



# **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

## **AFFIRMATIVE ACTION PLAN**

**2010-2012**

THIS MATERIAL IS AVAILABLE IN ALTERNATIVE FORMATS TO INDIVIDUALS WITH DISABILITIES BY CALLING 651-259-5323 (METRO AREA) OR 1-888-MINNDNR/1-888-646-6367 (TOLL FREE).

**TABLE OF CONTENTS**

Commissioners' Statement of Commitment.....3

Affirmative Action Responsibilities and Authorities within the DNR.....4

    Communication of the DNR Affirmative Action Plan.....6

Statement of Policy against Discrimination and Harassment:  
Reporting and Resolution Procedures.....7

Definitions.....12

Hiring Goals and Timetables.....14

Program and Program Objectives.....15

    Methods of Auditing, Evaluating and Reporting Program Success.....16

Weather Emergencies and Evacuations.....18

Americans with Disabilities Act, Including Reasonable Accommodations Policy.....20

Recruitment Plan.....25

Retention Plan.....26

**Appendices:**

Minnesota Department of Employee Relations Administrative Procedure: Harassment Prohibited..... 28

Employee Request for Reasonable Accommodation Form.....30

DNR Organization Chart.....31

## COMMISSIONERS' STATEMENT OF COMMITMENT TO AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY

As Commissioner, Deputy Commissioner and Assistant Commissioners of the Minnesota Department of Natural Resources (DNR), we are firmly committed to the state's policy of both affirmative-action and equal opportunity employment. It is our responsibility to ensure that the DNR provides equal opportunity employment to current and prospective employees without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, membership or activity in a local commission, or disability. This commitment applies to all conditions of employment, including, but not limited to, recruitment, selection, placement, advancement, retention, transfer, demotion, layoff, recall, termination, disciplinary action, compensation and employee development.

Protected groups are defined in Minnesota Statutes, Chapter 43A, as women, minorities and persons with disabilities. Because protected group members in our society have been denied equal opportunity in the past, we strongly support and will actively pursue a policy of affirmative action employment and retention for those classes and goal units with underutilization in the department. We endorse affirmative action as a viable and proper approach to ensuring that DNR's work force reflects the same demographic configuration as the available work force as a whole.

Because equal employment opportunity cannot exist in the presence of discrimination in any form, efforts will be made to provide a work environment free of discrimination and harassment. Accordingly, the department fully supports the non-discriminatory provisions of all state and federal laws, rules and regulations that form the legal framework for affirmative action and equal opportunity.

As an employer, the DNR is responsible for the actions of its employees, and may be held liable for failure to investigate allegations of harassment or failure to take prompt action against an employee who is found to have engaged in any form of harassment of other employees. Consistent with this policy, therefore, no employee of this department will be allowed to engage in any form of harassment of other employees. Any employee who, after investigation, is found to have engaged in any form of harassment of other employees will be subject to disciplinary action. Although the department is responsible for maintaining a working environment free from discrimination and discriminatory harassment, each and every employee plays a part by affirmatively raising the subject, expressing strong disapproval of any actions and adhering to the provisions of the department's Statement of Policy Against Discrimination and Harassment and its Affirmative Action Plan.

We are personally committed to the goals and provisions outlined in this Affirmative Action Plan. The primary responsibility for implementation of this policy falls to each manager and supervisor. We have directed that the position description of each of these individuals list affirmative action as an "A" priority and have informed them that their performance will be closely monitored with regard to this responsibility. As a management team, we are committed to implementing all provisions of this plan.

DNR's Affirmative Action Officer and Americans with Disabilities Act (ADA) Coordinator, Vanessa Bailey, will report to Assistant Commissioner Kramka for resolution of any and all complaints referenced in this plan. We will work together to ensure the implementation of the plan.

Please direct any questions to:

Vanessa Bailey, Affirmative Action Officer, 651-259-5323, [vanessa.bailey@state.mn.us](mailto:vanessa.bailey@state.mn.us);

Larry Kramka, Assistant Commissioner, 651-259-5033, [Larry.Kramka@state.mn.us](mailto:Larry.Kramka@state.mn.us); or

Denise Legato, Director of Human Resources, 651-259-5317, [Denise.Legato@state.mn.us](mailto:Denise.Legato@state.mn.us).

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Mark Holsten, Commissioner

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Laurie Martinson, Deputy Commissioner

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Larry Kramka, Assistant Commissioner

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Bob Meier, Assistant Commissioner

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Date

# **AFFIRMATIVE ACTION RESPONSIBILITIES AND AUTHORITIES WITHIN THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

## **A. COMMISSIONER OF NATURAL RESOURCES**

### **Responsibilities**

The Commissioner is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The Commissioner, through the Commissioner of Minnesota Management & Budget (MMB), will report annually to the Governor and the Legislature, the department's progress in meeting its affirmative action goals and objectives.

### **Duties**

The duties of the Commissioner shall include, but not be limited to, the following:

1. Hire and retain an Affirmative Action Officer and include accountability for affirmative action in his/her position description.
2. Take action, if needed, on complaints of discrimination.
3. Issue a statement affirming the department's commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
4. Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the department.
5. Actively promote equal employment opportunity.
6. Report annually to the Governor and the Legislature through the Commissioner of MMB the department's progress in affirmative action.
7. Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
8. Make the final decision on missed opportunity referrals from the Affirmative Action Officer.

### **Accountability**

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

## **B. AFFIRMATIVE ACTION OFFICER**

### **Responsibilities**

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

### **Duties**

The duties of the Affirmative Action Officer shall include, but not be limited to, the following:

1. Coordinate and monitor day-to-day affirmative action activities.
2. Fulfill all affirmative action reporting requirements.
3. Disseminate the Affirmative Action policy to employees in the department.
4. Act as the affirmative action liaison between the DNR and MMB.
5. Investigate complaints of discrimination or discriminatory harassment and provide findings to the Assistant Commissioner and others, as appropriate.
6. Determine the need for affirmative action training within the department and initiate the development of such training programs with the assistance of DNR Human Resources, Minnesota Management & Budget and outside resources, as necessary.
7. Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action.
8. Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.

9. Develop innovative programs to attract and retain protected group members in the DNR.
10. Review requests for missed opportunities in the DNR hiring process and refer unresolved issues to the Deputy Commissioner or Commissioner for final decision.
11. Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
12. Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.

### **Accountability**

The Affirmative Action Officer is accountable to the Commissioner and Assistant Commissioner for program impacts and to the Director of Human Resources for ongoing program activities and direction.

## **C. HUMAN RESOURCES**

### **Responsibilities**

The Human Resources Office is responsible for responding to all Americans with Disabilities Act (ADA) requests for accommodations, conducting investigations of allegations of discrimination and discriminatory harassment, assisting managers and supervisors in human resources management activities and assisting the Affirmative Action Officer in providing training to prevent discriminatory harassment.

### **Duties**

The duties of Human Resources shall include, but not be limited to, the following:

1. Develop and provide appropriate training at department meetings, unit schools, new employee orientation, as well as special presentations on preventing sexual harassment in the workplace.
2. Assist supervisors, managers and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
3. Recommend training or other appropriate actions to improve awareness and prevention of sexual harassment and other forms of discriminatory behavior.
4. Review, edit and update training materials related to ethics, discrimination or discriminatory harassment.

