ADA")  
Reasonable Accommodation Form**

[AGENCY NAME] is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of the position and 2) have a disability that substantially or materially limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name: \_\_\_\_\_  
 Job Title: \_\_\_\_\_  
 Work Location: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

**Data Privacy Statement:** This information may be used by the agency human resources representative, ADA Coordinator or designee, or any other individual who is authorized by the agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, the agency may not have sufficient information to provide a reasonable accommodation.

**DO NOT PROVIDE ANY INFORMATION THAT IS NOT RELATED TO YOUR REQUEST FOR REASONABLE ACCOMMODATION. DO NOT PROVIDE COPIES OF MEDICAL RECORDS.**

A. Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?  
 \_\_\_\_\_
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?
  - a. Answer yes or no: \_\_\_\_\_
  - b. If yes, please explain: \_\_\_\_\_

B. Questions to document the reason for the accommodation request *(please attach additional pages if necessary)*.

1. If you are an employee, what, if any, job function are you having difficulty performing; or if you are an applicant, what portion of the application process are you having difficulty participating in?  
 \_\_\_\_\_

Page 1 of 2 Rev. 4/2019

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2. What, if any, employment benefits are you having difficulty accessing?  
 \_\_\_\_\_
3. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform the functions of your job, access an employment benefit, or participate in the application process?  
 \_\_\_\_\_
4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job, access an employment benefit, or participate in the application process?  
 \_\_\_\_\_

**Information Pertaining to Medical Documentation:** In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee/applicant has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee/applicant will be provided with the appropriate forms to submit to their medical provider. The employee/applicant has the responsibility to ensure that the requested information is returned to the ADA Coordinator or designee in a timely manner.

This form does not cover, and the information to be disclosed should not contain, genetic information. "Genetic information" includes: information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (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 a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Page 2 of 2 Rev. 4/2019

## E. DEED Americans with Disabilities Act (ADA) Title II Policy #423

### DESCRIPTION

DEED strives to be a model service provider, valuing diversity, equity, inclusion, and access. The programs, services, products, and activities of DEED, including programs or services that are funded by DEED, must be accessible to individuals with disabilities. It is unlawful to discriminate against individuals based on disability in services, programs, products, or activities.

### REASON FOR POLICY

DEED is committed to providing a welcoming environment to individuals with disabilities, ensuring equal access, full participation, and non-discrimination based on disability. As part of that commitment, DEED must provide qualified individuals with disabilities an equal opportunity to participate in agency programs, services, products, and activities. DEED must take appropriate steps to ensure qualified individuals with disabilities can take part in and benefit from agency programs, services, products, and activities.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, as amended (ADA), Section 188 of WIOA, and the Minnesota Human Rights Act, DEED will not discriminate against qualified individuals with disabilities based on disability in its services, programs, products, or activities.

## **APPLICABILITY**

This policy applies to all employees of the Minnesota Department of Employment and Economic Development (DEED), and third parties who have business interactions with DEED. In addition, DEED partners that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR part 32. Some DEED recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA. If DEED employees are in a need of a reasonable accommodation, please reference PPM Chapter 404.

## **FAILURE TO COMPLY**

Failure to comply with this policy and its procedures may result in disciplinary action.

### **Policy History**

**Effective Date:** 1/1/20

Last Modified

**Version:** 1

## **EMPLOYMENT**

DEED does not discriminate based on disability in its hiring or employment practices and complies with all regulations of the U.S. Equal Employment Opportunity Commission under Title I of the ADA, Section 188 of WIOA, and the Minnesota Human Right Department. See PPM [Chapter 417](#) and/or [Chapter 5.1: Serving Individuals with Disabilities under the Equal Opportunity Policy Manual](#).

## **SCOPE**

This policy applies to all DEED staff and DEED recipients or sub-recipients, including those receiving:

1. Workforce Innovation and Opportunity Act (WIOA) funding, including Title I - Workforce Development Activities; Title II – Adult Education and Literacy Act; Title III – Employment Services; Title IV – Vocational Rehabilitation State Grant Programs,
2. Workforce development direct appropriations,
3. Workforce development local and regional boards,
4. All organizations partnering with the CareerForce system,
5. Business and Community Development,
6. Unemployment Insurance.



## **DEFINITIONS**

### **Alternative Formats**

Alternative formats may include, but are not limited to large text, audio description, CART transcript, closed captioning, Braille, or other alternative formats.

