State of Minnesota

Office of the Secretary of State

AFFIRMATIVE ACTION PLAN

2012 – 2014

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On July 30, 2012 a review of the goal units listed below revealed underutilization of the following protected group(s).

GOAL UNITS	Protected Groups		
	Women	Minorities	Disabled
Officials & Administrators		X	X
Professional	X	X	X
Office/Clerical		X	X

This annual Plan is and will be posted at the following central locations so that every employee is aware of the office's commitments in affirmative action for the year.
On employee bulletin boards in each work location, SOB Building and Empire Drive

This annual plan contains an internal procedure for processing complaints of alleged discrimination from employees, and each employee has been apprised of this procedure as well as our department's affirmative action goals for this fiscal year.

Affirmative Action Officer

7/31/12
Date

This annual plan contains clear designations of those persons and groups responsible for implementing the attached affirmative action plan as well as my personal statement of commitment to achieving the goals and timetables described herein.

Secretary of State

7/31/12
Date

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I. STATEMENT OF COMMITMENT

The Secretary of State's Office is committed to the State's affirmative action efforts and to a policy of providing equal employment opportunity to all persons without regard to race, creed, color, sex, sexual orientation, membership or activity in a local commission, national origin, age, marital status, disability, status with regard to public assistance, or religion. This policy will apply to all conditions of employment including, but not limited to: recruitment, selection, placement, advancement, transfer, demotion, layoff, recall, termination, disciplinary action, compensation, and employee development. Additionally, the Secretary of State is committed to affirmatively retain protected group employees.

The Secretary of State will carry out the obligations under the nondiscrimination provision of all laws, rules and regulations that form the legal framework for equal employment opportunity and affirmative action.

In accordance with the above stated commitment, all standards, policies and procedures of the Secretary of State's Office will be reviewed periodically to identify and eliminate barriers to equal employment opportunity.

It is also the policy of the State of Minnesota and the Secretary of State's Office that no applicant, employee, client or vendor will be discriminated against because he or she may have Acquired Immune Deficiency Syndrome (AIDS) or the AIDS-related condition ARC. The State of Minnesota is committed to hiring individuals with disabilities who can perform the essential job functions with or without reasonable accommodations.

The Secretary of State is committed to the implementation of this affirmative action plan, and has charged supervisors and managers with the responsibility for ensuring implementation of this policy. I have directed that each of these individual's position description list affirmative action as an "A" priority. I have designated Sharon Opsahl, Personnel Officer as the Office's Affirmative Action Officer to ensure implementation and retention of the Affirmative Action Plan.

The Secretary of State's Office's Affirmative Action Plan takes positive steps to hire and retain qualified group members. This plan receives my full endorsement and strong support. Further, I urge all employees to become acquainted with the Secretary of State's Affirmative Action plan and to join me in a continuing effort to make equal employment opportunity a reality.

By _____ 7/31/12
Mark Ritchie, Secretary of State Date

II. RESPONSIBILITIES, DUTIES AND ACCOUNTABILITY

A. CONSTITUTIONAL OFFICER

Responsibilities: To establish and maintain an ongoing program of affirmative action within the Office of the Secretary of State which includes timetables and goals in compliance with federal and state laws, rules and regulations.

Duties

To designate an affirmative action officer.

To include accountability for the administration of the affirmative action plan in the affirmative action officer's position description.

To make decisions on and changes in policy and procedures to facilitate equal opportunity and affirmative action progress.

To direct that all reasonable accommodations necessary are made for people with disabilities.

To follow up and take necessary action upon receipt of complaints of discrimination.

To report bi-annually to the Commissioner of Minnesota Management and Budget regarding the progress achieved in meeting the affirmative action goals.

Accountability: The Constitutional Officer is directly accountable to the citizens of Minnesota, and will report on the progress to the Commissioner of Minnesota Management and Budget.

B. AFFIRMATIVE ACTION OFFICER

Responsibilities: To administer the agency's affirmative action plan and revise the plan as needed.

Duties:

Write and update the agency's affirmative action plan.

Monitor the plan for compliance and correct deviations from the plan.

Fulfill all affirmative action reporting requirements.

Implement the pre-employment review process, complete the Monitoring the Hiring Process and provide guidance to agency supervisors and managers on fulfilling their affirmative action responsibilities.

Identify and work to resolve affirmative action problems that inhibit equal opportunity; including providing reasonable accommodations for applicants and employees with disabilities.

Investigate allegations of discriminations or harassment in a manner equitable to all parties involved.

Furnish detailed reports to the Secretary of State as to the findings of any investigation.

Disseminate affirmative action information to managers, supervisors, employees and applicants.

Accountability: Affirmative Action Officer is directly responsible to the Constitutional Officer, although may make reports of a routine nature to the Deputy Secretary.

C. MANAGERS AND SUPERVISORS

Responsibilities: To perform all position responsibilities in compliance with the agency's affirmative action plan and to ensure equal employment opportunity for all applicants and employees.

Duties:

To assist the affirmative action officer in identifying and resolving affirmative action problems and eliminating barriers that inhibit equal employment opportunity, including providing reasonable accommodations for applicants and employees with disabilities.

