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**State of Minnesota**

**Office of the Minnesota Attorney General**

**Affirmative Action Plan for July 1, 2022 – June 30, 2024**

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# Statement of Commitment

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

This statement reaffirms the Office of the Minnesota Attorney General (thereafter “the office”) is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This office is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This office will continue to actively promote a program of affirmative action, wherever females, racial/ethnic minorities, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This office will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this office will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the office’s policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

Attorney General:  Date Signed: 03/27/2023

# Executive Summary

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

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

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

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

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

(x indicates the job categories and protected groups that have underutilization.)

Job Categories	Females	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators	-	-	-
Professionals	X	-	-
Paraprofessionals	X	-	-
Office/Clericals	-	-	-

Once complete, information about how to obtain or access a copy of this Plan is provided to every employee of the office. Our intention is to make every employee aware of the Office of the Minnesota Attorney General’s commitments to affirmative action and equal employment opportunity. The completed Plan is also posted on the office’s website and maintained in the Human Resources office.

HR Director / Affirmative Action Officer:  Date Signed: 03/27/2023

Attorney General:  Date Signed: 03/27/2023

## Organizational Profile

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The Attorney General is the chief legal officer for the State of Minnesota and is the legal advisor to the Governor and all constitutional officers. The duties of the Attorney General arise from the Constitution, State statutes, and common law. Every board, commission, and agency of the State receives its legal counsel and representation from the Attorney General.

The office is comprised of five sections: Executive/Legal Operations, Consumer Protection, Health and Safety, Government Support, and Solicitor General. The Chief of Staff oversees the Executive/Legal Operations Section, which is comprised of non-legal units such as Human Resources, Finance, and IT. The Chief Deputy Attorney General oversees the other four sections which provide the legal services of the office. The Solicitor General Section is managed by the Solicitor General. Each of the other three sections are managed by a Deputy Attorney General. There are a total of 19 divisions divided among the four legal sections, all of which are managed by an attorney designated as division manager.

# Individuals Responsible for Directing/Implementing the Affirmative Action Plan

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

## A. Attorney General

### Responsibilities

The Attorney General is responsible for establishing an Affirmative Action Plan, including goals, timetables, and compliance with all federal and state laws and regulations.

### Duties

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

- Appoint the Affirmative Action Officer and include accountability for the administration of the office's Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the office's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with all employees.
- Make decisions and changes in policies, procedures, or physical accommodations as needed to implement effective affirmative action in the office.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plans, and the office's mission.
- Notify all contractors and sub-contractors with the office of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all office deputies, managers, and supervisors include responsibility statements to support affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with state-wide and office anti-discrimination and anti-harassment policies.

### Accountability

The Attorney General is accountable for affirmative action matters.

### Name of individual(s) responsible

**Name:** Keith Ellison

**Email:** keith.ellison@ag.state.mn.us

**Title:** Attorney General

**Phone:** (651) 296-6197

## B. Affirmative Action Officer

### Responsibilities

The Affirmative Action Officer (AAO) is directly responsible for developing, coordinating, implementing, and monitoring the office's affirmative action plan.

### Duties

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

- Develop and administer the office's Affirmative Action Plan.
- Develop and set office-wide affirmative action hiring goals.
- Monitor office compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the office.
- Inform the Attorney General of progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the office, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the office. Develop training goals and content with internal and external resources.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the office.
- Support and recruit racial/ethnic minorities, individuals with disabilities, and females for employment, promotion, and training opportunities.
- Manage the office's pre-hire review process.
- Review requests for non-affirmative hires in the Monitoring the Hiring process and refer unresolved issues to the Attorney General for final decision.
- Ensure supervisors and managers are making good faith efforts to recruit and retain qualified candidates and employees from protected groups.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of diversity recruitment.
- Comply with state-wide and office anti-discrimination and anti-harassment policies.



## Accountability

The Affirmative Action Officer is accountable to the Chief of Staff for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administration of ADA Title I and Title II, manages diversity and inclusion initiatives, and other equal opportunity related matters. In addition, the AAO ensures that aggregate data and trends of complaints of illegal discrimination in hiring are provided and shared with the executive leadership on a quarterly basis.

## Name of individual(s) responsible

**Name:** Sarah Spence-Koivisto

**Email:** sarah.spence-koivisto@ag.state.mn.us

**Title:** Human Resources Director

**Phone:** (651) 757-1050

## C. Affirmative Action Officer Designee(s)

### Responsibilities

Designees are responsible for the implementation of the office's Affirmative Action Plan within their assigned areas. Each designee is directly accountable to the office's Affirmative Action Officer for matters relating to affirmative action.

### Duties

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

- Fulfill all affirmative action reporting requirements by submitting standard reports.
- Ensure dissemination of all relevant affirmative action information to appropriate staff.
- Serve as ex-officio member of the Recruitment and Diversity Committee.
- Determine the need for diversity training and recommend training within their assigned areas.
- Review policies, procedures, and practices to recommend changes to the Affirmative Action Officer.
- Comply with statewide and office anti-discrimination and anti-harassment policies.

## Accountability

The Affirmative Action Designee is accountable indirectly to the Affirmative Action Officer on matters pertaining to Affirmative Action and Equal Opportunity.

## Name of individual(s) responsible

**Name:** K.C. Moua

**Email:** kc.moua@ag.state.mn.us

**Title:** Human Resources Generalist

**Phone:** (651) 757-1279

**Name:** Jake Pleschourt

**Email:** jake.pleschourt@ag.state.mn.us

**Title:** Human Resources Generalist

**Phone:** (651) 757-1057

## **D. Human Resources Director and Designees**

### **Responsibilities**

The Human Resource (HR) Office is responsible for ensuring equitable and uniform administration of all personnel policies.

The HR Director is responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the office. The HR Director is responsible for assisting managers and supervisors in human resources management activities.

Staff within HR who work on affirmative action and diversity issues are accountable to the HR Director.

### **Duties**

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

- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of a reasonable accommodation.

- Assist supervisors and managers in the recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, and HR staff in the creation of supported worker positions. These positions help reduce office costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with state-wide and office anti-discrimination and anti-harassment policies.

### Accountability

The HR Director is accountable to the Chief of Staff. HR staff are accountable to the HR Director.

### Name of individual(s) responsible

**Name:** Sarah Spence-Koivisto

**Email:** sarah.spence-koivisto@ag.state.mn.us

**Title:** Human Resources Director

**Phone:** (651) 757-1050

**Name:** K.C. Moua

**Email:** kc.moua@ag.state.mn.us

**Title:** Human Resources Generalist

**Phone:** (651) 757-1279

**Name:** Jake Pleschourt

**Email:** jake.pleschourt@ag.state.mn.us

**Title:** Human Resources Generalist

**Phone:** (651) 757-1057

## E. Americans with Disabilities Act Title I Coordinator

### Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for ensuring the office's compliance with the ADA Title I – Employment, in accordance with the ADA - as amended, and the Minnesota Human Rights Act.

## Duties

The duties of the ADA Title I Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to office management on the ADA. The office develops and implements policies, procedures, and practices to ensure office employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to office management and staff on compliance and best practices for hiring and retaining individuals with disabilities, as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing office services and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update leadership on evolving ADA issues.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Submit reasonable accommodation reimbursement under the guidelines of the state-wide accommodation fund.
- Receive requests for ADA accommodations and work with appropriate manager to approve or deny the request or provide alternative accommodations.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator must:
  - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
  - Determine the precise job-related limitations;
  - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and
  - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with state-wide and office anti-discrimination and anti-harassment policies.

## Accountability

The ADA Title I Coordinator is accountable to the Chief of Staff.