### **Auxiliary Aids and Services**

Effective communication devices that can help a person with a disability access DEED's programs and services. Examples include qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, relay services, videotext displays, qualified readers, taped texts, audio recordings, Braille materials or displays, screen reader software, magnification software, acquisition or modification of equipment or devices, etc.

### **Direct Threat**

A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

### **Effective Communication**

Steps taken to ensure all communications with applicants for services, participants, members of the public with disabilities and their companions with disabilities are as effective as communication to those without disabilities.

### **Individual with a Disability**

1. A person with a physical or mental impairment that substantially limits one or more of the person's major life activities; or
2. A person with a history of a physical or mental impairment that substantially limits one or more major life activities
3. A person who is regarded as having such an impairment.

### **Other power-driven mobility devices**

Any mobility device powered by batteries, fuel, or other engines, whether designed primarily for use by individuals with mobility disabilities.

### **Physical Accessibility**

Facilities that are accessible to and usable by individuals with disabilities under the ADA Title II, Section 188 of WIOA, and Minnesota Human Rights Laws.

### **Programmatic Accessibility**

Providing reasonable accommodations for qualified individuals with disabilities, reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, to

allow qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

### Qualified Individual with a Disability

An individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

### Reasonable modifications in policies, practices, or procedures

DEED must make all reasonable modifications to policies and programs to ensure qualified individuals with disabilities have an equal opportunity to use all its programs, services, products, and activities unless the agency can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity, or result in undue financial and administrative hardship.

### Recipients

A recipient is an entity to which financial assistance under Title I of WIOA is extended, directly from the U.S. Department of Labor or through the Governor or another recipient. In instances in which a Governor operates a program or activity either directly or through a state agency, using discretionary funds appropriated to the Governor, the Governor is also a recipient. One-stop partners (One-Stop Partners as defined in section 121(b) of WIOA) are treated as recipients and are subject to the nondiscrimination and equal opportunity requirements of Title I. Recipients also include, but are not limited to:

1. State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds,
2. State Workforce Agencies,
3. State and Local Workforce Development Boards,
4. LWDA grant recipients,
5. One-stop operators,
6. Service providers, including eligible training providers,
7. On-the-Job Training (OJT) employers,
8. Job Corps contractors and center operators,
9. Job Corps national training contractors,
10. Outreach and admissions agencies, including Job Corps contractors that perform these functions,
11. Placement agencies, including Job Corps contractors that perform these functions,
12. Other National Program recipients.

### Service animal

A dog, or miniature horse, that is individually trained to do work or perform tasks for a person with a disability. Other species of animals are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability.

### Wheelchair

A manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion.

## REQUESTS FOR REASONABLE ACCOMMODATION OR MODIFICATIONS

DEED will make all reasonable accommodations and modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities if the accommodation or modification would not fundamentally alter the nature of its programs or services or impose an undue financial or administrative hardship.

Requests for reasonable accommodation or modification may be made by any qualified individual with a disability or by a third party, such as a family member, friend, union representative, health professional or other representative, on behalf of a qualified individual with a disability.

There is a [reasonable request for accommodation or modification form](#) that can be used but is not required.

1. A DEED employee who has contact with the qualified individual with a disability
2. The local area Equal Opportunity Officer or ADA Coordinator
3. The state-level Equal Opportunity Officer
4. DEED's ADA Coordinator
5. Any DEED or DEED recipient official with whom the applicant has contact during the agency program, service, or activity

### Mobility Devices

DEED permits individuals with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use.

DEED will make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the agency can demonstrate the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements based on actual risks.

In determining whether a power-driven mobility device may be allowed in a specific facility as a reasonable modification, DEED must consider:

1. The type, size, weight, dimensions, and speed of the device

2. The facility's volume of pedestrian traffic
3. The facility's design and operational characteristics
4. Whether legitimate safety requirements can be established to permit the safe operation of the power-driven mobility device in the specific facility
5. Whether the use of the power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with federal land management laws and regulations

An agency may ask a person using a mobility device other than a wheelchair to provide a credible assurance the mobility device is required because of the person's disability.

### **Service Animals**

DEED will modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless they can demonstrate that allowing the use of the service animal would fundamentally alter the nature of the service, program, or activity. A service animal must be under the control of its handler using a harness, leash, tether, voice control, or other effective means. DEED may ask an individual with a disability to remove a service animal if: (1) the animal is out of control and the animal's handler does not take effective action to control it; or (2) the animal is not housebroken. If a service animal is excluded for one of these reasons, DEED will give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

If it is not readily apparent, DEED may ask 1) if an animal is required because of a disability and 2) what work or task an animal has been trained to perform. Those two questions are the only ones allowed under the ADA. No additional information about a disability may be requested.