To communicate the agency's affirmative action plan to all staff.

To follow the pre-employment review process.

To take steps necessary to prevent harassment or other discriminatory actions by:

a. Detailing for employees state and federal anti-discrimination and anti-harassment laws;
b. Emphasizing the employees' right to work in an atmosphere that is free of discrimination or harassment; and,
c. Informing employees that disciplinary action will be taken against any worker that engages in discriminatory or harassing behavior at the workplace.

To notify the Affirmative Action Officer immediately upon being made aware of a discrimination or harassment complaint.

To assist the Affirmative Action Officer in fully investigating complaints of discrimination or harassment.

To establish procedures whereby those employees with disabilities, who need assistance during a weather emergency, are notified of such emergencies and receive needed assistance.

Accountability: To the Constitutional Officer, and indirectly, to the Affirmative Action Officer.

D. EMPLOYEES

Responsibility: Comply with all provisions of the Affirmative Action Plan.

Duties:

To refrain from participating in discriminatory or harassing behavior.

To treat other employees, job applicants and members of the public in a non-discriminatory manner.

To immediately inform any employee engaging in harassing behavior that his or her conduct is objectionable and that it should stop.

To cooperate fully in any investigation of discrimination or harassment.

To keep records of instances of discrimination or harassment including dates, time, locations, and names of any witnesses.

Accountability: To the Constitutional Officer, and, indirectly, to the Affirmative Action Officer.

III. INTERNAL AND EXTERNAL DISSEMINATION OF AFFIRMATIVE ACTION PLAN

In order to assure the greatest impact of the Affirmative Action Plan, the following methods will be used to communicate the plan and its goals to our employees, recruitment sources, protected group applicants, and other interested persons.

A. Internal Dissemination

1. The Affirmative Action Plan will be posted on an easily accessible bulletin board in each work location.

2. Routine changes in the plan, if any, will be posted on the bulletin boards indicated above. A notice of major changes to the plan will be made to all staff.

3. The Affirmative Action Officer will advise all new employees of the existence and posting location of the Affirmative Action Plan.

4. The Affirmative Action plan will be made available to managers, supervisors and employees for their reference.

B. External Dissemination

1. The phrase" An Equal Opportunity Employer" will be included on advertisements for employment.

2. Managers and supervisors seeking applicants will advertise their vacancies to protected groups.

3. The Affirmative Action Plan will be posted on the office website.

IV. HARASSMENT POLICY

Statement of Policy

It is the policy of the Secretary of State's Office to prohibit harassment of its employees based on race, national origin, status with regard to public assistance, color, creed, sexual orientation, membership or activity in a local commission, age, marital status, religion, sex or disability. This prohibition with respect to sexual harassment includes both overt acts of harassment and those acts which create a negative work environment. Any employees, applicants; or eligibles subjected to such harassment should file a complaint with the agency's affirmative action officer. Violation of the Secretary of State's harassment policy by an employee may result in disciplinary action.

Each supervisor is responsible for the application of this policy. This includes initiating and supporting practices designed to develop understanding, acceptance, commitment, and compliance with this policy. All employees must be informed that harassment is unacceptable behavior, and each supervisor will be responsible for orienting his or her staff to our agency's policy. The affirmative action officer will be expected to keep the organization appraised of any changes in the law, or its interpretation, regarding this form of discrimination. More specifically, each supervisor will be responsible for:

1. Making certain that each individual in his or her division who makes employment personnel decisions is fully aware of, and complies with, this policy;

2. Notifying all employees within the division of this policy;

3. Informing all employees in his or her division of the complaint procedure and ensuring that all complaints are investigated promptly and carefully.

Definitions

Harassment is any behavior which is unwelcome and offensive, and therefore, may affect employee morale and interfere with the employee's ability to perform. When the basis of harassment is race, color, religion, creed, sexual orientation, membership or activity in a local commission, age, marital status, reliance on public assistance, sex, disability or national origin it is illegal. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct related to an individual's national origin."

Sexual harassment has also been specifically defined by the Equal Employment Opportunity Commission as: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or

effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

It is possible for discriminatory harassment to occur: (1) among peers or coworkers, (2) between managers and subordinates, or (3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Secretary of State's Affirmative Action Officer. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are nonetheless disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant or eligible of the Secretary of State's Office who believes that he or she has been harassed based on his or her race, national origin, color, creed, marital status, status with regard to public assistance, membership or activity in a local commission, age, sexual orientation, religion, sex or disability, may file a complaint.

Complaints of harassment should be filed using the complaint procedure, included in this plan.

V. COMPLAINT PROCEDURE

The Secretary of State's Office has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. This procedure is designed as an attempt to resolve problems internally before seeking redress from an outside authority. We encourage employees to use this internal procedure before filing a charge with the Department of Human Rights or other agencies. Coercion, reprisal or intimidation of anyone filing a complaint, or serving as a witness, under this procedure is prohibited.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer for information and for access to data and records for the purpose of enabling the AAO to carry out his or her responsibilities under this complaint procedure.

Definition of a Complaint

A complaint is a dispute or disagreement raised by an employee, applicant or eligible against a supervisor or other Office employee with regard to a matter involving discretion in application of specific provisions of personnel laws, rules, administrative procedures or policies; or of collective bargaining agreements or plans; or with regard to any matter for which dispute resolution or redress is not otherwise available.