## Name of individual(s) responsible

**Name:** Sarah Spence-Koivisto

**Email:** sarah.spence-koivisto@ag.state.mn.us

## **F. Americans with Disabilities Act Title II Coordinator**

### **Responsibilities**

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible ensuring the office's compliance with the ADA Title II – Public Services, in accordance with the ADA as amended, and the Minnesota Human Rights Act.

### **Duties**

The duties of the ADA Title II Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to office management on the ADA. The office develops and implements policies, procedures, and practices to ensure office employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to the office's management and staff on compliance and best practices with regards and obligations to members of the public with disabilities, as well as the provision of reasonable modifications for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing office services. Report reasonable modifications annually to MMB.
- Research case law rules and regulation and update leadership on evolving ADA issues. Meet bi-annually with state ADA Coordinators and learn updates and share practices on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities to ensure equal access and privileges to programming and services. The ADA Title II Coordinator will consult with the member of the public in need of a modification and:
  - Discuss the purpose and essential functions of the reasonable modification.
  - Identify the potential modifications and assess the effectiveness each request.
  - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the office.
  - Document this review and reported in the State ADA Annual Report.
- Comply with state-wide and office anti-discrimination and anti-harassment policies.

## Accountability

The ADA Title II Coordinator is accountable to the Chief of Staff.

## Name of individual(s) responsible

**Name:** Sarah Spence-Koivisto

**Email:** sarah.spence-koivisto@ag.state.mn.us

**Title:** Human Resources Director

**Phone:** (651) 757-1050

## H. Managers and Executive Team Leaders

### Responsibilities

Managers and executive team leaders are responsible for implementing all aspects of the office Affirmative Action Plan and the office's commitment to affirmative action and equal opportunity.

### Duties

The duties of managers and executive team leaders include, but are not limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the office.
- Communicate the equal opportunity employment policy and the affirmative action plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ensure the office's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results, in addition to other job performance criteria.
- Comply with statewide and office anti-discrimination and anti-harassment policies.

### Accountability

Managers and executive team leaders are accountable directly to the Attorney General, Chief Deputy Attorney General, and Chief of Staff.

## I. All Employees

### Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the office's complaint procedure.

### Duties

The duties of all employees include, but are not limited to:

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

### Accountability

Employees are accountable to their designated manager and indirectly to the Attorney General. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

## Communication of the Affirmative Action Plan

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

The following information describes the methods that the office takes to communicate the Affirmative Action Plan to employees and the general public:

### Internal Methods of Communication

- **Internal memorandum.** Office leadership or the Affirmative Action Officer will send an internal memo to employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employee's responsibility to support and implement equal opportunity and affirmative action.

- **Intranet.** The office’s Affirmative Action Plan is available to all employees on the office’s internal website at <https://intranet.ag.state.mn.us/Office/Policy/Default.asp> and in print to anyone who requests it. As requested, the office will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the office’s Affirmative Action Plan is available to employees at the following address:
 

Office of the Attorney General  
Human Resources Office  
445 Minnesota Street, Suite 1400  
St. Paul, MN 55101
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

## External Methods of Communication

- **Public website.** The office’s Affirmative Action Plan is available on the office’s public website at <https://www.ag.state.mn.us/Office/Policies.asp>. Printed copies are available to anyone who requests it. As requested, the office will make the plan available in alternative formats.
- **Equal opportunity employer language.** The office’s website employment homepage, letterhead, publications, and all job postings include the statement “the Office of the Minnesota Attorney General is an equal opportunity employer.” The office will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the office’s Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

Office of the Attorney General  
Human Resources Office  
445 Minnesota Street, Suite 1400  
St. Paul, MN 55101

## Job Category Analysis

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

The office conducted a Job Category Analysis to determine the percent of protected group employees in each job category. The job category analysis lists job class titles in each Equal Employment Opportunity (EEO) job category at the office. A job classification is a group of one or more positions



with similar duties and responsibilities. These classifications help clarify positions within the class so the same schedules of pay can be applied with equity to all positions in the class that fall under the same, or substantially the same, employment conditions.

## Determining Availability

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

The office used the United States Census Bureau’s EEO Tabulation 2014-2018 American Community Survey (ACS) statistical data for external availability, which is the most current statistical information available at the time of developing this affirmative action plan. The feeder job statistics of employees are used for internal availability (refer to Appendix D. Feeder Jobs for details).

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

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

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

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

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

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

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

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

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

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

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

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

- “Yes”: there is underutilization.

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

Table 2. Hiring Goals by Job Category and Protected Group is a summary of hiring goals by job category and protected group. The actions the office will take to address these hiring goals will be described in Corrective Actions and Action-Oriented Programs section.

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

Job Categories	Females Establish Goals?	Females If Yes, Goals for FY 2022-2024	Racial/ Ethnic Minorities Establish Goals?	Racial/ Ethnic Minorities If Yes, Goals for FY 2022-2024	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2022-2024
Officials/Administrators	-	-	-	-	-	-
Professionals	Yes	38.27%	-	-	-	-
Paraprofessionals	Yes	87.18%	-	-	-	-
Office/Clerical	-	-	-	-	-	-

## Identification of Areas for Further Monitoring

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

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

## **Progress Reports**

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

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

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

- "Yes": the office met the goal established in the prior Affirmative Action Plan.
- "No": the office did not attain the goal established in the prior Affirmative Action Plan.

### **Females**

In the previous plan the office identified an underutilization of females in the Officials and Administrators category. A hiring goal was set and achieved through increased recruitment efforts and through training and implementation of equal opportunity best practice selection efforts. An analysis of separation still shows females separating from this category at a higher rate than they represent requiring further monitoring.

In the previous plan the office identified an underutilization of females in the Paraprofessionals category. A hiring goal was set, however, not achieved. While internal promotions did meet the goal set the external hiring rate did not. The diversity in positions within this category require further efforts to recruit females. An analysis of separation does not indicate females separating from this category at a higher rate than they represent further supporting the need for increased recruitment efforts.

### **Racial/Ethnic Minorities**

In the previous plan the office identified an underutilization of racial/ethnic minorities in the Professionals category. A hiring goal was set and achieved through increased recruitment efforts and through training and implementation of equal opportunity best practice selection efforts. An analysis of separation still shows racial/ethnic minorities separating from this category at a higher rate than they represent requiring further monitoring.

### **Individuals with Disabilities**

In the previous plan the office did not identify an underutilization of individuals with disabilities. Hiring rates remain above the prior year's availability analysis. An analysis of separation does show individuals with disabilities separating at a higher rate than they represent. This is primarily within the separation type of retirement.

## Separations

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

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

1. The total percentage indicates the percentage by separation type. For example, there were 1,000 separations in total. Of those separations, 150 employees separated due to dismissal or non-certification. The dismissal or non-certification percentage is 15.00% (150 divided by 1,000).
2. The “percentage type<sup>1</sup>” indicates percentage by protected group type within a separation type. For example, there were 150 separations by dismissal or non-certification in total. Of those separations, 80 were female employees. The female dismissal or non-certification separation is 53.33% (80 divided by 150). Therefore, the “percentage type<sup>1</sup>” analyzes the percent of protected group compromised in each separation type.
3. The “percentage type<sup>2</sup>” indicates percentages by separation type within the protected group. For example, there were 500 female separations in total. Of those separations, 80 female employees separated due to the dismissal or non-certification reason. The female dismissal or non-certification separation is 16.00% (80 divided by 500). Therefore, the “percentage type<sup>2</sup>” analyzes the percent of separation type within the protected group.

## Corrective Actions, Action-Oriented Programs, and Timetable

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Minnesota Administrative Rules 3905.0400 Subp 1 Item H.

The office’s affirmative action plan is designed to implement the provisions of this affirmative action plan and meet requirements found in [Minnesota Statutes, section 43A.191 Subdivision 2](#). These Action-Oriented Programs are carried out throughout this affirmative action plan period.