### **Accountability**

The Director of Human Resources is accountable to the Assistant Commissioner for Operations. Staff within Human Resources who work on affirmative action and diversity issues are accountable to the Director of Human Resources.

## **D. SENIOR MANAGERS**

### **Responsibilities**

DNR senior managers are responsible for implementing all aspects of the DNR Affirmative Action Plan and its commitment to affirmative action and equal opportunity in their division, bureau or region.

### **Duties**

The duties of DNR senior managers shall include, but not be limited to, the following:

1. Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their division, bureau, region and the DNR as a whole.
2. Communicate equal opportunity employment policy and the affirmative action program and plan to all employees assigned to their unit.
3. Assist the Affirmative Action Officer in conducting periodic audits of training programs, hiring and promotion patterns to remove impediments to attaining goals and objectives.

4. Hold regular discussions with supervisors and employees to ascertain that the department's equal employment opportunity policies are being followed.
5. Inform and evaluate unit managers and supervisors on the basis of their equal employment opportunity efforts and results in addition to other job performance criteria.

### **Accountability**

Senior managers are accountable directly to the appropriate Assistant Commissioner, the Deputy Commissioner or the Commissioner.

## **E. MANAGERS AND SUPERVISORS**

### **Responsibilities**

DNR managers and supervisors are responsible for implementing the DNR's affirmative action plan and its commitment to equal opportunity in their organizational unit and for the equal treatment of all employees and applicants for employment.

### **Duties**

The duties of DNR managers and supervisors shall include, but not be limited to, the following:

1. Identify and eliminate barriers that inhibit equal employment opportunity.
2. Communicate the department's affirmative action policy and plan to assigned staff.
3. Include responsibility statements for affirmative action and equal employment opportunity in their position descriptions.
4. Carry out their supervisory responsibilities in accordance with the affirmative action and equal employment opportunity policies embodied in this plan.
5. Maintain a "single standard" principle within the work force so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis.
6. Refer formal or informal complaints related to discrimination or discriminatory harassment to the Director of Human Resources, Assistant Administrator, Affirmative Action Officer or the Investigator in Human Resources.

### **Accountability**

DNR managers and supervisors are accountable to the appropriate manager, Assistant Commissioner, the Deputy Commissioner or the Commissioner.

## **COMMUNICATION OF THE DNR AFFIRMATIVE ACTION PLAN**

The Affirmative Action Officer will ensure that all employees are advised of the department's policy of non-discrimination, the provision of reasonable accommodation and the procedure for filing a complaint of alleged discrimination. The material can be provided in alternative formats such as large print, Braille or on tape.

### **A. METHODS FOR COMMUNICATING THE DNR AFFIRMATIVE ACTION PLAN INTERNALLY**

1. The Affirmative Action Officer will post a copy of the full Affirmative Action Plan on the DNR Intranet site. In addition, the Affirmative Action Officer will notify all managerial, supervisory and non-supervisory employees where the plan is posted, with a message detailing their responsibility to read, understand, support and assist in implementing the plan.
2. Additional copies of the DNR Affirmative Action Plan will be available to employees upon making a request to the Affirmative Action Officer.

### **B. METHODS FOR COMMUNICATING THE DNR AFFIRMATIVE ACTION PLAN EXTERNALLY**

1. The Affirmative Action Officer will post a copy of the full Affirmative Action Plan on the DNR Internet website.
2. In accordance with [Basic DNR Publication Guidelines](#), the department will include the following statement on its publications: "Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available to all individuals regardless of race, color, creed, religion, national origin, sex, marital status, public assistance status, age, sexual orientation, disability or activity on behalf of a local human rights commission. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of the Interior, Washington, D.C. 20240."
3. The department's Internet Home Page will include the statement, "an equal opportunity employer."

## **DNR STATEMENT OF POLICY AGAINST DISCRIMINATION AND HARASSMENT: REPORTING AND RESOLUTION PROCEDURES**

### **A. INTRODUCTION**

The DNR wants to create and maintain an environment where mutual respect and dignity of and by all employees is the expected form of behavior. The policy of the department is that harassment of any form is unacceptable, prohibited in the workplace and will not be tolerated.

This policy does not apply to private behavior outside the workplace except where that behavior affects the workplace or the workplace environment.

Harassment is prohibited by MMB's Administrative Procedure 1.2 (April 7, 1988). Federal and state laws also prohibit some forms of harassment as outlined in this policy.

All DNR employees at all work sites, as well as individuals who provide contract services or volunteer services, or who are at times considered to be employees, are covered by this policy.

The department will take appropriate action, including a variety of forms of disciplinary action, against employees who violate this policy.

### **B. RESPONSIBILITIES**

All department managers and supervisors are responsible for implementing and enforcing this policy. This responsibility includes initiating and supporting programs and practices designed to develop understanding and acceptance of a commitment to, and compliance with, the framework of this policy. All employees must be informed that harassment, retaliation and reprisals are unacceptable behaviors that are not tolerated in the department. Each supervisor is ultimately responsible for educating their staff about the department's policy.

### **C. PROHIBITED CONDUCT**

Behavioral, verbal and physical conduct of co-workers, supervisors or management that is unwelcome, personally offensive, insulting or demeaning, is prohibited when it has the purpose or effect of affecting the work environment and when:

1. Submission to such conduct or communication is explicitly or implicitly made a term or condition of an individual's employment.
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in employment decisions affecting such individual.
3. Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's performance in employment or creating an intimidating, hostile or offensive work environment.

## **D. FORMS OR TYPES OF HARASSMENT**

### **GENERAL HARASSMENT**

1. Exclusion from orientation or teamwork.
2. Repeated disparaging, belittling, demeaning or insulting remarks.
3. Repeatedly making the employee, or a characteristic unique to the employee, the subject of jokes.
4. Repeated ridicule of an employee.
5. Injury, damage or sabotage of an employee's character, reputation, work efforts or property.
6. Unequal assignment of job responsibilities, less responsible or less challenging duties, or duties not based on ability.
7. Unequal application of performance standards, discipline or work rules.

### **DISCRIMINATORY HARASSMENT**

Please note: the following forms of harassment are considered discriminatory and are covered by the Minnesota Human Rights Act, Title VII of the federal Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

#### **1. Age**

- a. Any behavior previously listed in this policy that is based on one's age.
- b. Use of demeaning or derogatory names or remarks about one's age.

#### **2. Race, Color, National Heritage or National Origin**

- a. Any behavior previously listed in this policy that is based on one's race, color, national heritage or national origin.
- b. Telling jokes or making demeaning or derogatory remarks or statements about one's race, color, national heritage or national origin.
- c. Use of language implying inferiority of a race, national heritage or national origin.
- d. Criticism of one's civil or human rights activities.

#### **3. Religion or Creed**

- a. Any behavior previously listed in this policy that is based on one's religion, ideology or belief system.
- b. Use of demeaning or derogatory names or remarks about one's religion, ideology or belief system.

#### **4. Marital Status**

- a. Any behavior previously listed in this policy that is based on one's marital status.
- b. Use of demeaning or derogatory names or remarks about one's marital status.

#### **5. Disability**

- a. Any behavior previously listed in this policy that is based on one's disability.
- b. Use of demeaning or derogatory names or remarks about one's disability.
- c. Disability means any condition or characteristic that renders a person disabled. A person with a disability is any person who (1) has a physical or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Disability includes the status of a person with respect to Human Immunodeficiency Virus (HIV) or with respect to Acquired Immune Deficiency Syndrome (AIDS).