Coverage and Exclusions

1. This complaint procedure may be used by an employee, applicant or eligible candidates whose dispute or disagreement is based upon the belief that she or he has been discriminated against in employment because of his or her race, creed, color, sex, religion, age, national origin, membership activity in a local commission, sexual orientation, marital status, status with regard to public assistance, or disability; or that she or he has been harassed by an employee because of the above factors or any other factor.

2. This complaint procedure may also be used by any employee, applicant or eligible who believes that she or he is the victim of retaliatory action by an employee of this office as the result of filing a complaint, cooperating in an investigation or otherwise participating in any action under this procedure.

3. This complaint procedure may not be used for matters relating to the content or general administration of provisions of the Affirmative Action Plan. Such disputes, disagreements or questions, should be brought to the attention of the Affirmative Action Officer.

4. This complaint procedure may not be used for disputes which are covered exclusively by provisions of a valid collective bargaining agreement or the Managerial or Secretary of State Plans. Such disputes should be handled under the grievance or dispute resolution procedures contained in those collective bargaining agreements or plans.

5. This complaint procedure does not in any way limit an employee's or applicant's right to file a formal complaint with the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission, or an appropriate court of law.

Complaint Procedure

1. The employees, applicant, or eligible candidate completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation(s) may involve discriminatory harassment. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.

2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer designee shall also discuss other options for resolution.

   A. If it is determined that the complaint **is not** related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee will inform the complainant, in writing, within ten (10) working days.
   B. If the complaint **is** related to discrimination, the Affirmative Action Officer designee will, within 10 working days, contact all parties named as respondent(s) and outline the basic facts of the complaint. The respondent(s) will be asked to provide a response to the allegations within a specific period of time.

3. The Affirmative Action Officer designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer designee shall notify the complainant(s) and respondent(s) that s/he has completed the investigation. The Affirmative Action Officer designee shall then review the findings of the investigation.

   A. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
   B. If insufficient evidence exists to support the complaint, a letter will be sent to the complainant(s) and the respondent(s) dismissing the complaint.

4. A written answer will be provided to the parties within sixty (60) days after the complaint(s) is filed. The complainant(s) will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.

5. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainant(s) and respondent(s). After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.

6. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:

A. Interviews or written interrogatories with all parties involved in the complaint, e.g., complainant(s), respondent(s), and their respective witnesses; officials having pertinent records or files, etc
B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.

7. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

8. A disposition of all complaints must be filed with the Commissioner of Minnesota Management and Budget within 30 days of final determination.

Appeal Procedure

1. If the disposition of the complaint by the Affirmative Action Officer is not satisfactory to the employee or a final decision is not made within sixty (60) working days following receipt of the complaint, the employee may contact the Secretary of State or designee in writing to request that further action be taken. This request must be filed by the employee within five (5) working days following receipt of the Affirmative Action Officer's decisions or within five (5) working days following due date of the Affirmative Action Officer's decision if no decision has been provided. The written appeal must include the reason the employee believes a reconsideration of the findings should be made.

2. The Affirmative Action Officer will have fifteen (15) working days from receipt of the appeal to conduct any further investigation, document the findings, and make a final report and recommendation of the Secretary of State. If the complaint has been fully investigated and no new information is brought forth as part of the appeal, the Affirmative Action Officer must submit the complaint to the Secretary of State within two (2) working days of the receipt with a recommendation for disposition of the appeal.

3. The Secretary of State or designee will discuss the complaint with the employee at a time mutually agreeable to both parties. If the complaint is resolved as a result of such meeting, a written settlement agreement must be signed by the Secretary of State or a designee and the employee, including the employee's representative, if any. If no settlement is reached, the Secretary of State or designee will give a written decision to the employee within ten (10) days following the meeting. A decision by the Secretary of State will be the Office's final decision.

VI. AFFIRMATIVE ACTION GOALS AND TIMETABLES

UTILIZATION ANALYSIS FOR FEMALES

	Protected Group FEMALES							
EEO Job Group	Total Number in Group	Total Females in Group	% Females in Group	Availability %	Availability Number	**Current Plan Underutilized**	Goal	Timetable
Officials and Managers	5	2	40	37.8	1	**0**		
Professionals	28	9	32.1	53.8	15	**6**	1	2012-2014 AAP
Administrative Support	43	36	83.7	67.7	29	**0**		

UTILIZATION ANALYSIS FOR MINORITIES

	Protected Group MINORITIES							
EEO Job Group	Total Number in Group	Total Minority in Group	% Minority in Group	Availability %	Availability Number	**Current Plan Underutilized**	Goal	Timetable
Officials and Managers	5	0	0	5.1	1 (.2)	**1**	1	2012 – 2014 AAP
Professionals	28	0	0	8.0	2	**2**	1	2012 – 2014 AAP
Administrative Support	43	6	13.9	8.2	3	**0**		

UTILIZATION ANALYSIS FOR DISABLED

	Protected Group DISABLED							
EEO Job Group	Total Number in Group	Total Disabled in Group	% Disabled in Group	Availability %	Availability Number	**Current Plan Underutilized**	Goal	Timetable
Officials and Managers	5	0	0	11.31	1 (.5)	**1**	1	2012 – 2014 AAP
Professionals	28	1	3.5	10.88	3	**2**	1	2012 – 2014 AAP
Administrative Support	43	0	0	11.56	4	**4**	1	2012 – 2014 AAP

Analysis

According to the utilization analysis, the Office of the Secretary of State's workforce is underutilized in the areas highlighted above.