### Corrective Actions

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

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

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

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Professionals</b></p> <ul style="list-style-type: none"> <li>• Females are underutilized.</li> </ul>	<ul style="list-style-type: none"> <li>• Effective immediately continue to enhance and promote the office’s remote work opportunities and the updated vacation leave accrual policy that allows more flexibility.</li> <li>• Effective immediately and ongoing encourage office staff to create focus groups that support female attorneys – example: women focused Employee Resource Groups (ERGs).</li> <li>• Effective immediately continue to review/analyze office exit data for females for common reasons for separations, share data with leadership, implement positive changes to the office base on survey data, and address significant issues immediately. In addition, create a plan/process for sharing exit survey information to division managers.</li> <li>• Effective this review cycle and annually thereafter utilize software and available tools to examine and ensure equity in pay and make changes to female attorney pay as needed.</li> <li>• By 12/31/2022 complete standardized list interview questions for all job applicants to minimize bias and promote equal opportunity.</li> <li>• By 02/01/2023 identify targeted law schools then assign office staff to contact/network with their offices of equity and diversity and student associations on a quarterly basis to attract and encourage qualified female candidates to consider the office for employment</li> <li>• By 04/01/2023 plan, develop, implement, offer informational opportunities/sessions, and share AGO female attorney success/stories on recruiting platforms and at targeted locations</li> <li>• By 07/01/2023 provide Affirmative Action (AA) Report/Plan and Inclusive Hiring Practices training to all managers annually to ensure awareness of AA data/plan and fair hiring practices</li> <li>• By 07/01/2023 provide management/employee retention training and develop a plan to ensure managers are proactively contributing to the success and retention of female attorneys by helping them determine/set goals through one-on-one meetings and the annual review process.</li> </ul>

Areas for Further Monitoring	Corrective Actions Specific to the Further Monitoring Areas Identified
<p><b>Paraprofessionals</b></p> <ul style="list-style-type: none"> <li>Females are underutilized.</li> </ul>	<ul style="list-style-type: none"> <li>Effective immediately continue to enhance and promote the office’s remote work opportunities and the updated vacation leave accrual policy that allows more flexibility.</li> <li>Effective immediately and ongoing encourage office staff to create focus groups that support female paraprofessionals – example: women focused Employee Resource Groups (ERGs).</li> <li>Effective immediately continue to review/analyze office exit data for females for common reasons for separations, share data with leadership, implement positive changes to the office base on survey data, and address significant issues immediately. In addition, create a plan/process for sharing exit survey information to division managers.</li> <li>Effective this review cycle and annually thereafter utilize software and available tools to examine and ensure equity in pay and make changes to female attorney pay as needed.</li> <li>By 12/31/2022 complete standardized list interview questions for all job applicants to minimize bias and promote equal opportunity.</li> <li>By 02/01/2023 identify targeted schools then assign office staff to contact/network with their offices of equity and diversity and student associations on a quarterly basis to attract and encourage qualified female candidates to consider the office for employment</li> <li>By 04/01/2023 plan, develop, implement, offer informational opportunities/sessions, and share AGO female paraprofessional success/stories on recruiting platforms and at targeted locations</li> <li>By 07/01/2023 provide Affirmative Action (AA) Report/Plan and Inclusive Hiring Practices training to all managers annually to ensure awareness of AA data/plan and fair hiring practices</li> <li>By 07/01/2023 provide management/employee retention training and develop a plan to ensure managers are proactively contributing to the success and retention of female attorneys by helping them determine/set goals through one-on-one meetings and the annual review process.</li> <li>By 10/01/2023 expand the office’s internship program to include paraprofessional positions.</li> </ul>

## Action-Oriented Programs

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

### Barriers

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

- Limited anticipated number of open positions in this plan year.
- Limited outreach due to unanticipated budget deficiencies. This will limit outreach and effectiveness of recruitment efforts (lack of ability to attend jobs fairs or post to job boards with higher costs).
- Limited training due to unanticipated budget deficiencies. This will limit training to internal only presenters.

### Recruitment and Processes

The office takes the following actions to improve recruitment and increase the number of qualified females, racial/ethnic minorities, and individuals with disabilities in the applicant pool:

- Continue to place advertisements of job opportunities through [the State of MN Career site](https://mn.gov/mmb/careers/search-for-jobs/) (https://mn.gov/mmb/careers/search-for-jobs/).
- Continue to use the EEO tag line on all job postings and advertisements.
- Review/evaluate job postings to eliminate non-inclusive language.
- Continue to consider female, racial/ethnic minorities, and individuals with disability applicants for all positions for which they qualify.
- Continue to consider Connect 700 program applicants for all classified positions for which they qualify.
- Continue to participate and expand, if possible, our participation in the following job fairs to recruit females, racial/ethnic minorities, and individuals with disabilities:
  - U of M Job & Internship Fair
  - U of M Careers in Law Fair
  - Government & Nonprofit Career Fair
  - Metro State Diversity Networking & Job Fair
  - State of MN Veteran's Job Fair
- Recruit office staff to participate and be active directly in affinity bar associations.

- Collaborate with the Hiring, Recruitment and Diversity Committee to continue to provide and implement recommendations for improvement that align with and support the Attorney General’s mission to hire and retain a workforce that is diverse.
- Continue to evaluate and strengthen the office’s law clerk and internship programs.

**Persons Responsible:**

- Chief Deputy Attorney General John Keller
- Chief of Staff Donna Cassutt
- HR Director Sarah Spence-Koivisto (and designees)

**Retention**

The office will take the following actions to improve retention of females, racial/ethnic minorities, and individuals with disabilities:

- Continue to evaluate and strengthen New Hire Orientation and other onboarding methods.
- Continue to offer New Employee Trainings given by section deputies to provide an overview of the work of each of their sections/division.
- Continue new employee check-ins with HR to gather feedback on orientation and onboarding practices.
- Encourage all new hires to receive applicable trainings for their career development.
- Ensure an inclusive work environment and equal opportunities for all employees.
- Encourage use of the office’s mentor program.
- Support the space for and recommendations from the Employee Resource Groups (ERGs).
- Promote the use of the Employee Assistance Program as a tool to resolve conflicts in the workplace.
- Continue to conduct exit interviews, analyze the data, and address identified concerns.

**Persons Responsible:**

- Chief Deputy Attorney General John Keller
- Chief of Staff Donna Cassutt
- HR Director Sarah Spence-Koivisto (and designees)

**Training**

The office will take the following actions to improve retention of females, racial/ethnic minorities, and individuals with disabilities:

- Implement a job shadowing program to develop employee’s skill and competencies.



- Continue to provide quality orientations to the office.
- Expand the new on-boarding resources to all positions.
- Continue to provide cultural learning opportunities for all employees to promote knowledge, equity, and inclusivity and announce these training opportunities to all employees.
- Broadly announce all promotion and transfer opportunities.
- Ensure all new hires complete required mandatory trainings to include sexual harassment, discrimination and harassment, respectful workplace, and implicit biases and microaggressions in the workplace.
- Offer leadership training to all newly hired or promoted managers and supervisors to include Diversity, Equity, and Inclusion components.

**Persons Responsible:**

- Chief Deputy Attorney General John Keller
- Chief of Staff Donna Cassutt
- HR Director Sarah Spence-Koivisto (and designees)

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

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Minnesota Administrative Rules 3905.0400, subpart 1, item I

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

The office will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of females, racial/ethnic minorities, or individuals with disabilities. The office will use the Monitoring the Hiring Process form for every hire to track the number of females, racial/ethnic minorities, and individuals with disabilities in each stage of the selection process. Deputies, managers, and supervisors will work closely with human resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action are carried out. Deputies, managers, and supervisors must document their hiring decisions and equal opportunity professionals will review for bias.

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

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

All employees involved in the selection process are trained and accountable for the office's commitment to equal opportunity and the affirmative action plan and its implementation.