#### **6. Sex**

- a. Any of the previously listed forms of harassment or treatment of a sexual nature that the employee believes is unwelcome or inappropriate.
- b. Unwanted or unwelcome sexual advances, statements, compliments, looks, innuendoes or suggestions about one's sex, clothing, body or sexual activity.
- c. Unwelcome, unwanted and unnecessary physical contact including, but not limited to, touching, brushing against one's body, patting or pinching.
- d. Requesting or demanding sexual favors accompanied by implied or overt threats concerning conditions of employment.

- e. Displaying pictures or objects in work areas depicting nude or scantily clad women or men.
- f. Use of language implying inferiority or inadequacy of an employee based on sex, such as “girl” or “boy,” rather than “woman” or “man.”

**7. Sexual Orientation**

- a. Any of the previously listed forms of harassment or treatment related to one’s sexual orientation.
- b. Unwanted or unwelcome sexual advances, statements, compliments, looks, innuendoes or suggestions about one’s sexual orientation.
- c. Use of demeaning or derogatory names or remarks about one’s sexual orientation.

**8. Status With Regard to Public Assistance**

- a. Any behavior previously listed in this policy that is based on one’s status with regard to public assistance.
- b. Use of demeaning or derogatory names or remarks about one’s status with regard to public assistance.

**9. Membership or Activity in a Local Commission**

Any behavior previously listed in this policy that is based on membership or activity in a local human rights commission.

Retaliation, including inaccurate performance appraisal, denial of transfer, implied or overt actions or threats of actions against the employee who complains of or reports harassment, will not be tolerated and will be dealt with through the disciplinary process if substantiated. Severe forms of harassment will be dealt with through discharge or termination of the offending employee.

The department, or any employee of the department, may not intentionally engage in any reprisal against any person because that person opposed a practice forbidden by the Minnesota Human Rights Act, or because that person has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing. A reprisal also includes, but is not limited to, any form of intimidation, retaliation or harassment. A reprisal includes refusal to hire an individual; departing from any customary employment practice; transferring or assigning the individual to a lesser position in terms of wages, hours, job classification, job security or other employment status; or informing another employer that the individual has opposed a practice forbidden by the Minnesota Human Rights Act or has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing.

**E. REPORTING AND RESOLUTION PROCEDURE**

This procedure is intended to assist the department and all employees in taking appropriate action in response to allegations of general or discriminatory harassment.

**1. Who May Report or Provide Information**

All DNR employees at all work sites, applicants and eligible employees, and individuals who provide contract services or volunteer services, or who are at times considered to be employees, are encouraged to report or provide information if they believe they have been subjected to harassment. All reports or information provided will be treated seriously and will be responded to in a timely and appropriate manner.

**2. How to Report**

DNR employees, applicants or eligible employees are encouraged to report or provide information in writing, but there is no requirement to submit a report or provide information in writing, or to use a particular format. A [complaint of harassment discrimination form](#) is available for use if desired.

The report or information provided may be submitted to any DNR supervisor, the Director of Human Resources or Assistant Administrator, the Affirmative Action Officer or a Senior Investigator in Human Resources. If the situation concerns the immediate supervisor, the report or information provided may be submitted to the supervisor in the next level of supervision. If the situation concerns the Director or Assistant Director of Human Resources, the Affirmative Action Officer or a Senior Investigator, the report or information provided may be submitted to the

Assistant Commissioner of Operations. Requirements or procedures identified in collective bargaining agreements will be addressed as part of the investigations, findings and decision-making process.

### **3. Investigation Process and Other Forms of Complaint Resolution**

The Affirmative Action Officer will be primarily responsible for receiving and investigating or otherwise resolving department reports or information received.

- a. The recipient of the report or information will notify the Director of Human Resources that a report or information has been received; this notice constitutes notification to the employer.
- b. The Director of Human Resources, in consultation with the Labor Relations Director, Investigator or the Affirmative Action Officer, will determine the need for and scope of a fact-finding investigation. Determination will be made within five (5) working days of the complaint.
- c. Investigations will be conducted with respect for independence and confidentiality to the extent practicable. Only those persons determined to have an absolute business need to know will be informed of an ongoing investigation.
- d. After conducting a basic fact-finding and determining that a full investigation is not likely to be the best course of action, the Affirmative Action Officer may address and resolve a complaint through negotiation, mediation, and/or facilitation processes to reach satisfactory outcomes for all parties.

### **4. Report of Findings Process**

When the fact-finding investigation or other form of resolution is complete, a written report of findings and recommendations will be submitted to the Director of Human Resources who will review the findings with appropriate persons including, but not limited to, the Affirmative Action Officer, the Deputy Commissioner and/or the Assistant Commissioner, the Labor Relations Director and/or the appropriate senior manager or designee.

### **5. Decision Process**

After the report of findings is reviewed by the Director of Human Resources and Affirmative Action Officer, along with the Labor Relations Director and appropriate senior manager or designee, a decision on remedial, corrective or disciplinary action, if applicable, will be made as provided for by this policy, by collective bargaining agreements, and by other employment policies, procedures or guidelines.

## **F. MAINTAINING RECORDS**

The records of all reports or information provided will be maintained according to the Minnesota Government Data Practices Act. The reports and information provided will be disseminated only if, and as permitted by, the Minnesota Government Data Practices Act.

## **G. ADDITIONAL INFORMATION**

Every effort will be made to complete an investigation and provide a final written answer within sixty (60) days after a formal complaint is filed, or within time lines established by collective bargaining agreements. The complainant will be notified should extenuating circumstances prevent completion of the investigation within established time lines.

Disposition of internal complaints will be filed with the Commissioner of MMB within thirty days of the final determination of complaints. Information provided to MMB will include general details of the complaint and how the complaint was resolved.

This policy and procedure does not affect or alter the rights of any employee to file a formal charge or complaint with the federal Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights, or an appropriate court, subject to applicable and individual time requirements.

Questions regarding this policy should be directed to the Director of Human Resources (651-259-5317) or the Affirmative Action Officer (651-259-5323). A copy of the Minnesota Management & Budget

Administrative Procedure on prohibited harassment is found as an appendix to the DNR Affirmative Action Plan.

**Effective Date:** **June 1993**

**Updated:** **July 2010**

## DEFINITIONS

In order to understand the Affirmative Action Plan and its goals, it is useful to understand the definitions below.

**AFFIRMATIVE ACTION:** A management program designed to ensure equal employment opportunity by identifying and removing barriers throughout all components of a personnel system with specific emphasis placed on improving initial employment and advancement opportunities for women, minorities and people with disabilities.

**AFFIRMATIVE ACTION PLAN:** The written document that describes an employer's or unit manager's program for achieving equal employment opportunity and eliminating underutilization of protected group members.

**AFFIRMATIVE ACTION POLICY:** A written statement of commitment to equal employment opportunity and affirmative action.

**AFFIRMATIVE ACTION PROGRAM:** Action steps taken by management to achieve the goals as specified in the department's Affirmative Action Plan.

**BARRIER:** Any factor, intentional or unintentional, be it policy, practice, action, omission, examination, physical facilities or negative attitudes, which results in unequal treatment of protected groups and/or which has an adverse effect on the employment or advancement opportunities for such groups.