If any openings occur, The Office of Secretary of State will make a good faith effort to correct underutilization when hiring opportunities occur.

VII. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In the ongoing effort to eliminate discriminatory employment practices and barriers to equal employment opportunity, the Office of the Secretary of State is committed to achieving the following objectives:

OBJECTIVE 1: To ensure that all Secretary of State employees are knowledgeable about and aware of the Americans' with Disabilities Act (ADA) and can act upon their responsibilities.

Action Step: Identify possible training sources, asses their value and costs and implement training program.

Responsibility: Affirmative Action Officer

Target Date for Completion: On-going

Evaluation: To ensure that all new employees receive pamphlets regarding ADA.

Sharon Opsahl, the Office's Affirmative Action Officer, has attended and will continue to attend affirmative action training sponsored by MMB. Training for OSS managers will be researched.

OBJECTIVE 2: Ensure new managers and supervisors are properly trained in the importance of, and their roles and responsibilities for, equal employment opportunity, sexual harassment prevention and affirmative action.

Action Step: Identify possible training sources, asses their value and costs and implement training programs for equal employment and affirmative action. Provide mandatory sexual harassment prevention training from MMB to all new employees.

Responsibility: Affirmative Action Officer

Target Date for Completion: On-going

Evaluation: Supervisors have attended the supervisory Cord training sessions. In April 2012 all OSS employees attended a mandatory "Preventing Sexual Harassment" course. Continued training opportunities will be researched and encouraged.

OBJECTIVE 3: To identify and eliminate possible problems in the Office of the Secretary of State with regard to equal employment opportunity and affirmative action by developing and implementing an exit interview process.

Action Step: Develop an exit interview process/questionnaire and implement.

Responsibility: Affirmative Action Officer

Target Date for Completion: On-going revisions.

Evaluation: OSS continues to conduct exit interviews. If a pattern of concern is identified, a plan of correction will be developed and implemented.

Evaluate our exit interview questions to see if more direct questions can be asked to encourage and retain disparate groups.

VIII. RECRUITMENT

Office Policy

The Office of the Secretary of State is committed to removing barriers to employment opportunities and achievement. The Office will actively recruit protected group members for employment opportunities.

Recruitment Plan

All of the positions within the Office of the Secretary of State, except for the elected official and his or her appointees, are civil service positions, hired through the civil service process, the majority of which are clerical positions.

The Office of the Secretary of State advertises most positions through the State Career website. Other positions that are non-clerical have been advertised at Minnesota Council of Nonprofits along with a few through newspaper advertisements. We will continue to seek out other locations and opportunities to reach out to minority populations.

Sources Used

MMB
State of MN World Wide Web – Internet Job Listing
State of MN Telephone/TTY Job Information Line
MN Job Service – Department of Employment and Economic Development
University of MN Career Placement
University of St. Thomas Career Placement
Minneapolis Star Tribune
Monster.com
Minnesotajobs.com
Yahoo.com
Dice.com
MN Council of Nonprofits

Other Methods Used

We have attended college fairs to promote positions with OSS and state employment in general. The plan will be to attend more fairs that are sponsored in a variety of locations throughout the metro area.

OSS hires student workers through the STEP UP Program. STEP UP was established in 2004 to create valuable workplace experiences in Minneapolis for low-income youth ages 16-21 who are either high school students, or have graduated but not yet entered a college program.

Strategies

At the present time, OSS does not have plans of expanding the workforce. When a vacancy does become available, OSS will recruit affirmatively, targeting populations under-represented in our workforce.

Internships and Supported Employment

The supervisor seeking a student intern will establish the relationship with the educational institution and will work with the Office of Human Resources to formalize and implement the specific internship arrangement. The Secretary of State will work with the Office of Human Resources and educational institutions to recruit and hire interested individuals.

The Office of the Secretary of State will review positions to determine if there are those that may be used for supported employment. If it is determined that a position(s) is identified, the AAO will work with the Department of MMB in the referral and filling process.

Responsibilities

The Office of Human Resources is responsible for recruitment efforts.

IX. RETENTION

The Affirmative Action Officer, Sharon Opsahl, will be responsible for ensuring a retention plan exists to retain state employees through agency and MMB activities. Additionally, these initiatives will improve productivity and guide employees of all backgrounds and descriptions toward promotional opportunities.

Total Separations in the Agency for FY2011-12: 6*

Protected Group	Number of Separations	Percentage Separating
Female	3	6.52%
Minorities	2	33.33%
Persons with Disabilities	1	50%

*Does not include non-certification or dismissals of employees, death of employees, layoffs or laid-off employees whose layoff rights expired, limited positions or transfers of employees to another state agency.