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

The Affirmative Action Officer, in conjunction with executive leadership, deputies, and managers, is responsible for reviewing all pending layoffs to determine their effect on the office's affirmative action goals and timetables.

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

## Other Methods of Program Evaluation

The office submits the following compliance reports to MMB as part of the efforts to evaluate the office's affirmative action plan:

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

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

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

## Policies, Procedures, and Notice

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### A. Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436 (issued 6/12/2019)

#### OVERVIEW

##### Objective

To create a work environment free from harassment and discrimination based on protected class.

##### Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

*Sexual harassment is specifically addressed by HR/LR Policy #1329 Sexual Harassment Prohibited.*

##### Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

##### Definitions and Terms

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

*Third party:* Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns

- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

*Protected class harassment or harassment based on protected class:* Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

*Protected class:* Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex\* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

\*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

*Age:* The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

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

*Familial status:* The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

*Disability:* A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

*Genetic information:* Includes information about an individual's or their family members' genetic tests, family medical history, an individual's request for, or receipt of, genetic services, or the participation in

clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

*Public service environment:* A location where public service is being provided.

*Membership or activity in a local human rights commission:* Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

## **Exclusions**

N/A

## **Statutory References**

M.S. Ch. 43A

M.S. Ch. 363A

## **GENERAL STANDARDS AND EXPECTATIONS**

### **Prohibition of Protected Class Harassment and Discrimination**

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited. Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities,

including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

## **I. Employee and Third Party Responsibilities and Complaint Procedure**

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

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

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

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

## **II. Manager/Supervisory Responsibility**

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer

5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate harassment, discrimination, or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

### **III. Human Resources Responsibilities**

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

### **IV. Affirmative Action Officer or Designees Responsibilities**

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

### **Investigation and Discipline**

State agencies will take seriously all reports of protected class harassment, discrimination and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.



## Non-Retaliation

Retaliation against any person who opposes protected class harassment or discrimination, who reports protected class harassment or discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment or discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

## RESPONSIBILITIES

### Agency Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the agency HR policy.
2. Disseminating this policy to agency employees through a method whereby receipt can be verified.
3. Posting this policy in a manner that can be accessed by all employees and third parties.
4. Including this policy in their Affirmative Action Plan.
5. Implementing this policy, which includes:
  - a. Implementing an educational program
  - b. Developing and implementing a procedure for reporting complaints
  - c. Communicating the complaint procedure to employees
  - d. Developing and implementing a procedure under which reports will be addressed promptly.
6. Enforcing this policy.
7. Reporting annually dispositions of reports of protected class harassment or discrimination using the Affirmative Action Report.

### MMB Responsibility

Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

## FORMS AND SUPPLEMENTS

Documents are available on [the MMB Equal Opportunity, Diversity, and Inclusion website](#), including [Affirmative Action resources](#) for state agencies.

### [Harassment Complaint Form](#)

**Acknowledgement** – The below form may be used to verify receipt by agency employees

I acknowledge that I have received and read the policy, HR/LR Policy #1436, Harassment and Discrimination Prohibited, including the policy's complaint procedure.

I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any “third party” as defined by the policy, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to harassing, discriminatory or retaliatory conduct as defined by the policy by any State employee, or by any “third party” as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency’s managers or supervisors, the agency’s affirmative action officer, the agency’s human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

## REFERENCES

- For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment, or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.
- MMB Equal Opportunity, Diversity, and Inclusion Office.
- Consult your agency’s Affirmative Action Plan, or in the absence of an Agency Affirmative Action Plan, review [Affirmative Action resources](#) for state agencies.

## CONTACTS

MMB Enterprise Employee Relations

[Office of Equal Opportunity, Diversity, and Inclusion](#)

Any appropriate authority, as set forth in Section II of this policy.

## **B. Statewide Sexual Harassment Prohibited Policy Statewide HR/LR Policy #1329: Sexual Harassment Prohibited (revised 6/12/2019)**

### **OVERVIEW**

#### **Objective**

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

#### **Policy Statement**

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment as described in this policy are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports sexual harassment, or who participates in any investigation concerning sexual harassment, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

#### **Scope**

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

#### **Definitions and Key Terms**

##### **Complainant**

An individual who complains about sexual harassment or retaliation.

##### **Public service environment**

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

##### **Sexual harassment**

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

##### **Third party**

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors

- Volunteers
- Customers
- Business Partners
- Unpaid Interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

## Exclusions

N/A

## Statutory References

42 U.S.C. § 2000e, et al.

M.S. Ch. 363A

M.S. Ch. 43A

## General Standards and Expectations

### I. Prohibition of Sexual Harassment

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

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

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

### II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment to any of the following:

1. Any agency's managers or supervisors
2. The agency's affirmative action officer
3. An agency's human resource office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget's Office of Equal Opportunity, Diversity, and Inclusion.

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

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

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

### III. Manager/Supervisor Responsibility

Managers and Supervisors must:

1. Model appropriate behavior
2. Treat all reports of sexual harassment seriously
3. Appropriately respond to a report or problem when they receive a report of sexual harassment, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Managers and supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

### IV. Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the sexual harassment policy to all employees, through a method whereby receipt can be verified
3. Treat all complaints of sexual harassment seriously
4. Comply with the agency's complaint and investigation procedures and/or their Affirmative Action Plan

#### V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee must:

- Model appropriate behavior
- Treat all complaints of sexual harassment seriously
- Comply with the agency's complaint and investigation procedures
- Keep the agency apprised of changes and developments in the law and policy

#### VI. Investigation and Discipline

State agencies will take seriously all reports of sexual harassment and retaliation, and will take prompt and appropriate action. When conducting an investigation, managers and supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

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

#### VII. Non-Retaliation

Retaliation against any person who opposes sexual harassment, who reports sexual harassment, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting sexual harassment or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and

including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

## **RESPONSIBILITIES**

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by all employees and third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, which includes:
  - Implementing an educational program
  - Developing and implementing a procedure for reporting complaints
  - Communicating the complaint procedure to employees
  - Developing and implementing a procedure under which reports will be addressed promptly
- Enforcing this policy.
- Reporting annually dispositions of reports of sexual harassment using the Affirmative Action Report.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

## **FORMS AND SUPPLEMENTS**

For a sample investigation procedure, please review the documents available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees
- For agencies with 25 or fewer employees

### [Harassment Complaint Form](#)

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

### **Acknowledgement**

I acknowledge that I have received and read the policy, HR/LR Policy #1329, Sexual Harassment Prohibited, including the policy’s complaint procedure.

understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any “third party” as defined by the policy, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by the policy by any State employee, or by any “third party” as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency’s managers or supervisors, the agency’s affirmative action officer, the agency’s human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

### **C. Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy:**

The office has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

#### **COMPLAINT PROCEDURE FOR INTERNAL COMPLAINTS**

##### **Employee Responsibilities and Complaint Procedure**

Employees are encouraged to report all incidents of discrimination or harassment as soon as possible after the incident occurs. Reporting discrimination or harassment can be a difficult step to take. Reporting is strongly encouraged and essential in order for the office to take appropriate corrective action and to achieve the goals of its policies. These procedures seek to make reporting as easy as possible.

If an employee or applicant feels he/she is being subjected to discrimination or harassment and desires to report the matter, the individual can report a complaint and discuss the matter with any of the following:

- Any manager (office manager, division manager, deputy attorney general, chief deputy, chief of staff, or the Attorney General), or
- The office's Affirmative Action Officer; or
- Minnesota Management and Budget’s Office of Equal Opportunity, Diversity, and Inclusion.



A person receiving the complaint must report the matter in writing to the Affirmative Action Officer and the deputy attorney general of the person who is the subject of the complaint, if any. Persons receiving the complaint shall take any appropriate action within the scope of their authority; however, no disciplinary action shall be taken before completion of an investigation.