**COMPLAINANT:** The person who files a complaint of discrimination.

**DAY:** A working day, typically falling Monday through Friday.

**DISABILITY:** Any condition or characteristic that renders a person disabled. A person with a disability is any person who (1) has a physical or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Disability includes the status of a person with respect to Human Immunodeficiency Virus (HIV) or with respect to Acquired Immune Deficiency Syndrome (AIDS).

**DISCRIMINATION:** Unequal treatment, intentional or unintentional, based on protected characteristics.

**EMPLOYEE:** Any person employed by a department using this Affirmative Action Plan. This term shall include, but not be limited to, all classified and unclassified employees, regardless of whether they are seasonal, temporary, part-time, pre-service trainees, probationary, provisional, unlimited, student workers, or intermittent employees.

**EQUAL EMPLOYMENT OPPORTUNITY:** The policy of basing all personnel activities solely on individual merit of applicants and employees, related to the specific job requirements, and without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, membership or activity in a local commission, or disability.

**GOAL UNITS:** Categories of employment in an organization for which protected group participation will be measured, and for which goals will be set if underutilization exists.

**GOALS:** Good faith, quantitative objectives set by an agency head as the minimum requirement to be met within a certain time period.

**GOALS (IDEAL):** Objectives set for each protected group and expressed as a percentage of the total number of employees in a goal unit for each department and state government as a whole. These goals are usually derived from statistical analyses of census data and labor force characteristics.

**GOALS (PLAN):** The number of protected group employees the agency hopes to hire in each goal unit for which there is an underutilization. These are set for each protected group by each agency on a biennial basis. Annual goals are usually selected on the basis of the agency's anticipated vacancies in

each goal unit and the likelihood that the agency will be able to recruit qualified protected group members to compete for those vacancies.

**HARASSMENT:** Any reported behavior or combination of behaviors by one or more employees towards another employee or group of employees based on age, race, color, national heritage, national origin, religion, creed, marital status, disability, sex, sexual orientation, status with regard to public assistance, or membership or activity in a local commission, which the affected employee considers to be annoying, insulting, intimidating, which causes discomfort and/or which has a detrimental effect on such employee's work performance.

**LABOR AREA:** The geographical area from which the DNR or subdivision can reasonably expect to attract applicants.

**MINORITIES:** As defined in Minnesota Statutes 43A.02, subd. 33, for affirmative action purposes, minorities are people who are Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native.

**ORGANIZATIONAL UNIT:** Any division, bureau, region, or entity considered to be a subdivision of the department with reporting responsibility.

**PARITY:** A condition where the work force is representative of all population groups in each job category, in proportion to their occurrence in the labor area work force.

**POLICIES AND PROCEDURES:** The detailed means and methods by which the Affirmative Action Plan is implemented.

**PROTECTED CHARACTERISTICS:** Any feature, aspect, condition, opinion, or the like which has no relation to one's ability to perform a particular job, such as race, color, creed, sex, age, marital status, national origin, specific disability, reliance on public assistance, religious or political opinions, or affiliations.

**PROTECTED CLASS/PROTECTED GROUP:** Those individuals identifiable as women, minorities, or people with disabilities.

**REASONABLE ACCOMMODATIONS:** Architectural, equipment and other changes an employer makes to enable disabled persons to perform the jobs for which they are otherwise qualified.

**RESPONDENT:** A person or an entity against which a discrimination complaint has been filed.

**TIMETABLES:** Target date for reaching identified goals in any goal unit for which there is underutilization.

**UNDERUTILIZATION/DISPARITY:** The employment of fewer qualified women, minorities or people with disabilities in the agency's work force than could reasonably be expected based on their availability in the labor area.

**UNIT HEAD:** The director of a division or region, or the administrator of a bureau.

**DNR STATEWIDE HIRING GOALS AND TIMETABLES: 2010 - 2012**

EEO Job Group	WOMEN		MINORITIES		People With A Disability		Timetable
	Number Underutilized	Goal	Number Underutilized	Goal	Number Underutilized	Goal	
Officials and administrators	16	1	3	1	3	1	2010-2012
Professionals	335	30	69	10	108	11	2010-2012
Technicians	120	2	12	1	20	1	2010-2012
Protective service	21	1	10	1	20	1	2010-2012
Office/clericals (includes paraprofessionals)	0	0	17	12	29	3	2010-2012
Skilled craft	1	1	0	0	2	1	2010-2012
Service maintenance	80	40	57	8	47	5	2010-2012

The DNR's 2010-2012 hiring goals have been set to reflect the agency's statewide hiring projections based on FY2010 hiring and external workforce availability as indicated by 2000 Census data. In FY2010, the DNR hired 3 Officials and Administrators, 80 Professionals, 17 Technicians, 7 protective service, 276 Office/Clerical (includes Paraprofessionals), 1 Skilled Craft, and 348 Service Maintenance staff. The agency anticipates that hiring in the next two years will be limited to filling critical positions as they are vacated through turnover. As openings occur, however, a good faith effort will be made to accomplish these hiring goals.

## **PROGRAM AND PROGRAM OBJECTIVES**

### **A. PROGRAM**

The Minnesota Department of Natural Resources Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meets requirements found in Minnesota Statutes, Chapter 43A.191, Subdivision 2 for agency affirmative action plans.

The DNR's Affirmative Action Program includes, but is not limited to:

- Determine and establish the best method of tracking recruitment efforts across the agency
- Assess and improve upon existing recruitment strategies to include increased contact and improved relationships with community-based organizations
- Research best practices for recruitment and retention internal and external to the agency to determine which methods to utilize, eliminate, and/or expand upon
- Work with senior managers to ensure that all DNR employees are aware of the affirmative action plan and their responsibilities under the plan
- Provide all employees with information about the complaint and investigation procedures
- Create and support DNR internship and student worker opportunities to encourage students to pursue natural resource careers and to provide work opportunities for diverse students
- Develop and distribute a self-identification survey on minority and disability status to employees to ensure that agency's data is as accurate as possible
- Require all employees to complete online Sexual Harassment Prevention training(s)
- Provide senior management with quarterly reports of affirmative hiring efforts and successes to increase visibility of and accountability for the agency's affirmative action efforts
- Research the most appropriate structure and purpose of an agency-wide affirmative action/diversity committee that will assist in carrying out the agency's affirmative action plan and make recommendations for improvement
- Work with Organization Training and Development staff to ensure that affirmative action/diversity is incorporated into training(s) offered to employees
- Offer and/or inform employees of training opportunities that address respectful communication, cultural awareness, and effective ways of communication with limited-English speaking customers

### **B. PROGRAM OBJECTIVES**

1. To enhance the recruitment, selection, development and retention of a highly qualified, diverse DNR workforce that is prepared to carry out the mission of the DNR.
2. To provide guidelines for the ethical, fair and respectful treatment of all persons involved in employment situations with the department.
3. To ensure that processes are in place to prohibit discrimination against employees or applicants for employment so that "no employee or applicant for employment will be discriminated against because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, age, sexual orientation, membership or activity in a local commission, or disability."
4. To ensure that individuals with disabilities have access to a process by which they can request information, accommodation, and/or alternative access.