Individuals with disabilities must be permitted to be accompanied by their service animals in all areas of a DEED facility where members of the public, participants in services, programs, or activities, or invitees can go.

A charge to an individual with a disability for being accompanied by a service animal is illegal. However, if DEED or its recipients normally charge individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual's service animal.

## **OTHER ACCESSIBILITY REQUIREMENTS UNDER TITLE II**

### **Programmatic Accessibility**

DEED must comply with federal and state legal requirements regarding ensuring services, programs, and activities that DEED provides are made accessible for individuals with disabilities. This includes providing effective communication, auxiliary aids and services, reasonable accommodations or providing for reasonable modifications to policies and practices so that individuals with disabilities have equal opportunity to participate in, and enjoy the benefits of, the program or activity.

## Effective Communication

DEED must take appropriate steps to ensure all communications with applicants for services, participants, members of the public with disabilities and their companions with disabilities, are as effective as communications with those without disabilities. DEED ensures effective communication by:

1. Providing auxiliary aids and services,
2. Providing notices of rights to alternate formats to documents and accommodations,
3. Meeting appropriate accessibility standards in electronic and web-based communication, including all multimedia resources available to the general public, must be captioned; and
4. Complying with the [Minnesota State Accessibility Standards](#) and associated processes.

## Auxiliary Aids and Services

DEED must generally, upon request, provide appropriate auxiliary aids and services that leads to effective communication for qualified individuals with disabilities so they can enjoy the benefit of and have an equal opportunity to participate in the agency's programs, services, products, and activities.

The type of auxiliary aids and services necessary to ensure effective communication will vary with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. To determine what types of auxiliary aids and services are appropriate, DEED must give primary consideration to the requests of individuals with disabilities. To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. DEED may not charge an individual with a disability or a group of individuals with disabilities for the cost of measures, such as auxiliary aids and services that are required to ensure effective communication.

## Notice to the Public

### **Poster**

DEED must post the ADA Notice to the Public about their rights under the ADA in reasonable number of and conspicuous places.

### **Required Taglines**

For communications about upcoming meetings or events, whether electronic or printed, the following tagline should be used:

"Individuals with a disability who need a reasonable accommodation to participate in this event please contact (name of person with responsibility for accessibility, phone number, and email address) by (date) or call using your preferred Telecommunications Relay Provider."

DEED should provide this information within a reasonable time prior to the anticipated date of the meeting. DEED may not deny a request for a reasonable accommodation based solely on the failure to ask for reasonable accommodations in a timely manner.

All printed communications (to include brochures, flyers, etc.) must contain an alternative language format tagline:

"Upon request, the information in this document can be made available in alternative formats for people with disabilities by contacting (email or phone number)."

### **Physical Accessibility**

DEED must comply with federal and state legal requirements regarding the provision of facilities that are accessible to and useable by individuals with disabilities. DEED is subject to Title II and must follow the ADA Standards for Accessible Design or the Uniform Federal Accessibility Standards.

### **Evacuation Procedures for Individuals with Disabilities**

DEED work locations may have multiple evacuation options including horizontal evacuation, stairway evacuation, elevator evacuation, shelter in place, and area of rescue assistance. The Americans with Disabilities Act Coordinator or designee in each DEED will work to develop a plan and consult the appropriate building and safety personnel to ensure the DEED has evacuation procedures for people with disabilities.

## **LIMITATIONS**

### **Safety Requirements**

DEED may impose legitimate safety requirements necessary for the safe operation of its services, programs, products, or activities. However, such safety requirements must be based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

### **Personal Devices and Services**

DEED is not required to provide personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

### **Undue Hardship - Reasonable Accommodations or Modifications**

The ADA law does not require modifications or actions that would fundamentally alter the nature of DEED's programs or services or impose an undue financial and administrative burden. DEED has the burden of showing that a proposed modification or requested auxiliary aids or services would fundamentally alter the nature of the program, activity, or service, or impose an undue burden.

Any decision that providing a proposed modification or requested auxiliary aid or service would result in such fundamental alterations or undue burdens must be made by the DEED's Commissioner after considering all resources available for use in the funding and operation of the service, program, or activity. In addition, a decision to deny the proposed modification or requested auxiliary aid or service must be accompanied by a written statement of the reasons for the decision to the individual or individuals who requested the accommodation or modification.