The employee may report a complaint orally or in writing and may use the complaint form that is attached to these procedures. If a complaint is made orally, persons receiving the complaint shall give the staff member the Tennessee Warning that is contained on the complaint form prior to making a request for information.

To ensure the prompt and thorough investigation of a complaint of discrimination or harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

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

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

### Manager Responsibilities

All managers, including executive leadership, are responsible for the following:

1. Modeling appropriate behavior;
2. Treating all complaints of discrimination or harassment seriously, regardless of the individuals or behaviors involved;
3. When a complaint of discrimination or harassment is made to the manager, or when the manager is otherwise aware that a problem exists, the manager must appropriately respond to the complaint or problem;
4. Immediately report all allegations or incidents of discrimination or harassment to the Director of Human Resources/Affirmative Action Officer, so that prompt and appropriate action can be taken;
5. Referring a complaint to their manager if the complaint implicates the manager or presents a conflict;
6. Processing all complaints in a manner consistent with the requirements of the Minnesota Rules of Professional Conduct and these procedures. Persons receiving the complaint shall take any appropriate action within the scope of their authority; however, no disciplinary action shall be taken before completion of an investigation.

7. Complying with the office's complaint and investigation procedures and Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of discrimination and harassment.

Managers who knowingly participate in, allow, or tolerate discrimination or harassment or retaliation are in violation of the policies and are subject to discipline, up to and including discharge.

A manager has the authority to receive and discuss the complaint and render disciplinary or remedial action after an investigation is conducted by the Affirmative Action Officer and after consultation with the Attorney General.

The Affirmative Action Officer has the authority to receive and discuss the complaint, conduct a preliminary inquiry, and, after approval of the Attorney General, may take remedial measures including, but not limited to, an investigatory suspension or temporary reassignment pending the outcome of the preliminary inquiry or investigation.

#### Human Resources and Affirmative Action Officer Responsibilities

1. Modeling appropriate behavior;
2. Distributing the discrimination and harassment policies and complaint procedure to all employees, through a method whereby receipt can be verified;
3. Treating all complaints of discrimination or harassment seriously, regardless of the individuals or behaviors involved;
4. Complying with the office's complaint and investigation procedures and Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of discrimination and harassment;
5. Keeping the office apprised of changes and developments in the law.

#### Inquiry/Investigation

All complaints of discrimination and harassment will be taken seriously, and prompt and appropriate action taken when there is a violation of the policies. Employees who are found to have engaged in discrimination or harassment in violation of these policies will be subject to disciplinary action, up to and including discharge.

##### 1. Preliminary Inquiry

The Affirmative Action Officer, in consultation with the manager of the subject of the complaint shall, if possible, initiate a preliminary inquiry within three (3) business days of receipt of the written complaint. If the preliminary inquiry establishes that a reasonable basis for the complainant's concern exists, the Affirmative Action Officer shall take appropriate intervening action to deal with the situation until such time as the complaint is investigated fully, there is a finding, and corrective action, if required, is implemented. If the Affirmative Action Officer determines that the complaint is meritless, it shall be so noted on the complaint and no further action shall be required. A complaint shall be deemed meritless either because it cannot be substantiated or it falls outside the scope of the policies.

## 2. Investigation

If an investigation is required, the Affirmative Action Officer shall initiate it, if possible, within ten (10) business days of receipt of the complaint. The investigation shall include an interview with the subject of the complaint. At the time of the interview, the Affirmative Action Officer shall give a summary of the complaint to the subject of the complaint. The complaint summary shall include the substance of the allegation(s) contained in the complaint. If the matter is resolved informally prior to the completion of an investigation, the Affirmative Action Officer need not issue a written report.

If the subject of the complaint is a member of a bargaining unit, the Affirmative Action Officer shall notify the member's exclusive representative when a complaint has been filed and the subsequent procedure shall be open to the exclusive representative's participation if requested by the member.

Upon completion of the full investigation, the Affirmative Action Officer shall prepare a written report to the Attorney General. A copy shall be sent to the manager and deputy attorney general of the subject of the complaint. If the investigation will take more than ten (10) days, the Affirmative Action Officer will inform the complaining employee and the subject of the complaint of when the Officer expects to complete the investigation.

If possible, within ten (10) business days of receiving the report the Attorney General shall take final action to remedy the complaint. If disciplinary or remedial action is taken pursuant to this procedure, it may consist of, but need not be limited to, training, an oral or written reprimand, suspension, or termination. The subject of the complaint shall be provided a written summary of the report and notice of the proposed action.

The Affirmative Action Officer shall notify the complainant when final action has been taken, subject to the terms of the Minnesota Government Data Practices Act. A final written answer will be provided within 60 days after the complaint is filed. The complainant will be notified in writing should extenuating circumstances prevent completion of the investigation within 60 days. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.

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

### COMPLAINT PROCEDURE FOR COMPLAINTS BY STAFF MEMBERS AGAINST THIRD PARTIES

This procedure applies to situations in which an employee has a concern about alleged behavior by third parties which, if it occurred in an employment context, would be discrimination or harassment, as described in the policies. The employee is encouraged to take immediate and appropriate action to address the situation.

1. An employee who has a concern about discriminatory or harassing conduct by a third party may report the concern to any manager or executive leadership.
2. The manager shall immediately report it to the Affirmative Action Officer. The Affirmative Action Officer, in consultation with the employee and his/her manager, will determine what further

action will be taken, if any. However, if, the matter merits further attention, the Affirmative Action Officer may within ten (10) business days, if practicable, determine the appropriate response to the concern. An appropriate response for policy violations by a third party will depend on the facts and circumstances, including the relationship between the third party and the office. If action cannot be taken within ten (10) business days, the Affirmative Action Officer shall inform the employee of the amount of time necessary to take action.

3. In all cases the Affirmative Action Officer shall inform the affected employee of the action in response to the concern.

4. The Attorney General's Office shall maintain the privacy of all records to the extent required by the Minnesota Government Data Practices Act. All complaints (and related material) shall be retained in accordance with applicable office record retention policies and, when applicable, Minnesota Management and Budget's statewide human resource records retention schedule.

5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.

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

#### COMPLAINT PROCEDURE FOR COMPLAINTS AGAINST STAFF MEMBERS FROM THIRD PARTIES

Discrimination against, or harassment of a third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. This procedure applies to such situations. Complaints shall be handled as outlined in this procedure.

##### 1. Processing the Complaint

a. Any employee who receives a complaint alleging that another employee has discriminated against or harassed a third party in violation of the policies shall refer the matter to the employee's manager and shall provide the manager with the name and contact information of the person making the complaint, and the identity of the subject employee. If the complaint implicates the manager or presents a conflict of interest, then that manager shall refer the complaint to his or her deputy attorney general who will process the complaint pursuant to the procedures outlined in this procedure. All complaints shall be processed in a manner consistent with the requirements of the Minnesota Rules of Professional Conduct.

b. The manager shall contact the complaining party and request that the complaining party make a written statement outlining the basis for the complaint. If the complaining party is unwilling to submit a written complaint, the manager shall make a written account of the complaint based on his/her conversation with the complainant. If the manager makes a written account of the complaint, a copy of the written account shall be sent to the complaining party with instructions that the complaining party should verify the accuracy of the account and return a signed copy of the account to the manager. Failure of a complainant to verify the accuracy of the written complaint within a reasonable time period may be a factor considered by the manager in making a recommendation as to whether to proceed with the complaint pursuant to paragraph 1.d of these procedures.

c. The manager shall advise the subject employee of the substance of the allegations contained in the complaint and shall discuss the complaint with the subject employee. The manager may also have further discussions with the complaining party regarding the complaint. The subject employee shall be given an opportunity to respond to the complaint.