## **METHODS FOR AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS**

### **A. PRE-EMPLOYMENT REVIEW FOR MANAGERS AND SUPERVISORS**

These elements indicate a selection process that is not discriminatory:

- Written job description clearly articulates the essential elements of the job
- Valid, job-related criteria are as objective and measurable as possible
- Wide recruitment reaches qualified and diverse applicants
- All applicants for a position are evaluated by the same criteria
- Interview questions are clearly job related
- Prohibited pre-employment inquiries are not made
- Documentation supporting all selection or rejection decisions is established and maintained

-OFFICE OF COMPLIANCE AT THE UNIVERSITY OF KANSAS MEDICAL CENTER

To ensure hiring and retention procedures that support the department's commitment to hire affirmatively in a work environment void of discrimination:

Human Resources and the Affirmative Action Officer will provide information about Affirmative Action goals and how to apply them.

When a viable candidate pool (list) of candidates exists for a position, managers or supervisors shall invite qualified protected group persons to participate in the selection process (e.g., interview, phone screening, demonstration test, etc.) along with other qualified candidates.

Although managers or supervisors are required to consider affirmative action goals and protected class status when conducting a selection process, bargaining unit requirements (e.g., seniority, recall from layoff, internal transfer, etc.) take precedence over any Affirmative Action procedures.

The Affirmative Action Officer must be contacted by the appropriate Senior Manager or designee before a job offer is made to any candidate if a member of a protected class is qualified and available, and it is anticipated that a member of a protected class will not to be selected to fill a vacancy in an EEO category where a disparity exists.

When a protected class applicant is not selected, the reason for the non-selection must be explained in writing. The Affirmative Action Officer will review the reasons for the non-selection. Until that review is completed, no offer of employment can be made to any candidate. If it is concluded that the reasons for the non-selection are not satisfactory and the Affirmative Action Officer is unable to resolve the matter with the CMT member or designee, the Affirmative Action Officer will then arrange for an appointment for the manager to meet with the Commissioner or designee to explain the reasons for the selection. The decision of the Commissioner or designee is final.

### **B. LAYOFF PRE-REVIEW**

The Affirmative Action Officer will participate in any discussions regarding permanent layoffs of one or more employees. This includes meetings with units and Human Resources as well as meetings that involve one or more collective bargaining representatives. Every effort will be made to reduce the number of protected group layoffs wherever possible to ensure affirmative action efforts are not diminished and to minimize any adverse impact on protected group employees.

### **C. RECORD KEEPING/AUDITING/EVALUATION**

The Affirmative Action Officer or the appropriate designee will maintain records and evaluate the agency's progress in recruiting, hiring and retaining a diverse workforce in the following ways:

- Review statistics reflecting current complement based on protected classes.
- Keep a record of all missed opportunities and affirmative hires and provide MMB with a quarterly report of all missed opportunities.
- Review with the Director of Human Resources hiring and separation patterns and provide the Assistant Commissioner with periodic updates.
- Issue quarterly reports on hiring and separation rates to agency leaders.
- Randomly review employment selection and interview methods to ensure that selection criteria are objective and job related.
- Review recruitment sources and strategies used and analyze the effectiveness in filling specific vacancies for which there was under-representation.
- Review training provided to employees and analyze for upward-mobility impact, including job assignment, job progression, promotion, and transfer by job classification, bargaining unit, racial/ethnic group, sex, and disability.

## **WEATHER EMERGENCIES AND EVACUATIONS**

Weather emergencies are extreme situations where it is unsafe for most employees to travel to or from home. These include tornadoes or high winds, thunderstorms, snowstorms, and blizzards. Recognizing that individual situations may make it impossible for some employees to get to work when an emergency has not been declared, supervisors are allowed to have employees make up lost time, use compensatory time, or use annual leave for the hours not worked.

In Greater Minnesota, Regional Directors are to contact Human Resources when weather conditions are such that they believe a weather emergency should be declared. Human Resources will then contact Minnesota Management & Budget to seek approval for a weather emergency declaration. If Minnesota Management & Budget concurs, the Human Resources will notify the Regional Director, who in turn will ensure that all work locations requested in the emergency declaration are notified they are to leave work immediately.

In the event that Minnesota Management & Budget has not declared a weather emergency and the Regional Director believes the weather conditions are such that employees should not be at work, the Regional Director has the authority to release employees from work or tell them not to come to work. Such release does not carry with it the authority for weather emergency leave. Employees in this situation may use annual leave or compensatory time for the work time missed, or may make up the work time in the near future if Minnesota Management & Budget does not subsequently approve weather emergency leave.

Supervisors of deaf or hard of hearing employees should ensure they have a procedure in place for those individuals to learn about a weather emergency. This includes use of a TTY machine if the employee has one, or through other means that are acceptable to the supervisor and the employee(s).

### **TORNADOES OR HIGH WINDS**

The National Weather Service is responsible for issuing tornado warnings. When the warning is issued, that means a tornado has actually been sighted in the area, or is indicated by radar. If a DNR facility is included in the affected areas, the Worksite Security Coordinator or designee will announce the warning to the employees and other occupants of the facility, then proceed with the following plan. Supervisors of deaf or hard of hearing employees will ensure they have a procedure in place for those individuals to learn about a tornado emergency and subsequent status reports (as noted above).

Employees should proceed to their designated safe areas (established by floor or other location within the facility) away from windows, generally in the center of a building.

Area Monitors and Floor Wardens will assist any physically disabled employees to safe areas or, if necessary, with evacuation.

After the danger has passed, an emergency status announcement will be made to the employees. If there is damage to the building, employees will be instructed to evacuate or be given other instructions.

### **SEVERE WEATHER**

The National Weather Service is responsible for issuing weather warnings to the public. If a DNR facility is included in the affected areas, the Commissioner should be notified by the Commissioner of Minnesota Management & Budget to determine if an emergency should be declared.

If an emergency is declared, the Worksite Security Coordinator responsible for the facility will activate an alarm and announce the nature of the weather emergency to the occupants of the facility. Supervisors of deaf or hard of hearing employees will have a procedure in place for notifying them of the weather emergency and subsequent status reports (as noted above). Then one of the following plans will be initiated:

1. Thunderstorms:

Occupants of the facility will be alerted of severe thunderstorm activity in the area. **If it is necessary for employees to move to their designated safe area, Area Monitors and Floor Wardens will assist any physically disabled employees.**

2. Snowstorms (Blizzards):

Occupants of the facility will be alerted about the blizzard. The Commissioner will be notified about the conditions of the blizzard to determine if services will be closed down to permit employees to evacuate to their homes if necessary. **Area Monitors and Floor Wardens will assist any physically disabled employees in evacuating the facility.**

Employees and other persons in the facility will be advised to use extreme care in traveling from the building to their homes. If a storm strikes after working hours, and the facility will be closed the next day, local radio and television stations will be used to notify employees and the public. **Supervisors of deaf or hard of hearing employees will ensure they have a procedure in place for those individuals to learn about a snowstorm emergency (as noted above).**

## **The Americans with Disabilities Act, Including Reasonable Accommodation Policy**

The Department of Natural Resources is committed to compliance with the Americans with Disabilities Act (ADA), and has incorporated this section into the agency Affirmative Action Plan to provide a context and process within which requests for information, accommodation, and/or alternative access can be made.

### **A. WHAT THE AMERICANS WITH DISABILITIES ACT IS ALL ABOUT**

The Americans with Disabilities Act (ADA) is the “bill of rights” for individuals with disabilities. It is the most comprehensive federal civil rights law passed since the Civil Rights Act of 1964. The ADA establishes law and enforcement provisions, and outlines rights and responsibilities for applicants, employees and employers related to the over 50 million people in the United States with disabilities.