## Direct Threat

DEED is not required to permit an individual to participate in or benefit from the services, programs, products, or activities of the DEED and its recipients when that individual with a disability poses a direct threat to the health or safety of others.

Direct threat means a significant risk of substantial harm to the health or safety of others that cannot be eliminated or reduced by auxiliary aids and services, reasonable accommodations, or reasonable modifications in policies, practices and/or procedures. The determination whether an individual with a disability poses a direct threat must be based on an individualized assessment that relies on current medical knowledge or the best available objective evidence to ascertain of the individual's present ability safely to either and must include:

1. The essential eligibility requirements of the program or activity,
2. the duration of the risk,
3. the nature and severity of the potential harm,
4. the likelihood that the potential harm will occur,
5. the imminence of the potential harm,
6. whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

DEED bears the burden of showing a direct threat exists.

## RETALIATION

DEED and its recipients do not allow retaliation against any person who does any of the following:

1. Requests an accommodation, modification, or auxiliary aids or services on behalf of themselves or a third party
2. Reports a violation under this policy
3. Files a charge or complaint in connection with this policy or Title II of the ADA
4. Participates in a related investigation or proceeding

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.

## GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination based on disability in the provision of services, activities, programs, or benefits by DEED, including workforce development programs. [PPM Chapter 404](#) governs employment-related complaints of

disability discrimination. The WIOA complaint process is also available to individuals. See [Chapter 7.1 Discrimination Complaint Procedure](#).

The complaint should be in writing and contain information about the alleged discrimination such as the name, address, phone number of the complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Complaints that a program, service, or activity of DEED is not accessible to persons with disabilities should be directed to the local-level Equal Opportunity Officer at [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us) or [karen.lilledahl@state.mn.us](mailto:karen.lilledahl@state.mn.us), DEED, Office of Diversity and Equal Opportunity (ODEO), Great Northern Building, 180 East Fifth Street, 13<sup>th</sup> Floor, St. Paul, MN 55101 phone 651-259-7089; fax 651-297-5343.

Within 15 calendar days after receipt of the appeal, the ODEO Director or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

If the response by the DEED ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or designee may appeal the decision within 15 calendar days after receipt of the response to the Director of the Office of Diversity and Equal Opportunity, or 651-259-7094.

Within 15 calendar days after receipt of the appeal, the ODEO Director or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by DEED ADA Coordinator or their designee, appeals to the Director of the Office of Diversity and Equal Opportunity, and responses from these two offices will be retained by the DEED for at least three years.

## RESOURCES

- [Americans with Disabilities Act of 1990 Public Law 101-366](#)
- [Americans with Disabilities Act of 1990, as Amended](#)
- [Nondiscrimination on the Basis of Disability in State and Local Government Revised ADA Regulations 28 C.F.R. Part 35](#)
- [Rehabilitation Act of 1973, Title 29 USC 701](#)
- [Rehabilitation Act of 1973, Section 504](#)
- [Rehabilitation Act of 1973, Section 503](#)



- [MN Statutes Chapter 363A, Minnesota Human Rights Act](#)
- [M.S. 16E.03, Subd. 9, IT Accessibility Standards](#)
- [M.S. 15.44, Aids for Persons with Disabilities at State Meetings](#)
- [M.S. 16C.145, Nonvisual Technology Access Standards](#)
- [M.S. Chapter 237.50-56 Definitions Telecommunications](#)
- [M.S. 256C.02, Public Accommodations](#)

## CONTACT

For additional information contact DEED's Office of Diversity and Equal Opportunity at [karen.lilledahl@state.mn.us](mailto:karen.lilledahl@state.mn.us), 651-259-7089.

Department of Employment & Economic Development  
 Great Northern Building  
 180 East Fifth Street, 13<sup>th</sup> Floor  
 St. Paul, Minnesota 55101-1351  
 Fax: 651.297.5343  
 Email: [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)

This information is available in alternate formats by calling 651.259.7089.