If the subject employee is a member of a bargaining unit, the Affirmative Action Officer or manager shall notify the subject employee's exclusive representative that a complaint has been filed and the subsequent procedure shall be open to the exclusive representative's participation if requested by the subject employee.

d. After meeting or conferring with the complaining party and the subject employee, the manager shall make a written report within fifteen (15) business days after receiving the complaint. This report shall include the identity of the subject employee, the identity of the complaining party, the nature of the complaint, and the manager's recommendation as to how the complaint should be handled. A manager shall recommend either that no further action be taken or recommend that the matter be subject to a preliminary inquiry. If the manager has consulted with the Affirmative Action Officer, an investigation may be recommended rather than a preliminary inquiry. However, a manager shall not recommend that the matter shall be subject to further investigation until he/she has discussed the complaint with the subject employee. The manager's recommendation shall contain the subject employee's response to the complaint. A copy of the report shall be provided to the subject employee, the Affirmative Action Officer, and the subject employee's deputy attorney general. The subject employee shall have ten (10) business days after receipt of the report in which to provide a written response to the report before any investigation commences.

## 2. Inquiry/Investigation

### a. Preliminary Inquiry

The Affirmative Action Officer, in consultation with the manager of the subject employee, shall conduct a preliminary inquiry within twelve (12) business days of receipt of the written response. If this preliminary inquiry establishes that a reasonable basis for the complaint exists, an investigation will be conducted. If the Affirmative Action Officer determines that the complaint is meritless, it shall be so noted on the complaint and the report. A complaint shall be deemed meritless either because it cannot be substantiated or it falls outside the scope of the policies.

### b. Investigation

If possible, within ten (10) business days after a determination to conduct an investigation the Affirmative Action Officer shall conduct an investigation that shall include an interview with the subject of the complaint. If the investigation will take more than ten (10) business days, the Affirmative Action Officer will inform the subject of the complaint when the Officer expects to complete the investigation. Upon completion of the investigation the Affirmative Action Officer shall prepare and submit a report to the decision maker designated by the office together with any other related materials. A copy shall be sent to the subject employee's manager and deputy attorney general.

If possible, within ten (10) business days of receiving the report the decision maker shall take final action to remedy the complaint. If disciplinary or remedial action is warranted, it may consist

of, but need not be limited to, training, an oral or written reprimand, suspension, or termination. The subject of the complaint shall be provided a written summary of the report and notice of the proposed action.

The Affirmative Action Officer shall notify the complainant when final action has been taken, subject to the terms of the Minnesota Government Data Practices Act.

### 3. Records Retention

The Attorney General's Office shall maintain the privacy of all records to the extent required by the Minnesota Government Data Practices Act. All complaints (and related material) shall be retained in accordance with applicable office record retention policies and, when applicable, Minnesota Management and Budget's statewide human resource records retention schedule.

# D. Attorney General's Office Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template

The Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form shown below can be found at <https://intranet.ag.state.mn.us/Office/Policy/Default.asp>.

**[AGENCY]**

**Harassment and Discrimination Prohibited/  
Sexual Harassment Prohibited Policies  
Complaint Form**

Agency Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City, State Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

**Complainant [You]**

Complainant's Name \_\_\_\_\_ Job Title \_\_\_\_\_  
 Agency \_\_\_\_\_ Telephone \_\_\_\_\_  
 Work Address \_\_\_\_\_ Division \_\_\_\_\_  
 City, State Zip Code \_\_\_\_\_ Manager \_\_\_\_\_

**Respondent (Person Against whom you are filing the complaint)**

Name \_\_\_\_\_ Respondent's Job Title \_\_\_\_\_  
 Agency \_\_\_\_\_ Respondent's Telephone \_\_\_\_\_  
 Work Address \_\_\_\_\_ Division \_\_\_\_\_  
 City, State Zip Code \_\_\_\_\_ Manager \_\_\_\_\_

**The Complaint**

**Basis of Complaint**  
 Place an "X" in the box for all that apply:

<input type="checkbox"/> Race	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Gender Expression
<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Religion
<input type="checkbox"/> Familial Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Age	<input type="checkbox"/> Creed	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Color	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Reliance on Public Assistance	
<input type="checkbox"/> Disability		

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

Date most recent act of discrimination/harassment in violation of policy took place: \_\_\_\_\_  
 If you filed this complaint with another agency, give the name of that agency: \_\_\_\_\_

**Information on Witnesses Who You Believe Can Support Your Complaint**

Witness Name	Witness Work Address	Witness Work Telephone

Additional witnesses may be listed in "Additional Information" or on a separate sheet attached to this form.

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

Complainant Signature \_\_\_\_\_ Date signed \_\_\_\_\_

Complaint Received by: (Affirmative Action Officer Signature) \_\_\_\_\_ Date signed \_\_\_\_\_

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

This material is available in alternative formats for individuals with disabilities by contacting \_\_\_\_\_

Additional Information

## **E. Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy**

### **OVERVIEW**

#### **Objective**

The goals of this policy are:

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

#### **Policy Statement**

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

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

#### **Scope**

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

#### **Definitions**

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

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



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

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

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

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

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

**Individual with a Disability** - An individual who:

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

**Qualified Individual with a Disability** - An individual who:

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

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

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

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

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

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

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

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

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

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

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

## Exclusions

N/A

## Statutory References

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

## GENERAL STANDARDS AND EXPECTATIONS

### Individuals who may request a reasonable accommodation include:

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

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

### How to request a reasonable accommodation

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

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

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

### **Timing of the request**

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

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

### **Form of the request**

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

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

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

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

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

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

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

### **The interactive process entails**

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

- The need for a reasonable accommodation is not obvious;

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

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

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

The agency ADA Coordinator shall be consulted when:

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

### **Agency responsibilities for processing the request**

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

#### **Commissioner**

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

#### **ADA Coordinator**

The agency ADA Coordinator is the agency’s decision maker for reasonable accommodation requests for all types of requests outside of the supervisors’ and managers’ authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

#### **Supervisors and Managers**

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

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

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

## Analysis for processing requests

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

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

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

## Obtaining medical documentation in connection with a request for reasonable accommodation

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

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

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for](#)

[Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

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

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

## Confidentiality requirements

### Medical Information

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

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

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

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

### Accommodation Information

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

### **General Information**

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

### **Approval of requests for reasonable accommodation**

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

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

### **Funding for reasonable accommodations**

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

### **Procedures for reassignment as a reasonable accommodation**

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

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

### **Denial of requests for reasonable accommodation**

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



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

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

### **Consideration of undue hardship**

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

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

### **Determining direct threat**

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

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

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

### **Appeals process in the event of denial**

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

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

### **Information tracking and records retention**

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

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

### **RESPONSIBILITIES**

Agencies are responsible for the request:

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

MMB is responsible for:

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

### **FORMS AND INSTRUCTIONS**

Please review the following forms:

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

### **REFERENCES**

- [U.S. Equal Employment Opportunity Commission, \*Enforcement Guidance\*](#)
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).

- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

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

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

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

[Executive Order 19-15, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

## **CONTACTS**

Equal Opportunity Office at Minnesota Management and Budget

# F. Attorney General’s Office Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form

The Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form shown below can be found at <https://intranet.ag.state.mn.us/Office/Policy/Default.asp>.



STATE OF MINNESOTA – OFFICE OF THE ATTORNEY GENERAL

## EMPLOYEE/APPLICANT REQUEST FOR ADA REASONABLE ACCOMMODATION FORM

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

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

**Data Privacy Statement:** This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

**Questions to clarify accommodation requested.**

1. What specific accommodation are you requesting?
  
2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
  - a. If yes, please explain.

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

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

**Information Pertaining to Medical Documentation**

In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation.