#### **AS STATED IN THE LAW, THE PURPOSE OF THE ADA IS TO:**

1. Provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,
2. Provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities,
3. Ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities, and
4. Invoke congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced by persons with disabilities.

### **B. HOW THE ADA AFFECTS EMPLOYMENT**

**Title I of the ADA prohibits discrimination against an otherwise qualified individual with a disability with regard to:**

1. Recruiting, advertising, and job application procedures,
2. Hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring,
3. Rates of pay or any other forms of compensation and changes in compensation,
4. Job assignment, job classification, organizational structures, position description, job or salary progression, and seniority lists,
5. Leaves of absence, sick leave or any other leave,
6. Fringe benefits, whether or not administered by the employer,
7. Selection and financial support for training including apprenticeships, professional meetings, conferences, related activities and leaves to pursue training,
8. Activities sponsored by the employer including social and recreational programs and,
9. Any other terms, conditions or privileges of employment.

## **Qualified individual with a disability**

An individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment.

To be protected under the provisions of Title I of the ADA, an individual with a disability must be "qualified". An individual with a disability is qualified if he or she possesses the requisite skill, experience, education and other job-related requirements of the job and can perform essential functions of the job with or without reasonable accommodation.

## **C. HOW ADA AFFECTS PUBLIC SERVICES**

Title II of the Americans with Disabilities Act (ADA) provides that no qualified individual with a disability shall, by reason of that disability, be excluded from participating in or be denied the benefits of the services, programs or activities provided by a public entity, or otherwise be subject to discrimination by such entity (42 U.S.C. SEC. 12132; 28 C.F.R. SEC. 35.130). "Services, programs or activities" include just about everything a state agency or other public entity does. It includes all public contacts, whether by telephone, office walk-in, interview or appointment or by use of the public entity's facilities. It also includes all programs and activities directly administered by state agencies for program beneficiaries and participants (28 C.F.R. SEC. 35.102; APEX. TO 28 C.F.R. SEC. 35.102).

### **In order to comply with Title II's general requirements, state agencies:**

1. Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 C.F.R. SEC. 35.150).
2. May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (28 C.F.R. SEC. 35.130 (A)).
3. Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. SEC. 35.130(B) (7)).
4. May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 C.F.R. SEC. 35.130(B)(IV) & (D)).
5. Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. SEC. 35.160(A)).

## **D. REASONABLE ACCOMMODATION POLICY**

Reasonable accommodations are efforts made by an employer to remove barriers that prevent or limit the employment of qualified persons with disabilities. Reasonable accommodation may involve providing an accommodation for the interview process or adapting the work setting to enable a person with a disability to perform the job on an equal basis in the most cost effective manner and in the most integrated setting possible. Providing the qualified worker with an opportunity to perform required tasks is the prime consideration in determining the type of reasonable accommodation provided. However, the ADA does not require the Department of Natural Resources to alter essential job functions, change the basic nature of any job, or create positions that do not exist, in the name of, or with the objective of, providing a reasonable accommodation.

This Reasonable Accommodation Policy may be modified from time to time to reflect changing needs and governing laws. This policy applies to job applicants and employees, including those employees seeking promotion.

The Employee Request for Reasonable Accommodations Form is found in the Appendix, and may be accessed online at [HTTP://WWW.MMB.STATE.MN.US/DOC/ADA/REAS-ACCOM.PDF](http://www.mmb.state.mn.us/doc/ada/reas-accom.pdf).

## **To Request a Reasonable Accommodation - Employees**

In order to avoid delays, procedures for processing requests for reasonable accommodations should reflect the least number of approval steps necessary. Any decision not to pursue a reasonable accommodation request must qualify as an undue hardship, and shall be submitted in writing to the Accessibility Coordinator, Jason H. Peterson, in Management Resources (Section 504 and Title II, ADA), and the ADA Coordinator, Vanessa Bailey (Title I, ADA) Human Resources.

### **The steps in requesting reasonable accommodation are:**

1. The supervisor and the employee requesting the accommodation will consult to determine the need for accommodation and to discuss alternatives such as job restructuring, job site modification, or use of assistive devices.
2. The supervisor or employee will submit an **EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION FORM** to the ADA Coordinator no later than three working days after the employee makes the request. The request will include the nature of the limitation, how it affects a major life activity, how it affects ability to perform the job, type of accommodation requested, accommodation requested, and how the requested accommodation would be effective in allowing performance of the essential functions of the job.
3. The ADA Coordinator and the supervisor will consult with the employee, along with any of the following individuals: Labor Relations Director, Safety Administrator, union representative or subject matter expert to:
  - a. Discuss the purpose and essential functions of the job.
  - b. Determine the precise job-related limitation.
  - c. Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job.
  - d. Select the accommodation that is most appropriate for both the individual and the employer. While the individual's preference will be considered, the DNR is free to choose among equally effective accommodations and may select the one that is least expensive or easiest to provide.
4. The ADA Coordinator will notify the employee and supervisor within three working days after the agency makes the determination, detailing the approved accommodation or explaining the reason(s) for denying the request.
5. The ADA Coordinator, together with the Accessibility Coordinator (if necessary), will assure that appropriate equipment, furniture, or other accessible devices are purchased if required for the reasonable accommodation.
6. If an accommodation cannot overcome the existing barriers or if the accommodation would cause undue hardship on the operation of the employer, the ADA Coordinator or designee shall work together to determine whether reassignment may be an appropriate accommodation.

## **TO REQUEST A REASONABLE ACCOMMODATION - JOB CANDIDATES AND EMPLOYEES WITH DISABILITIES**

All initial communication between a job candidate and a supervisor regarding job vacancies shall indicate the willingness of the department to make reasonable accommodation during the selection process to known physical or mental disabilities, and shall invite the candidate to contact the agency for the needed accommodation before the job interview. The supervisor contacted for the accommodation request will immediately contact the ADA Coordinator or the Accessibility

Coordinator and inform them of the request and issues. In order to ensure that an accommodation can be provided, requests should be communicated immediately after receipt.

The ADA Coordinator will contact the job applicant to discuss the needed selection process accommodation and possible alternatives, select and implement the accommodation that is most appropriate for both the individual and the employer.

While an individual's preference will be given consideration, the DNR is free to choose an accommodation that meets the needs of the applicant and is the most efficient and effective method to provide the requested selection process accommodation. If the agreed upon accommodation requested costs no more than \$100.00, the ADA Coordinator or the Accessibility Coordinator will approve the accommodation.

If the accommodation costs more than \$100.00, the ADA Coordinator or the Accessibility Coordinator will request approval of the accommodation from the Appointing Authority.

If the selection process accommodation is approved, the ADA Coordinator and/or the Accessibility Coordinator will take the necessary steps to see that the accommodation is provided.

## **METHODS OF PROVIDING REASONABLE ACCOMMODATION**

The following are examples of reasonable accommodations to qualified individuals with disabilities. (NOTE: These are only examples - other forms of reasonable accommodation may also be provided.)

1. Modification of equipment or accessible devices: The provision of equipment may include special telephone equipment, "talking" calculators and/or computers, specifically designed desk and files, TTY communications equipment and other types of equipment to facilitate the performance of job duties. These items may include off the shelf devices as well as highly specialized, customized and/or prescription items.
2. Job site modification (Accessibility Coordinator): The accessibility to existing facilities may be required in order for individuals with disabilities to work in them or access programs or services provided by the DNR.