## F. Americans with Disabilities Act (ADA) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

A fillable form is available at: [Employee/Applicant Request for ADA Reasonable Accommodation Form](#)

<p>State of Minnesota – (Agency) _____ Date: _____</p> <p><b>Employee/Applicant Request for Americans with Disabilities Act ("ADA") Reasonable Accommodation Form</b></p> <p>The State of Minnesota is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA"). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.</p> <p>Employee/Applicant Name: _____        Job Title: _____        Work Location: _____ Phone Number: _____</p> <p><b>Data Privacy Statement:</b> This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.</p> <p><b>Questions to clarify accommodation requested.</b></p> <p>What specific accommodation are you requesting? _____</p> <p>If you are not sure what accommodation is needed, do you have any suggestions on what options we can explore? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If yes, please explain.        _____</p>	<p><b>Questions to document the reason for the accommodation request (please attach additional pages if necessary).</b></p> <p>What, if any, job function are you having difficulty performing?        _____</p> <p>What, if any, employment benefits are you having difficulty accessing?        _____</p> <p>What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?        _____</p> <p>If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?        _____</p> <p><b>Information Pertaining to Medical Documentation:</b> In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.</p> <p><small>This form does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (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 a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.</small></p>
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## G. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

*Employees are strongly urged to review the emergency evacuation procedures at their location to become oriented with the emergency exiting plan. Any employees requiring special assistance in the event of an evacuation from their building should contact Brenda Tuma, Safety Administrator, in the Human Resources Office at 651-259-7104 or Karen Lilledahl, ADA Coordinator, in the Office of Diversity and Equal Opportunity at 651-259-7089.*

From [DEED Policy 208 – Emergencies](#)

### **Supervisors**

- Know and follow all emergency procedures. Ensure that all employees are familiar with where to access the [DEED Policy 208 – Emergencies](#), and are familiar with and follow the emergency procedures specific to their work location. Inform new employees of emergency procedures, and where to access them.
- Develop evacuation plans with staff that have disabilities and need/want assistance. The Office of Diversity and Equal Opportunity and the DEED Safety Administrator will provide assistance in developing plans according to individual needs and preferences of available options. Some options include the use of a buddy system and/or reporting to a designated "area of rescue" to wait for fire department or other emergency personnel. The only information an individual must provide is the type of assistance needed; it is not necessary to indicate the nature of the disability.
- Notify DEED's Safety Administrator of any employee requiring special assistance in emergency situations. With the Safety Administrator's assistance, ensure that required emergency procedures are implemented for these situations.
- Ensure that all employees are notified of a decision to dismiss after a building evacuation.
- Remind employees to keep their emergency contact information provided through [Employee Self-Service](#) up to date. Contact the Human Resources Office at 651-259-7125, if an employee emergency arises that requires emergency contact notification.
- Ensure that annual evacuation and severe weather drills are practiced at your location. DEED Safety Administrator sends an email reminder, which includes guidance for conducting drills annually each year prior to Fire Prevention Month (October). Contact DEED Safety Administrator for questions or assistance with conducting a drill.
- Follow-up on reports of hazardous conditions.

Supervisors are to review the evacuation procedures with staff in order that they understand the evacuation plan and procedures. Supervisors are also required to inform staff how to request

additional assistance or an accommodation if needed. Brenda Tuma, DEED’s Safety Administrator, is currently the agency’s contact person if an employee needs additional assistance. Ms. Tuma works one-on-one with the staff member.

***Great Northern Building***

Individuals with Mobility Disabilities:

Area of Rescue Assistance: In the Great Northern Building, rescue areas have been established so that individuals with mobility disabilities can safely exit the building with assistance from fire personnel. Each rescue area is equipped with a dedicated emergency radio. Specific emergency instructions for all other DEED offices can be found in each of those offices and should be posted in a conspicuous place.

Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with assistance. Evacuees should pass the individual with the mobility disability on the opposite side of the stairwell. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

Individuals with Hearing Disabilities: The agency’s buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights.

Individuals with 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 likely be familiar with their immediate surroundings and frequently traveled routes, but since the emergency evacuation route may be different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The safety monitors assigned to each floor will ensure that individuals with visual disabilities are offered assistance, appoint an employee to guide the individual with a visual disability through the evacuation route.

**Note:** Floor monitors are assigned on each floor to sweep their area to ensure no one is left behind. If the area becomes too unsafe for floor monitors to complete their sweep, they are trained to immediately notify an evacuation team member who is equipped with a two-way radio and will communicate the information to central command/floor monitor, so that emergency personnel can be immediately notified.

Individuals in need of assistance to evacuate:

If an individual with a disability is interested in setting up an evacuation plan, they may contact Brenda Tuma, Safety Administrator, at 651-259-7104 or [Brenda.Tuma@state.mn.us](mailto:Brenda.Tuma@state.mn.us); or Karen Lilledahl, ADA Coordinator, at 651-259-7089 or [Karen.Lilledahl@state.mn.us](mailto:Karen.Lilledahl@state.mn.us)

**Name:** Brenda Tuma

**Email:** [Brenda.tuma@state.mn.us](mailto:Brenda.tuma@state.mn.us)

**Title:** Safety Administrator

**Phone:** 651-259-7104

## Evacuation Options

Individuals with disabilities have four basics, possibly five, evacuation options:

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

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

Individuals with disabilities should follow the following procedures:

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

- **Visual disabilities:** The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer help, and if accepted, guide the individual with a visual disability through the evacuation route.