The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

This authorization does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature:	Date:
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## G. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Attorney General’s Office will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The Attorney General’s Office does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** The Attorney General’s Office will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Attorney General’s Office programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Attorney General’s Office will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in The Attorney General’s Office offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of The Attorney General’s Office, should contact the Human Resources office, (651) 296-3353, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Attorney General’s Office to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Attorney General’s Office is not accessible to persons with disabilities should be directed to the Human Resources office, (651) 296-3353.

The Attorney General’s Office will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **H. The Attorney General’s Office Grievance Procedure Under Title II of the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Attorney General’s Office. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

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

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

Attorney General’s Office HR Director/ADA Coordinator  
445 Minnesota Street, Suite 1400  
St. Paul, MN 55101

Within 15 calendar days after receipt of the complaint, the HR Director or designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication, the HR Director or designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Attorney General’s Office and offer options for substantive resolution of the complaint.

If the response by the HR Director or designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the Attorney General or their designee.

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

All written complaints received by the HR Director or designee, appeals to the Attorney General or their designee, and responses from these two offices will be retained by the Attorney General’s Office for at least three years.

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

A fillable form is available at: <https://www.ag.state.mn.us/Office/Policies.asp>.



OFFICE OF THE MINNESOTA ATTORNEY GENERAL

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

The Attorney General’s Office (Office) is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). The ADA Coordinator/Designee will review each request on an individualized, case-by-case basis to determine whether an accommodation or modification can be made. **Please do NOT send copies of medical records. The Office is not authorized to have medical records and is not qualified to interpret medical records.**

### General Information

Date of Request: \_\_\_\_\_

### Person needing accommodation/modification

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

### Person making request (if different from person needing accommodation/modification)

Name: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Relationship to person needing accommodation/modification: \_\_\_\_\_

### Accommodation Information

Date accommodation/modification is needed: \_\_\_\_\_

Address and/or room of accommodation/modification: \_\_\_\_\_

Type of accommodation/modification requested (please be specific): \_\_\_\_\_

How would you like to be notified of the status of your request?

Phone  Email  Writing  Other (specify): \_\_\_\_\_

If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: \_\_\_\_\_

All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.

Check this box to sign this request form electronically:  
By checking this box, I agree my electronic signature is the legal equivalent of my signature.

Signature of Requestor \_\_\_\_\_ Date \_\_\_\_\_

### OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION

Date request received: \_\_\_\_\_

The request for accommodation/modification is **GRANTED**. Below is a description of the accommodation/modification:

The request for accommodation/modification is **DENIED** because:

- The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.
- The requested accommodation/modification would impose an undue burden on the office; and/or
- The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.

Requester notified on: (date) \_\_\_\_\_ via: \_\_\_\_\_

Additional notes: \_\_\_\_\_

ADA Coordinator:

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## J. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

A copy of the office's Safety Procedures and Evacuation Plan manual can be found on its intranet website. Evacuation plans are also prominently displayed at each office location on bulletin boards and in conference rooms. Staff are reminded periodically to review both the plans and the manual. Updates are issued as needed. All office locations work closely with the management companies of those buildings so that all staff are aware of and follow building evacuation procedures.

The manual provides for aiding staff who require assistance during an evacuation of the premises. Physical assistance monitors have been assigned at each location and on each floor, if applicable, to assist individuals with disabilities during a weather emergency or evacuation. These monitors are listed, and are routinely updated as needed, in the manual. All receptionists have been notified of the need to be aware of visitors who might require assistance during an evacuation and staff have been advised of the possibility of this need in the manual.

- Everyone has a responsibility to develop their own personal emergency evacuation plan, including individuals with disabilities or individuals who will need assistance during evacuation. The ADA Coordinator will assist to develop a plan and consult the appropriate building personnel. To request assistance in setting up a personal evacuation plan, staff should contact: Sarah Spence-Koivisto, HR Director/ADA Coordinator, (651) 757-1057, sarah.spence-koivisto@ag.state.mn.us.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact the office contact(s) below to request the type of assistance they may need.

**Name:** Sarah Spence-Koivisto \_\_\_\_\_

**Title:** HR Director/ADA Coordinator \_\_\_\_\_

**Email:** sarah.spence-koivisto@ag.state.mn.us \_\_\_\_\_

**Phone:** (651) 757-1050 \_\_\_\_\_



## Evacuation Options:

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

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire-resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds; and/or
- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders.

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

Individuals with disabilities should follow the following procedures:

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

disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

### **Severe Weather Evacuation Options:**

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

## Other Relevant Information

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### Veterans Programs

This section provides an overview of the office's general efforts to recruit, hire, promote, and retain veterans.

#### Recruitment and Processes

The office takes the following actions to improve recruitment and increase the number of qualified veterans in the applicant pool:

- Continue to place advertisements of job opportunities through [the State of MN Career site](https://mn.gov/mmb/careers/search-for-jobs/) (https://mn.gov/mmb/careers/search-for-jobs/).
- Continue to use the EEO tag line on all job postings and advertisements.
- Review/evaluate job postings to eliminate non-inclusive language.
- Continue to follow state statute for Veteran's Preference in hiring.
- Continue to participate and expand, if possible, our participation in the following job fairs to recruit veterans:
  - U of M Job & Internship Fair
  - U of M Careers in Law Fair
  - Government & Nonprofit Career Fair
  - Metro State Diversity Networking & Job Fair
  - State of MN Veteran's Job Fair
- Collaborate with the Veteran's Employee Resource Group to continue to provide and implement recommendations for improvement that align with and support the Attorney General's mission to hire and retain a workforce that is diverse.

#### Persons Responsible:

- Chief Deputy Attorney General John Keller
- Chief of Staff Donna Cassutt
- HR Director Sarah Spence-Koivisto (and designees)

#### Retention

The office will take the following actions to improve retention of veterans:

- Continue to evaluate and strengthen New Hire Orientation and other onboarding methods.
- Continue to offer New Employee Trainings given by section deputies to provide an overview of the work of each of their sections/division.

- Continue new employee check-ins with HR to gather feedback on orientation and onboarding practices.
- Encourage all new hires to receive applicable trainings for their career development.
- Ensure an inclusive work environment and equal opportunities for all employees.
- Encourage use of the office's mentor program.
- Support the space for and recommendations from the Employee Resource Groups (ERGs).
- Promote the use of the Employee Assistance Program as a tool to resolve conflicts in the workplace.
- Continue to conduct exit interviews, analyze the data, and address identified concerns.

**Persons Responsible:**

- Chief Deputy Attorney General John Keller
- Chief of Staff Donna Cassutt
- HR Director Sarah Spence-Koivisto (and designees)

**Training**

The office will take the following actions to improve retention of veterans:

- Implement a job shadowing program to develop employee's skill and competencies.
- Continue to provide quality orientations to the office.
- Expand the new on-boarding resources to all positions.
- Continue to provide cultural learning opportunities for all employees to promote knowledge, equity, and inclusivity and announce these training opportunities to all employees.
- Broadly announce all promotion and transfer opportunities.
- Ensure all new hires complete required mandatory trainings to include sexual harassment, discrimination and harassment, respectful workplace, and implicit biases and microaggressions in the workplace.