Modification may include: adjusting equipment height including desks, chairs, etc., adding electrical outlets, rearranging furniture and equipment, widening doorways, reallocating the job site to an accessible area, providing special parking facilities, modifying ventilation, heating, cooling, and lighting systems, and other types of similar modifications. The Department of Natural Resources will negotiate any changes through Management Resources and the Department of Administration to determine costs and allocate resources.

3. Job restructuring and schedule modification: The restructuring of any job may include modifying work hours and/or changing job duties while retaining the basic job functions. Flexible work hours may permit disabled employees to meet such needs as medical appointments and medical dietary requirements. Consult the ADA Coordinator before finalizing any proposals in this area.
4. Support services: Support services such as interpreters for deaf or hard of hearing individuals, readers for blind, special attendants, etc. must be provided when it is clearly demonstrated that these services are required for the performance of the essential functions of the job by an employee with a disability.

Support services may also be needed for job candidates during the interview process. The DNR may directly or through contract, work with an outside agency to provide the training necessary to allow staff members to provide support services when such training and the provisions of such support services are administratively feasible.

## **E. UNDUE HARDSHIP STATEMENT**

In determining whether or not providing a reasonable accommodation would impose an "undue hardship" to the operation of an agency program or service, under the ADA the following factors should be considered:

1. The overall size of the recipient's program (i.e., number and type of facilities, size of budget);
2. The type of the recipient's operation including the composition and structure of the recipient's work force;
3. The nature and cost of the accommodation needed;
4. The reasonable ability to finance the accommodation at each site of business; and
5. Documented good faith efforts to explore less restrictive or less expensive alternatives including consultation with the disabled person or with knowledgeable disabled persons or organizations.

## **F. FUNDING FOR REASONABLE ACCOMMODATIONS**

The DNR will make funds available annually in order to provide reasonable accommodations to employees with disabilities or candidates with disabilities. The amount available will be determined only when an **EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION** has been submitted to and approved by the Agency Accessibility Coordinator. The Commissioner or designee will review and approve all expenditures over \$1,500.

The DNR is free to choose the specific accommodations provided to qualified persons with disabilities. The person requesting reasonable accommodations may suggest an appropriate accommodation. The department may provide another accommodation equal or superior to the one proposed in practicality, usefulness, or cost-effectiveness. All tangible accommodations purchased by the department will be the property of the State of Minnesota. The maintenance of equipment will be the responsibility of each division, and projected maintenance costs will be a factor in the decision to provide accommodation (i.e., maintenance of TTY, repair of special office equipment, etc.).

## **G. DENIAL OF REASONABLE ACCOMMODATIONS**

All denials of requests for reasonable accommodation will be documented and kept on file by the ADA Coordinator. A copy of the document denying the request for reasonable accommodation will be given to the supervisor. The ADA Coordinator will notify the candidate or employee of the denial and advise the applicant or employee of his or her right to appeal.

## **H. APPEALS**

Employees or applicants who are dissatisfied with the decision pertaining to their accommodation request may file an appeal with the Commissioner, within a reasonable period of time, for a final decision.

Individuals who believe the decision pertaining to their accommodation request is based on discriminatory reasons may file a complaint internally through the DNR's complaint procedure as outlined in this plan's reporting and resolution procedure.

## RECRUITMENT PLAN

In order to increase the diversity of its workforce, the Minnesota Department of Natural Resources strongly supports and actively pursues a policy of recruiting and retaining qualified individuals who are members of protected groups.

The Department uses a variety of recruitment strategies for jobs at its locations across the state. In addition to the State of Minnesota Employment Website, and its own site, the DNR posts its vacancies at the sites of Minnesotaworks.net, professional organizations, local diversity links such the Hmong American Partnership and national sites such as the Natural Resource Conservation Service site, which links to minority and natural resources conservation sites. Placement specialists and rehabilitation counselors at DEED are consulted as recruiting resources. Vacancies are posted in local community newspapers and diversity- focused newspapers such as the Minnesota Women's Press and the Native American Press/Ojibwe News. Some positions are posted via Graystone Advertising Group, which utilizes a media database with information on over 4,000 recruitment resources, including more than 1,000 Internet sites.

In the past year:

- DNR staff attended the University of Minnesota St. Paul Campus Environmental Internship and Career Fair, MNSU Job Fair, MN Private Colleges Job and Internship Fair, and Ridgewater College Job Fair.

Staff spoke at career events with the Minnesota Conservation Corps, Harambee Elementary School, Hmong Annual Resource Fair, and the School of Environmental Studies.

- The department's recruitment DVD, Discover DNR!, which was previously distributed to schools across the state and is available on YouTube, was played at a variety of career fairs and was used as part of DNR career information presentations.
- From July 2009 through December 2009 DNR Conservation Officers spoke at more than 450 events, including career fairs.

DNR offers programs such as these to reach out to various communities in Minnesota: Southeast Asian Program, Open the Outdoors, Becoming an Outdoor Woman, MinnAqua, Fishing in the Neighborhood (FIN), Archery in the Schools, and hunting opportunities for people with disabilities with the help of the Capable Partners organization.

Recruiting expenses vary from \$0 to \$350 per posting.

The recruitment plan is submitted online.

## RETENTION PLAN

The Minnesota Department of Natural Resources will strive to retain all talented employees, with emphasis on retaining under-represented individuals. The responsibility for these retention efforts lies with the senior managers, all supervisors and managers, the Affirmative Action Officer, and Human Resources staff.

### A. RETENTION PROCESS

1. Identify and implement programs that increase awareness of the value of retaining employees.
2. Offer development opportunities to all employees that allow them to increase their knowledge, skills and potential for advancement.
3. Provide equal access to promotional opportunities.
4. Explore mentorships, coaching, and other development opportunities that promote healthy work environments. Examples include:
  - Flexible schedules
  - Telecommuting
  - Employee network groups
  - Internal and external mobility opportunities
  - Specialized training programs
5. Analyze and report on patterns of employee separations to determine the impact on protected group members.

### B. RETENTION REPORT

The Department's retention strategies focus on the integration of retention systems into human resources practices and department recognition programs. The following efforts of the department help provide a safe, welcoming, and supportive work environment for our employees:

#### 1. **DNR Managerial Performance Evaluations and Achievement Awards**

No manager is eligible to receive an achievement award if they have been found responsible for discrimination, harassment, or other inappropriate workplace behavior during the preceding year. All managers are evaluated on their contributions towards affirmative action and diversity annually as part of the department's managerial performance evaluation process.

#### 2. **Early Conflict Intervention**

Employers who quickly respond to employee disputes are less likely to lose valuable employees. The department strongly believes in early detection and intervention of employee conflicts (including those between supervisors and employees as well as between two or more employees). While some disputes require a full investigation, other employee conflicts are best resolved in other ways. The Commissioner's Office, Affirmative Action Officer, and Human Resources staff provide support and guidance to managers and supervisors to resolve conflicts through facilitation and dialogue and/or use of the State Workplace Mediation Program and the State Employee Assistance Program. The department works to address and diffuse conflicts at the earliest possible stages.