## Severe Weather Evacuation Options

Individuals 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

Refer to the AAP Appendix 2022-2024.

## Appendix A: Progress Report

### Racial/Ethnic Minorities

Racial/Ethnic Minorities (Promotion includes both promoted into and within the job category)																		
Job Category	Prior AAP Total Employee #	Prior AAP Total Minorities #	Prior AAP Total Minorities %	Prior AAP Availability Minorities %	Total Hires & Promotions #	Total Hired #	Non-Minorities Hired #	Minorities Hired #	Unknown Hired #	Minorities Hired %	Total Promoted #	Non-Minorities Promoted #	Minorities Promoted #	Unknown Promoted #	Minorities Promoted %	Actual Minorities Placement (%)	Minorities Hired Goals in Prior AAP ?	Minorities Goal Met?
Officials/Administrators	78	12	15.38 %	6.15%	17	17	14	<10	<10	**.**% %	<10	<10	<10	<10	**.**% %	**.**% %	No	n/a
Professionals	1116	181	16.22 %	15.18 %	498	395	244	108	43	27.34 %	103	83	17	<10	16.50 %	25.10%	No	n/a
Technicians	13	<10	**.**% %	5.10%	<10	<10	<10	<10	<10	**.**% %	<10	<10	<10	<10	**.**% %	**.**% %	No	n/a
Paraprofessionals/Admin Support	156	16	10.26 %	15.58 %	10	10	<10	<10	<10	**.**% %	<10	<10	<10	<10	**.**% %	**.**% %	Yes	Yes
Service Maintenance	19	<10	**.**% %	17.63 %	<10	<10	<10	<10	<10	**.**% %	<10	<10	<10	<10	**.**% %	**.**% %	No	n/a
<b>Total</b>	<b>1382</b>	<b>218</b>	<b>15.77 %</b>		<b>598</b>	<b>469</b>	<b>280</b>	<b>133</b>	<b>56</b>	<b>28.36 %</b>	<b>129</b>	<b>100</b>	<b>24</b>	<b>&lt;10</b>	<b>18.60 %</b>			



## Appendix B: Separation Analysis from July 1, 2020 – June 30, 2022

### Total Separations

lwd = Individuals with Disabilities

Separation Type	Total #	Total % by Sep Type	Total Women #	Sep Type <sup>1</sup> Women % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Women Sep	Total Minorities #	Sep Type <sup>1</sup> Minorities % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minorities Sep	Total lwd #	Sep Type1 lwd % within Sep Type	Sep Type2 Sep Type % within Total lwd Sep
Dismissal or Non-Certification	14	3.89%	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>
Resignation	153	42.50%	89	58.17%	40.09%	44	28.76%	54.32%	23	15.03%	44.23%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Retirement	118	32.78%	83	70.34%	37.39%	12	10.17%	14.81%	18	15.25%	34.62%
Death	<10	**.**% <sup>1</sup>	0	0.00%	0.00%	0	0.00%	0.00%	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>
Lay-off	24	6.67%	14	58.33%	6.31%	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>
Termination without Rights	47	13.06%	28	59.57%	12.61%	14	29.79%	17.28%	<10	**.**% <sup>1</sup>	**.**% <sup>2</sup>
<b>Total Separations</b>	<b>360</b>	<b>100.00%</b>	<b>222</b>	<b>61.67%</b>	<b>100.00%</b>	<b>81</b>	<b>22.50%</b>	<b>100.00%</b>	<b>52</b>	<b>14.44%</b>	<b>100.00%</b>



## Officials/Administrators

Separation Type	Total #	Total % by Sep Type	Total Women #	Sep Type <sup>1</sup> Women % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Women Sep	Total Minorities #	Sep Type <sup>1</sup> Minorities % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minorities Sep	Total lwd #	Sep Type1 lwd % within Sep Type	Sep Type2 Sep Type % within Total lwd Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Resignation	<10	**.**%*	<10	**.**%*	**.**%*	0	0.00%	0.00%	<10	**.**%*	**.**%*
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Retirement	<10	**.**%*	<10	**.**%*	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%
Death	<10	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
<b>Total Separations</b>	<b>13</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%*</b>	<b>100.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>&lt;10</b>	<b>**.**%*</b>	<b>100.00%</b>