Objective:

Better understand and document the reasons behind turnover among employees, including those members of protected groups.

Completion Date: Ongoing

Action Step:

Offer exit interviews to all employees who are leaving the department. Review results and make recommendations for changes as appropriate.

Exit interview process has been developed; no suggestions or recommendations have been submitted to human resources to date. Moving forward, the process of offering and receiving the exit interviews will be conducted by human resources to determine any necessary changes in office policy.

Objective:

Continue to create and maintain a worker-friendly environment for all employees.

Completion Date: Ongoing

Action Steps:

Educate supervisors and managers about their role in creating and maintaining a healthy and humane workplace, and specific supervisory responsibilities in our employee retention efforts.

To have periodic discussions at supervisors' meetings regarding different courses of action to remain educated, such as training, seminars or divisional activities.

Objective:

The Office of the Secretary of State will make layoff determinations consistent with applicable bargaining unit contract/plan language. The Human Resources staff and affirmative action officer will review layoff proposals prior to implementation to determine the effect on agency affirmative action goals and timetables and will consider alternative layoff options. Nothing in this process shall be considered an obstruction to the layoff and recall language in applicable contract/plans negotiated between the State and employee unions/associations.

For the period of 2011, the Office of the Secretary of State had 9 separations of classified full-time employees; two being layoffs. Two of the separations were protected group members.

Completion Date: Ongoing

Action Steps:

Determine impact on protected groups and need for action and make appropriate recommendations.

X. METHODS OF AUDITING, EVALUATING, REPORTING PROGRAM SUCCESS

Pre-Employment Review

The rules governing statewide affirmative action programs require that methods of auditing, evaluating and reporting program success be established for all agencies. This includes a procedure that requires a pre-employment review of all hiring decisions for goal units with unmet affirmative action goals. Therefore, when a vacancy occurs in a goal unit with unmet affirmative action goals, the procedure below will be followed before an employment offer is made.

The Affirmative Action Officer notifies the supervisor that a disparity exists in the goal unit to which the vacancy belongs. The Affirmative Action Officer advised the supervisor of his/her affirmative action responsibility as outlined in the procedure below.

After interviews have been conducted, no job offer can be made to any candidate until approval is received. The supervisor must provide a rationale explaining his/her decision to the Affirmative Action Officer.

The Affirmative Action Officer reviews the rationale and either approves or denies the justification. The Affirmative Action Officer notifies the supervisor of the decision.

If the rational is denied, the Affirmative Action Officer notifies the Secretary (or designee) of that determination and indicates what remedial action is recommended.

The Secretary will determine final action.

Nothing in the above process shall be considered as an obstruction to hiring decisions based on the priority in appointment clauses (e.g., seniority, recall from layoff, etc.).

Pre-Review Procedure of All Layoff Decisions

To ensure that affirmative action goals are considered when layoff decisions are made, the Affirmative Action Officer shall be responsible for reviewing all pending layoffs to determine their effect on agency affirmative action goals and timetables.

Methods of Auditing, Evaluating Program Success

The Affirmative Action Officer will maintain records reflecting hires, turnovers and any complaints regarding such activity.

The Affirmative Action Officer shall evaluate the Affirmative Action plan by:
Reviewing monthly statistics reflecting current complement based on protected class
Reviewing disciplinary actions taken during the past quarter including review of job classification, bargaining unit, racial/ethnic group, sex and disability status.
Reviewing recruitment sources and strategies used and the results used to fill specific vacancies for which there was under representation.
Reviewing formal discrimination complaints filed in the past quarter.

XI. REASONABLE ACCOMMODATION PROVISION

Policy

The Office of the Secretary of State 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 applicants and employees face barriers to employment without the accommodation process. It is the policy of the Office of the Secretary of State to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, accommodations are directly related to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities. Sharon Opsahl is the person responsible for application of this policy.

Definitions

Disability: For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activities.

Reasonable Accommodation:

A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity.

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.

Reasonable accommodation applies to three aspects of employment:

a. To assure equal opportunity in the employment process;
b. To enable a qualified individual with a disability to perform the essential functions of a job; and
c. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure – Current Employees and Employees Seeking Promotion

The Office of the Secretary of State will inform all employees that this accommodation policy can be made available in accessible formats.

The employee shall inform their supervisor or the ADA Coordinator designee of the need for an accommodation.

The ADA Coordinator designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.

When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:

a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
b. Determine the precise job-related limitation.
c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Office of the Secretary of State is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

The ADA Coordinator designee will work with the employee to obtain technical assistance, as needed.

The ADA Coordinator will provide a decision to the employees within a reasonable amount of time.

If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure-Job Applicants

The job applicant shall inform the ADA Coordinator designee of the need for an accommodation. The ADA Coordinator designee will discuss the needed accommodation and possible alternatives with the applicant.

The ADA Coordinator designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations

Funding must be approved by the Office of the Secretary of State for accommodations that do not cause an undue hardship (M.S. 43A.191©).

Definition

Undue Hardship. An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Office of the Secretary of State.

Procedure for Determining Undue Hardship

The employee will meet with the ADA Coordinator designee to discuss the requested accommodation.