### C. ANALYSIS OF SEPARATIONS IN DNR

Separation report data from MMB indicate that the total number of employees who separated from the DNR in FY2010 was 125. Of those, 4 (3.2%) were dismissed or non-certified; 25 (20%) resigned; 81 (64.8%) retired, 1 (.8%) died, and 14 (11.2%) were laid off.

The overall breakdown of the 125 employees who separated from the DNR in FY2010: 43 (34.4%) were female and 82 (65.6%) were male; six (4.8%) were ethnic minorities and 119 (95.2%) were white; eleven (8.8%) were disabled; and 114 (91.2%) were not disabled.

- One of the four employees dismissed or non-certified (25%) was a female. None of the employees who were dismissed or non-certified were ethnic minorities or disabled.
- Of the twenty-five employees who resigned, 12 (48%) were female; two (8%) were ethnic minorities; and none (0%) were disabled.
- Of the 81 employees who retired, 23 (28%) were female; two (2.5%) were ethnic minorities; and 11 (13.6%) were disabled.
- Of the 14 employees who were laid off, 7 (50%) were female, two (14%) were ethnic minorities; and none (0%) were disabled.

## HARASSMENT PROHIBITED

Description and Scope - In order to provide and maintain a productive work environment consistent with merit principles, free of discriminatory practices, and in accord with M.S. § 43A.01, Subd. 2, (Precedence of Merit Principles and Nondiscrimination) it is necessary to remove and eliminate all forms of harassment. Harassment is a form of discrimination and in general is the display of behavior by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Of particular concern is sexual harassment which is unwelcome sexual advances by an employee toward another employee, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

An employee's submission to such conduct is made either explicitly and/or implicitly a term or condition of an individual's employment.

An employee's submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual.

Objective - To provide a work environment free of verbal or physical harassment based on race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, veteran status or any belief or attribute unrelated to job performance.

### Responsibility -

#### A. Appointing Authorities:

- Establish a procedure for internal resolution of harassment complaints that are not based on protected status.
- Ensure that each employee who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy.
- Notify all employees and orient each new employee to this policy.
- Establish a complaint procedure for timely and thorough investigation of all complaints of harassment.
- Inform each employee of the procedures for filing and investigating complaints of harassment.
- Managers and Supervisors are accountable for ensuring that their work units are free of harassment.

B. Department of Employee Relations:

- Ensure that all Affirmative Action Officers are aware of the need to differentiate between protected status and general harassment.
- Inform agencies of the statewide policy prohibiting harassment.
- Upon request, provide training to agencies on the content and implementation of the statewide policy prohibiting harassment.

C. Employees:

- Utilize the established affirmative action complaint procedure when subjected to harassment.

Other Relevant Laws, Personnel Rules, Contracts and Administrative Procedures

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

- A. M.S. § 363.03, Subd. 1 - Unfair Discriminatory Employment Practices, Department of Human Rights.
- B. Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972, 42 U.S.C. 2000e et seq., prohibiting discrimination on the basis of race, color, religion, sex, or national origin.
- C. Equal Employment Opportunity Commission Sex Discrimination Guidelines dated March, 1980, 29 CFR Part 1604.
- D. Continental Can Company, Inc. vs. State of Minnesota, 297 N.W. 2d 241 (Minn. 1980), establishing the potential liability of the employer for acts of harassment by one employee towards another.

## Employee Request For Reasonable Accommodation

Employee Name:

Job Title:

Date of Request:

Division:

This information will be used by \_\_\_\_\_ 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

Modification of equipment or devices

Job restructuring

Qualified reader or interpreter

Part time or modified work schedule

Acquisition of equipment or devices

Modification to a rule, policy or practice

Other (specify):

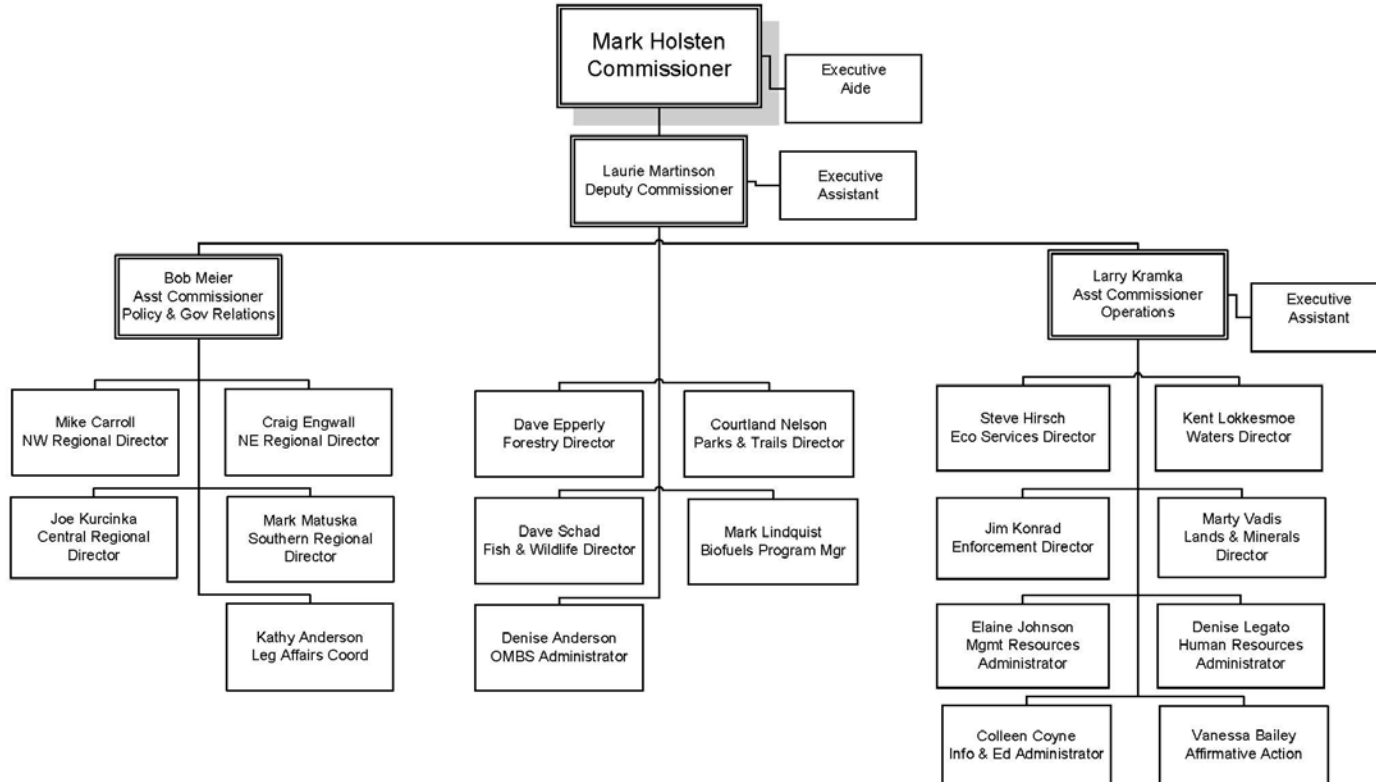
4. Please describe in detail the accommodation you are requesting:

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

Additional Comments:

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

## MINNESOTA DNR COMMISSONER'S OFFICE ORGANIZATION CHART



PLAN APPROVAL DATE: OCTOBER 2008

UPDATED: JULY 2010