## Professionals

Separation Type	Total #	Total % by Sep Type	Total Women #	Sep Type <sup>1</sup> Women % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Women Sep	Total Minorities #	Sep Type <sup>1</sup> Minorities % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minorities Sep	Total lwd #	Sep Type1 lwd % within Sep Type	Sep Type2 Sep Type % within Total lwd Sep
Dismissal or Non-Certification	12	4.24%	<10	**.***%	**.***%	<10	**.***%	**.***%	<10	**.***%	**.***%
Resignation	132	46.64%	77	58.33%	45.03%	39	29.55%	58.21%	19	14.39%	44.19%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Retirement	80	28.27%	52	65.00%	30.41%	<10	**.***%	**.***%	14	17.50%	32.56%
Death	<10	*.***%	0	0.00%	0.00%	0	0.00%	0.00%	<10	**.***%	**.***%
Lay-off	21	7.42%	12	57.14%	7.02%	<10	**.***%	**.***%	<10	**.***%	**.***%
Termination without Rights	36	12.72%	24	66.67%	14.04%	10	27.78%	14.93%	<10	**.***%	**.***%
<b>Total Separations</b>	<b>283</b>	<b>100.00%</b>	<b>171</b>	<b>60.42%</b>	<b>100.00%</b>	<b>67</b>	<b>23.67%</b>	<b>100.00%</b>	<b>43</b>	<b>15.19%</b>	<b>100.00%</b>

## Technicians

Separation Type	Total #	Total % by Sep Type	Total Women #	Sep Type <sup>1</sup> Women % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Women Sep	Total Minorities #	Sep Type <sup>1</sup> Minorities % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minorities Sep	Total IwD #	Sep Type1 IwD % within Sep Type	Sep Type2 Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Resignation	<10	**.**%*	<10	**.**%*	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Retirement	<10	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Death	<10	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Lay-off	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Termination without Rights	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
<b>Total Separations</b>	<b>&lt;10</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%*</b>	<b>100.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0</b>	<b>0.00%</b>	<b>0.00%</b>

## Office/Clerical

Separation Type	Total #	Total % by Sep Type	Total Women #	Sep Type <sup>1</sup> Women % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Women Sep	Total Minorities #	Sep Type <sup>1</sup> Minorities % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minorities Sep	Total lwd #	Sep Type1 lwd % within Sep Type	Sep Type2 Sep Type % within Total lwd Sep
Dismissal or Non-Certification	<10	**.**%	<10	**.**%	**.**%	0	0.00%	0.00%	0	0.00%	0.00%
Resignation	13	25.00%	<10	**.**%	**.**%	<10	**.**%	**.**%	<10	**.**%	**.**%
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Retirement	28	53.85%	27	96.43%	65.85%	<10	**.**%	**.**%	<10	**.**%	**.**%
Death	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Lay-off	<10	**.**%	<10	**.**%	**.**%	0	0.00%	0.00%	0	0.00%	0.00%
Termination without Rights	<10	**.**%	<10	**.**%	**.**%	<10	**.**%	**.**%	0	0.00%	0.00%
<b>Total Separations</b>	<b>52</b>	<b>100.00%</b>	<b>41</b>	<b>78.85%</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%</b>	<b>100.00%</b>

## Service Maintenance

Separation Type	Total #	Total % by Sep Type	Total Women #	Sep Type <sup>1</sup> Women % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Women Sep	Total Minorities #	Sep Type <sup>1</sup> Minorities % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minorities Sep	Total lwd #	Sep Type1 lwd % within Sep Type	Sep Type2 Sep Type % within Total lwd Sep
Dismissal or Non-Certification	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Resignation	<10	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%	<10	**.**%*	**.**%*
Enhanced Separation	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Retirement	<10	**.**%*	0	0.00%	0.00%	<10	**.**%*	**.**%*	<10	**.**%*	**.**%*
Death	0	0.00%	0	0.00%	0.00%	0	0.00%	0.00%	0	0.00%	0.00%
Lay-off	<10	**.**%*	0	0.00%	0.00%	<10	**.**%*	**.**%*	<10	**.**%*	**.**%*
Termination without Rights	<10	**.**%*	<10	**.**%*	**.**%*	0	0.00%	0.00%	0	0.00%	0.00%
<b>Total Separations</b>	<b>&lt;10</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%*</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%*</b>	<b>100.00%</b>	<b>&lt;10</b>	<b>**.**%*</b>	<b>100.00%</b>