The ADA Coordinator designee will review undue hardships by considering:

a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operations; and
b. The impact of the accommodation on the nature or operation of the Office of the Secretary of State.

The ADA Coordinator designee will provide a decision to the employee.

Appeals

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the agency head, within a reasonable period of time, for a final decision.

If the individual believes the decision is based on discriminatory reasons, then they may file a complaint internally through the agency's complaint procedure as outlined in this plan.

Support Work

The Office of the Secretary of State will review vacant positions and assess the current workload and needs of the office, to determine if job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from MMB. The Office of the Secretary of State will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

XII. WEATHER EMERGENCIES

The Commissioner of Minnesota Management and Budget (MMB) has the authority to declare a weather emergency situation (i.e., tornado, snow storm, etc), close the office, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. (Please see Administrative Procedure 5.4, attached as Appendix D.)

When the weather appears to be getting severe, the Commissioner of MMB keeps in close touch with the Emergency Services Division of the Department of Public Safety. On the basis of their information and in consultation with the Commissioner of Public Safety, the Commissioner of MMB makes the determination of whether or not conditions are so hazardous that a weather emergency should be declared.

If severe weather develops during the night, the Commissioner of MMB will make a determination prior to 5:00 a.m.

After a determination is made that offices should close the following is done:

- Media is notified: radio stations WCCO, KSTP, KSJN, and the wire services of AP & UPI.
- The Governor's Office is called.
- MMB notifies the Secretary of State.
- Secretary of State notifies manager/supervisors.
- Managers/Supervisors notify staff
- Supervisors will notify employees who are deaf or hard of hearing and use a TTY to communicate over the phone of the weather emergency by calling them either using a TTY or the Minnesota Relay Service (1-800-627-3529).

XIII. BUILDING EVACUATION

The Office of the Secretary of State has developed building evacuation procedures for use in the event of an emergency to ensure the safe exit of all individuals, both employees of the agency and those visiting the Office.

IN CASE OF FIRE

When the building alarm sounds, follow these procedures for both 100 Constitution Ave. location and 60 Empire Drive location.

- Evacuate immediately via the nearest emergency exit. Do not use elevators. Close all doors that do not shut automatically,
- Pre-designated employees will assist with evacuation and ensure that all individuals in their assigned area have safely evacuated. Individuals with mobility impairments are assisted in moving into the stairwells, or other safe, smoke-free areas of the building as arranged with fire authorities. Individuals with mobility impairments are accompanied by two pre-designated employees during all evacuations. Another designated employee will report the location of individuals inside the building to the Fire Department representative on the scene.
- Individuals who are deaf or hard of hearing and who have not seen the alarm lights are notified of the evacuation by one of the pre-designated employees.

If you see the fire and no alarm has sounded, call Capitol Security immediately at 296-2100. Capitol Security will set off the alarm and will contact the Fire Department.

When it is safe to enter the building, the Safety Officer will issue the "all clear" and normal business may resume.

IN CASE OF SEVERE WEATHER

The Safety Officer will be notified by Capitol Security when the Capitol Complex is placed on a severe weather or tornado watch status. The Safety Officer will monitor the weather condition on a weather radio. If the watch is upgraded to a warning, the Safety Officer and Operations Director will determine the need for relocation of all employees and visitors to safe areas.

When the relocation order is given, the Safety Officer will:

- contact pre-designated employees to assist employees and visitors with mobility impairments in relocating to the assigned safe areas,
- contact pre-designated employees to assist employees and visitors who are deaf or hard of hearing, and
- assist all individuals in moving away from windows and into assigned safe areas,

IN CASE OF BOMB THREATS

In the event of a bomb threat, the Office will be notified by the Safety Officer.

Yellow Alert. This alert will indicate that a bomb threat has been received.

- All employees should take note of and report suspicious packages, envelopes, or items.
- If an item is discovered, DO NOT TOUCH OR MOVE IT. Notify Capitol Security immediately at 296-2100.
- Individuals who are deaf or hard of hearing will be informed of the alert by pre-designated employees or their supervisor.

Blue Alert. This alert will notify building occupants that an unidentified package has been found.

- All individuals in the affected area will be instructed to move to a safe area.
- Individuals who are deaf or hard of hearing will be assisted by a pre-designated employee or their supervisor.
- Individuals who have a mobility impairment will be accompanied by two pre-designated employees and should use the elevators if it is safe to do so.

Red Alert. This alert will notify building occupants that it is unsafe to remain in the building.

- All occupants should evacuate the building until further notice.
- Individuals who are deaf or hard of hearing will be assisted by pre-designated employees or their supervisor.
- Individuals who have a mobility impairment will be accompanied by two pre-designated employees and should use the elevators if it is safe to do so.

All Clear. When it is safe to return to normal operation, the Safety Officer will announce the "all clear".

Note: All employees should continue to be cautious of suspicious items and should contact the Safety Officer at 201-1327, their Supervisor, the Deputy Secretary at 201-1344 or Capitol Security at 296-2100 if concerned.

IN CASE OF MEDICAL EMERGENCIES

Call 296-2100 (Capitol Security) or 9-1-1 and give:

- The exact location of the medical emergency, including the building address, floor and room number or name
- The symptoms of the victim
- Your name
- Any other requested information

Do not hang up the phone until Capitol Security or the 911 operator does. Send someone to meet the paramedics and lead them to the scene.