**Persons Responsible:**

- Chief Deputy Attorney General John Keller
- Chief of Staff Donna Cassutt
- HR Director Sarah Spence-Koivisto (and designees)

# Appendices

## Appendix A: Progress Report

Females (note: Promo = promotion)

Job Category	Prior AAP Total Employee #	Prior AAP Total Females #	Prior AAP Total Females %	Prior AAP Availability Female %	Total Hires & Promo #	Total Hired #	Male Hired #	Females Hired #	Un-known Hired #	Females Hired %	Total Promo #	Male Promo #	Females Promo #	Un-known Promo #	Female Promo %	Actual Female Hiring (%)	Female Had Goals in Prior AAP?	Female Goal Met?
Officials/ Administrators	32	16	50.00%	56.03%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	Yes	Yes
Professionals	114	43	37.72%	38.40%	47	47	25	22	<10	46.81%	<10	<10	<10	<10	**.**%*	47.92%	-	-
Paraprofessionals	108	74	68.52%	84.23%	59	59	19	40	<10	67.80%	<10	<10	<10	<10	**.**%*	70.77%	Yes	No
Office Clerical	93	92	98.92%	91.73%	15	15	<10	14	<10	93.33%	<10	<10	<10	<10	**.**%*	95.24%	-	-
<b>Total</b>	347	225	64.84%		146	127	45	82	<10	64.57%	19	<10	15	<10	78.95%			

**Racial/Ethnic Minorities (not: Promo = promotion; Mino = Racial/Ethnic Minorities)**

Job Category	Prior AAP Total Employee #	Prior AAP Total Mino #	Prior AAP Total Mino %	Prior AAP Availability Mino %	Total Hires & Promo #	Total Hired #	Non-Mino Hired #	Mino Hired #	Un-known Hired #	Mino Hired %	Total Promo #	Non-Mino Promo #	Mino Promo #	Un-known Promo #	Mino Promo %	Actual Mino Hiring (%)	Mino Had Goals in Prior AAP?	Mino Goal Met?
<b>Officials/ Administrators</b>	32	<10	**.**%*	8.49%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
<b>Professionals</b>	114	<10	**.**%*	7.37%	47	47	35	10	<10	21.28%	<10	<10	<10	<10	**.**%*	20.83%	Yes	Yes
<b>Paraprofessionals</b>	108	22	20.37%	14.44%	59	59	34	22	<10	37.29%	<10	<10	<10	<10	**.**%*	38.46%	-	-
<b>Office Clerical</b>	93	10	10.75%	7.95%	15	15	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
<b>Total</b>	347	42	12.10%		146	127	79	43	<10	33.86%	19	14	<10	<10	**.**%*			

**Individuals with Disabilities** (not: Promo = promotion; IwD = Individuals with disabilities)

Job Category	Prior AAP Total Employee #	Prior AAP Total IwD #	Prior AAP Total IwD %	Prior AAP Availability IwD %	Total Hires & Promo #	Total Hired #	IwD Hired #	Non-IwD Hired #	Un-known Hired #	IwD Hired %	Total Promo #	Non-IwD Promo #	IwD Promo #	Un-known Promo #	IwD Promo %	Actual IwD Hiring (%)	IwD Had Goals in Prior AAP?	IwD Goal Met?
<b>Officials/ Administrators</b>	32	<10	**.**%*	10.19%	<10	<10	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
<b>Professionals</b>	114	10	8.77%	3.80%	47	47	20	<10	22	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
<b>Paraprofessionals</b>	108	14	12.96%	11.32%	59	59	17	<10	39	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
<b>Office Clerical</b>	93	15	16.13%	2.87%	15	15	<10	<10	<10	**.**%*	<10	<10	<10	<10	**.**%*	**.**%*	-	-
<b>Total</b>	347	44	12.68%		146	127	46	14	67	11.02%	19	<10	<10	<10	**.**%*			

## Appendix B: Separation Analysis

**Total Separations** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	54.88%	57.78%	48.15%	28.89%	76.47%	**.***%	**.***%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	21.95%	88.89%	29.63%	**.***%	**.***%	**.***%	**.***%
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	23.17%	63.16%	22.22%	**.***%	**.***%	**.***%	**.***%
<b>Total Separations</b>	<b>100.00%</b>	<b>65.85%</b>	<b>100.00%</b>	<b>20.73%</b>	<b>100.00%</b>	<b>15.85%</b>	<b>100.00%</b>

**Officials/Administrators** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	**.***%	**.***%	**.***%	0.00%	0.00%	0.00%	0.00%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	**.***%	**.***%	**.***%	0.00%	0.00%	**.***%	**.***%
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	**.***%	**.***%	**.***%	0.00%	0.00%	**.***%	**.***%
<b>Total Separations</b>	<b>100.00%</b>	<b>**.***%</b>	<b>100.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>**.***%</b>	<b>100.00%</b>



**Professionals** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	83.33%	55.00%	91.67%	**.***%	**.***%	**.***%	**.***%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	*.**%	**.***%	**.***%	0.00%	0.00%	0.00%	0.00%
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	*.**%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Total Separations</b>	<b>100.00%</b>	<b>50.00%</b>	<b>100.00%</b>	<b>**.***%</b>	<b>100.00%</b>	<b>**.***%</b>	<b>100.00%</b>

**Paraprofessionals** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	50.00%	55.00%	44.00%	**.***%	**.***%	**.***%	**.***%
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	**.***%	**.***%	**.***%	0.00%	0.00%	**.***%	**.***%
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	40.00%	68.75%	44.00%	**.***%	**.***%	0.00%	0.00%
<b>Total Separations</b>	<b>100.00%</b>	<b>62.50%</b>	<b>100.00%</b>	<b>**.***%</b>	<b>100.00%</b>	<b>**.***%</b>	<b>100.00%</b>

**Office Clerical** (note: Sep = Separation; Minority = Racial/Ethnic Minority; IwD = Individuals with Disabilities)

Separation Type	Total % by Sep Type	Sep Type <sup>1</sup> Female % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Female Sep	Sep Type <sup>1</sup> Minority % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total Minority Sep	Sep Type <sup>1</sup> IwD % within Sep Type	Sep Type <sup>2</sup> Sep Type % within Total IwD Sep
Dismissal or Non-Certification	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Resignation	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Enhanced Separation	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Retirement	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*	**.**%*
Death	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Lay-off	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Termination without Rights	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
<b>Total Separations</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>**.**%*</b>	<b>100.00%</b>	<b>**.**%*</b>	<b>100.00%</b>

## Appendix C: Job Category Analysis

### Officials/Administrators

Job Code	Job Title
008654	M2 (Attorney General's Office)
008656	M4 (Attorney General's Office)
008655	M3 (Attorney General's Office)
008005	Attorney General
008653	M1 (Attorney General's Office)

### Professionals

Job Code	Job Title
008640	S3 (Attorney General's Office)
008639	S2 (Attorney General's Office)

<b>Job Code</b>	<b>Job Title</b>
008891	LA9
008636	S1 (Attorney General's Office)

## Paraprofessionals

<b>Job Code</b>	<b>Job Title</b>
008788	LA7
008786	LA5
008787	LA6
008785	LA4
008789	LA8
008784	LA3
008782	LA1

## Office Clerical

<b>Job Code</b>	<b>Job Title</b>
003627	Office & Admin Specialist
003628	Office & Admin Specialist Int
003629	Office & Admin Specialist Sr
003632	Central Svcs Admin Spec Inter
003633	Central Svcs Admin Spec Senior
003636	Customer Svcs Specialist Int
000427	Legal Secretary
001542	Legal Secretary Senior

## Definitions of Terms Used in This Affirmative Action Plan

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

**Availability:** an estimated percentage of qualified females, racial/minorities, or individuals with disabilities in the relevant labor market who are available for positions in a given job category at a state agency. The final availability is determined by considering two factors: the statistics from the outside labor market and the internal state agency workforce for the Affirmative Action Plan year.

**Connect 700 (C700) Program:** an alternative, non-competitive selection process for individuals whose disabilities prevent them from demonstrating their skills in a standard competitive selection process. If selected, this program allows eligible individuals to demonstrate their skills in an on-the-job trial work experience of up to 700 hours. See [Minnesota Statutes, section 43A.15, subdivision 14](#).

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

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

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

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

**Promotion:** the appointment of an employee to a position in a class assigned to a salary range which is two or more steps higher at the maximum than the employee's current job class or which requires an increase of two or more steps to pay the employee at the minimum of the new range.

**Protected groups:** females, persons with disabilities, and members of the following minorities: Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native ([M.S. 43A.02, subd. 33](#)).

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

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

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