## Appendix C: Utilization-Goal Analysis

### Women

Job Categories	Total Number of Employee in Job Category	Total Number of Women Employee in the Job Category	% of Women Employee in the Job Category	Women Availability %	Women Establish Goals?	If Yes, Goals for FY 2022-2024
Officials and Administrators	89	61	68.54%	59.33%	n/a	n/a
Professionals	1184	812	68.58%	65.06%	n/a	n/a
Technicians	13	<10	**.**%*	43.94%	n/a	n/a
Administrative Support	140	121	86.43%	70.57%	n/a	n/a
Service Maintenance	15	<10	**.**%*	19.73%	n/a	n/a
Totals	1442	1007	69.88%			

## Racial/Ethnic Minorities

Job Categories	Total Number of Employee in Job Category	Total Number of Minorities Employee in the Job Category	% of Minorities Employee in the Job Category	Minorities Availability %	Minorities Establish Goals?	If Yes, Goals for FY 2022-2024
Officials and Administrators	89	16	17.98%	11.71%	n/a	n/a
Professionals	1184	212	17.91%	17.65%	n/a	n/a
Technicians	13	<10	**.**%*	4.70%	n/a	n/a
Administrative Support	140	26	18.57%	17.61%	n/a	n/a
Service Maintenance	15	<10	**.**%*	24.08%	Yes	24.08%
Totals	1442	262	18.11%			

## Individuals with Disabilities

Job Categories	Total Number of Employee in Job Category	Total Number of Individuals with Disabilities Employee in the Job Category	% of Individuals with Disabilities Employee in the Job Category	Individuals with Disabilities State Goals %	Individuals with Disabilities Establish Goals?	If Yes, Goals for FY 2022-2024
Officials and Administrators	89	11	12.36%	9.78%	n/a	n/a
Professionals	1184	186	15.71%	10.36%	n/a	n/a
Technicians	13	<10	**.**%*	6.43%	n/a	n/a
Administrative Support	140	29	2071%	11.09%	n/a	n/a
Service Maintenance	15	<10	**.**%*	13.28%	<b>Monitor</b>	n/a
Totals	1442	231	16.03%			



## Definitions of Terms Used in This Affirmative Action Plan

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**Applicant:** "Applicant" means a person who has satisfied the minimum requirements for application established by the commissioner of management and budget (M.S. 43A.02, subd. 4).

**Availability:** An estimated percentage of qualified women, Black, Indigenous, People of Color (BIPOC) (referred to as racial/ethnic minorities in Minnesota Statute 43A.19), or individuals with disabilities in the relevant labor market who are available for positions in a given job category at a state agency. The final availability is determined by considering two factors: the statistics from the outside labor market and the internal state agency workforce for the Affirmative Action Plan year.

**Feeder job:** Staffed positions within the agency that can be promoted and/or transferred into other EEO job categories.

**Hiring goal:** A numerical objective designed to correct an identified deficiency in the utilization of protected group members. For example, the professional job category has identified underutilization and the availability is 30%, the goal (or hiring goal) for women in the job category is for 30% of the new hires/rehires and promotions for that Affirmative Action Plan year would be women. Goals/hiring goals should never be implemented as quotas, nor should they be used as criteria in decision-making regarding qualifications.

**Job category:** A group of jobs that are linked by a common purpose and skill set (or sometimes certificates/educational degrees) and are grounded on the job categories identified by the U.S. Equal Employment Opportunity Commission (EEOC).

**Labor market area:** A geographic area in which an agency is seeking a worker in a particular goal unit and where there is an available supply of workers employed or seeking jobs in that goal unit.

**Protected groups:** Women, persons with disabilities, and racial/ethnic minorities (includes people who identify as: Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native per [M.S. 43A.02, subd. 33](#)).

**Snapshot:** One point in time. A snapshot of a workforce is taken at one particular point in time as the basis for Affirmative Action Plan analyses because the workforce numbers are always fluctuating.

**Supported Work Program:** The state legislature established the program in 1987 to expand employment opportunities for people with significant disabilities and has been expanded to include individuals who experience other significant disabilities, including, but not limited to, head injury, mental illness, and deaf blindness. Under the program, a supported worker must require ongoing support and may share a single position with up to two other supported work employees.

**Underutilization:** The representation of women, racial/ethnic minorities, or individuals with disabilities in a specific job category is less than reasonably would be expected given from workforce participation in the labor market area.