APPENDIX

A. Complaint of Discrimination or Harassment Form

B. Request for Reasonable Accommodation Form

C. Reasonable Accommodation Agreement

D. Administrative Procedure 5.4 – Time Off in Emergencies

COMPLAINT OF HARASSMENT/DISCRIMINATION

PLEASE READ BEFORE COMPLETION OF FORM

Investigation data is considered confidential data under Minnesota Statutes 13.39, subs. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information but, without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and appropriate personnel.

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip	Telephone
Agency	Division	Manager
Respondent (Person Who Harassed/Discriminated Against You)		
Name	Job Title	
Work Address	City, State, Zip	Telephone
Agency	Division	Manager

The Complaint	
Basis of Complaint (Check all that apply): ____ Race ____ Color ____ Disability ____ Sexual Orientation ____ Sex ____ Creed ____ Marital Status ____ Status with Regard to Public Assistance ____ Age ____ Religion ____ National Origin ____ Membership or Activity in a Local Human Rights Commission ____ General Harassment	
Date most recent act of harassment/ discrimination took place:	If you filed this complaint with another agency, give the name of that agency:

Please describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

Additional Information on Your Complaint and Desired Resolution

Information on Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone

This complaint is being filed based on my honest belief that I have been discriminated against and/or subjected to general or sexual harassment. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Affirmative Action Officer's Signature _____ Date _____

Complainant's Signature _____ Date _____

SECRETARY OF STATE
Employee Request for Reasonable Accommodation

Name	Request Date
Classification	Division

This information will be used by the Affirmative Action Officer or any other person, including the agency's legal counsel, who is authorized by my employer to handle medical information for ADA/MHRA purposes and, any information concerning my physical or mental condition, that are necessary to determine whether I have a disability as defined by the Americans with Disabilities Act and/or the Minnesota Human Rights Act, and to determine whether any reasonable accommodations can be made. The provision of this information is voluntary, however if you refuse to provide it, your employer may refuse to provide reasonable accommodation.

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.

_____

_____

2. How does it affect your ability to perform your job?

_____

_____

3. Type of accommodation you are requesting:

_____ Making facilities readily accessible
_____Job restructuring
_____Part time or modified work schedule
_____Modification to a rule, policy or practice
_____Modification of equipment or devices
_____Qualified reader or interpreter
_____Acquisition of equipment or devices
_____Other (specify):

Please describe in detail the accommodation you are requesting:

4. How will the requested accommodation be effective in allowing you to perform the essential functions of your job?

5. Additional Comments:

Signature of Employee: _____ Date: _____

APPENDIX C

REASONABLE ACCOMMODATION AGREEMENT

Employee: _____ Supervisor: _____

The request for accommodation to the needs of the above named disabled employee was:

_____ ACCEPTED _____ DENIED

Justification (site specific factors considered).

_____

_____

If the accommodation was approved, was the employee's suggestion accepted?

_____ YES _____ NO _____ PARTIALLY

Reason:

_____

_____

Describe the specific accommodations to be made:

_____

_____

Cost Estimate: _____

I have read the employee request for reasonable accommodation. I understand that all tangible accommodations purchased by the Secretary of State are the property of the State of Minnesota.

Employee's: _____ Date: _____

Affirmative Action Officer: _____ Date: _____

Supervisor: _____ Date: _____

MINNESOTA MANAGEMENT AND BUDGET

ADMINISTRATIVE PROCEDURE 5.4

TIME OFF IN EMERGENCIES

Description and Scope

Minnesota Statute § 43A.05, Subdivision 4, permits the Commissioner of Minnesota Management and Budget to excuse employees from duty and to authorize state agencies in the executive branch to pay employees for time off work during natural or man-made emergency situations. This Administrative Procedure specifies that the Commissioner has the authority to declare an emergency situation, close state agencies in the executive branch, and authorize payment to employees who do not report to work or are sent home from work after an emergency has been declared. ***State Agencies retain the authority to close or not close their offices and/or facilities at any time.***

Objective

To provide state agencies with defined criteria to follow during emergency situations in order to enhance the ability of state government to sustain priority services during natural or man-made emergencies.

Definitions

"Full pay" means regularly scheduled straight time pay for the scheduled work day. It does not include shift or equipment differential or overtime.

"Service Continuity Emergency Operating Procedure" is a standard operating procedure developed and implemented by each state agency to continue priority services during any event or emergency that would threaten to disrupt those services.

Responsibilities

State employees, state agencies in the executive branch, and MMB have responsibilities in emergency situations.

A. Employees:

- Should provide and keep up to date their emergency contact information.
- If not required to report to work, employees should take personal responsibility for own health and safety and coordinate with their supervisor to be excused from work during natural or man-made emergencies.

- To listen to local radio and television stations, review MMB's emergency website www.BeReadyMN.com, and/or follow their internal agency procedures prior to start of work shift to determine whether facilities in area have been closed due to natural or man-made emergencies.

B. State Agencies in the Executive Branch:

- Determine the extent of the emergency and identify if other work locations or arrangements can be made to continue priority services.

- Determine if offices/facilities should remain open or be closed as appropriate. The decision as to whether the employee absence is with pay as declared by MMB, or charged to some other approved leave, is secondary to the health and safety of the state agency's employees.

- Special circumstances, such as road closures, may occur where weather essential employees are not able to report to work. These will be treated on a case-by-case basis, and Minnesota Management and Budget may be consulted for the appropriate course of action.

- Develop and maintain a Service Continuity Emergency Operating Procedure which specifies:

1. Essential staffing requirements to be maintained during emergency situations.

2. The name and phone number of the individual(s) who can make closure decisions within the state agency.

3. Steps/procedures to follow in making closure decisions.

4. The name and phone number of the agency contact and back-up person responsible for implementing the plan.

5. Internal operating procedures to be followed during a natural or man-made emergency, including notification of closure for persons with hearing, vision, or other impairments.

    - Keep current emergency contact lists used by agency and MMB in providing notification of emergency declarations.

    - Request exemption from invocation of emergency leave for essential work units or employees.

C. Minnesota Management and Budget:

- Declare the emergency that may adversely impact the health and safety of employees, and to ensure consistency among state agencies in a geographic area.
- Notify state agencies in the applicable geographic location of the declaration of the emergency.
- Authorize state agencies in the emergency area to pay employees for time off work as appropriate.
- Approve recommendations of state agencies as to which offices and/or facilities are to be exempted from the invocation of emergency leave.
- Exempt certain individuals and operations from emergency leave on the basis of essentiality of services rendered or other staffing or work-related considerations (case-by-case basis) on request of state agency.
- Declare an end to the emergency.

D. Closing State Offices and/or Facilities Due To Natural or Man-Made Emergencies:

A natural or man-made emergency may be declared by the state agency and/or MMB.

1. Executive Branch State Agency Declared Emergencies

Provided priority services are adequately staffed, a state agency may close an office and/or facility without consultation with MMB if the state agency determines a natural or man-made emergency may:

a) Adversely impact the health and safety of employees in the office and/or facility; and,

b) Results in unavailability of work until the emergency has passed.

If a state agency does close an office and/or facility due to a natural or man-made emergency, then employees shall cover the absence with annual leave, an adjusted work schedule, compensatory time, or leave without pay.

As soon as is practical, the state agency shall notify MMB of the closure.

a) During normal business hours, the state agency shall contact the State Continuity of Government Planning Director at MMB;

b) After normal business hours and weekends, the state agency must notify the Minnesota Duty Officer of the closure.

The state agency may request approval for emergency leave by submitting documentation supporting the reason for the closure to the State Continuity of Government Planning Director at MMB. If the Commissioner of MMB approves and subsequently declares an emergency, then the absence from work due to the emergency shall be with pay.

2. MMB Declared Emergencies

Provided priority services are adequately staffed, MMB may close the state office(s) and/or facility(ies) in a geographic area if it is determined that a natural or man-made emergency may:

a) Adversely impact the health and safety of employees in the office and/or facility; and,

b) Results in unavailability of work until the emergency has passed.

If an emergency is declared by MMB contemporaneously with, or following declaration of the state agency, then the absence from work due to the emergency shall be with pay.

The following outlines the process MMB shall follow to consider whether to declare an emergency:

a) Consulting with Department of Public Safety, Division of Homeland Security and Emergency Management, and the Minnesota Duty Officer regarding the emergency conditions and impact on health and safety of employees in geographic location;

b) Consulting with state agency regarding availability of appropriate work for employees in geographic location of emergency;

c) Commissioner of MMB declares emergency or determines that emergency doesn't exist;

d) Commissioner of MMB communicates decision to all affected state agencies;

e) Commissioner of MMB authorizes emergency pay if appropriate.

E. Employees At Work When Emergency Declared by MMB:

1. Employees who report to work and are then sent home shall not be paid for more than their regularly scheduled hours. Employees shall not be enriched through additional compensation, including compensatory time, or increased benefits as a result of an emergency situation.

2. Employees who are required by their state agency to remain at work shall not be paid for more than their regularly scheduled hours or the actual number of hours worked.

F. Employees on Leave When Emergency Declared by MMB:

1. Employees on approved sick or pre-arranged vacation leave shall not have such leave time restored to their balances.

2. Employees on any approved leave without pay shall not be paid for any emergency leave time.

3. Employees who call in, on the day of an emergency, for vacation time, or compensatory time will be credited with emergency leave from the point of the declaration of the emergency declared by MMB to the end of the scheduled shift.

G. Amount of Emergency Leave When Emergency Declared by MMB:

1. An employee's absence with pay for emergency situations shall not exceed 16 hours during that emergency unless the Commissioner of MMB authorizes a longer period.

H. Reporting Emergency Leave for MMB Declared Emergencies:

1. Agencies using the positive time reporting system should instruct employees to record this time under "Other Authorized Leave Hours Taken" and record "MSL" to designate the type of leave taken. Also note in the Remarks section "Weather Emergency" or "Emergency Situation" as appropriate.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

M.S. § 43A.05, Subd. 4 - Time Off In Emergencies
Collective Bargaining Agreements