



State of Minnesota

Attorney General's Office

July 1, 2020 – June 30, 2022 Affirmative Action Plan

Attorney General's Office

102 State Capitol

St. Paul, MN 55101

(651) 296-3353

MN Relay (800) 627-3529

www.ag.state.mn.us

As requested by Minnesota Statute Section 3.197:

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To request an alternative format of this document, please contact

Sue Vrooman, sue.vrooman@ag.state.mn.us

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Statement of Commitment

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

This statement reaffirms that the Attorney General's Office (hereafter "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: 11/05/2020

Executive Summary

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	Female	Racial/Ethnic Minorities	Individuals with Disabilities
Officials & Administrators	X		
Professionals		X	
Paraprofessionals	X		
Administrative Support			

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 Attorney General's Office 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.

Affirmative Action Officer/Human Resources Director:



Date Signed: 11.05.2020

Attorney General:



Date Signed: 11/05/2020

Organizational Profile

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 15 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

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

A. Attorney General

Responsibilities

The Attorney General is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Quarterly, the Attorney General reports the office's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB. The MMB Commissioner is responsible for reporting all agencies' progress to the Governor and the Legislature.

Duties

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

- Appoint the Affirmative Action Officer or designee 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 plan, 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 for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with the state-wide and office anti-discrimination and anti-harassment policies.

Accountability

The Attorney General is accountable directly to the Governor and indirectly to the Commissioner of MMB 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 is directly responsible for developing, coordinating, implementing, and monitoring the office's affirmative action program.

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 Commissioner on 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 participate in the recruitment of individuals of protected groups for employment, promotion, and training opportunities.
- Manage the office's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected groups.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of diversity recruitment.
- Comply with the 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 ensures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with leadership on a quarterly basis.

Name of individual(s) responsible

Name: Sue Vrooman **Email:** sue.vrooman@ag.state.mn.us
Title: Human Resources Director **Phone:** (651) 757-1057

C. Affirmative Action Officer Designee(s)

Responsibilities

Designees are responsible for the implementation of the office's Affirmative Action Plan at their facility/work location. 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 Employee Resource Group (ERG) diversity committee at their work and/or participate in the office's diversity or equity committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices to recommend changes to the Affirmative Action Officer.
- Partner with the office's recruitment team at their work locations.
- Comply with the statewide and office anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Designee is accountable to the Affirmative Action Officer/Human Resources Director 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: Personnel Assistant Phone: (651) 757-1279

D. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director or Designee is responsible for ensuring equitable and uniform administration of all personnel policies, in conjunction with the office ADA Coordinator, to ensure timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations

to remove barriers to equal employment opportunity with the office. HR Director or Designee is responsible for assisting managers and supervisors in human resources management activities.

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

Duties

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

- Maintain effective working relationships with office affirmative action officers and designees.
- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources 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 the state-wide and office anti-discrimination and anti-harassment policies.

Accountability

HR staff are accountable to the Chief of Staff and HR Director.

Name of individual(s) responsible

Name: Sue Vrooman **Email:** sue.vrooman@ag.state.mn.us

Title: HR Director **Phone:** (651) 757-1057

Name: K.C. Moua **Email:** kc.moua@ag.state.mn.us

Title: Personnel Assistant **Phone:** (651) 757-1279

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.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform

essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator, in consultation with the employee and supervisor, and other individuals involved 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 the 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: Sue Vrooman

Email: sue.vrooman@ag.state.mn.us

Title: HR Director

Phone: (651) 757-1057

F. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible for 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, obligations, and best practices with regards 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 Executive team 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 of 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 the 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: Sue Vrooman

Email: sue.vrooman@ag.state.mn.us

Title: HR Director

Phone: (651) 757-1057

G. Senior Managers and Executive Team Leaders

Responsibilities

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

Accountability

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

Name of individual(s) responsible

Name: John Keller

Email: john.keller@ag.state.mn.us

Title: Chief Deputy Attorney General

Phone: (651) 757-1057

H. 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 the 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

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 office employees each year. This message identifies the location of the Affirmative Action Plan and the employees' responsibility to read and understand it. It also indicates the employees' 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/> 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/>. 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 homepage, letterhead, publications, and all job postings, includes the statement "the Attorney General's Office 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

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

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

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

The office used the United States Census Bureau’s 2014-2018 American Community Survey, which is the most current statistical information available at the time of developing this Affirmative Action Plan.

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

Utilization/Availability Analysis, Establishment of Goals, and Timetables

Minnesota Administrative Rules 3905.0400 Subp 1 Item G, Minnesota Administrative Rules 3905.0600 Subp 3, Minnesota Administrative Rules 3905.0600 Subp 4, Minnesota Administrative Rules 3905.0600 Subp 5, and Minnesota Administrative Rules 3905.0600 Subp 6.

Utilization is an analysis of affirmative action and equal opportunity employment data used to assess the available workforce for a given state. As explained in the previous section, “availability” means an estimated percentage of qualified females, racial/ethnic minorities, or individuals with disabilities in the relevant labor market who are available for positions in each job category at a state office.

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 program. Effective hiring goals are strategic, actionable, and measurable efforts the office is committed to pursuing and implementing in 2020-2022.

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

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

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

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 2020-2022	Racial/ Ethnic Minorities Establish Goals?	Racial/ Ethnic Minorities If Yes, Goals for FY 2020-2022	Individuals with Disabilities Establish Goals?	Individuals with Disabilities If Yes, Goals for FY 2020-2022
Officials/Administrators	Yes	56.03%				
Professionals	Monitor		Yes	7.37%		
Para-Professionals	Yes	84.23%				
Administrative Support						

Progress and Personnel Activity Reports

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

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**). However, the agency did not have hiring goals in any job categories and protected groups in the prior Affirmative Action Plan.

Separation results were evaluated to identify potential action area(s) to establish retention strategies for the 2020-2022 plan year (refer to **Appendix B. Separation Analysis**).

Identification of Areas for Further Monitoring

Minnesota Administrative Rules 3905.0400 Subp. 1 Item H and I

Monitoring personnel activity helps agencies monitor progress in meeting hiring goals. Data from the previous plan period can help indicate when changes to program efforts are appropriate.

Workforce Snapshot

In **Appendix F. the Utilization Goals worksheet** 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.
- "Monitor": the office needs to monitor the job it may be underutilized where employee movement occurs.

Corrective Actions and Action-Oriented Programs will be followed to address the identified placement goal(s).

Personnel Activities

Progress Reports

The office did not have goals established in the prior Affirmative Action Plan.

Separations

Appendix B. Separation Analysis shows the results by separation type and the protected group during the prior Affirmative Action Plan period. 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, if there were 15 separations in total. Of those separations, 10 employees separated due to dismissal or non-certification. The dismissal or non-certification percentage is 66.67% (10 divided by 15).
2. The "percentage type¹" in **Appendix B. Separation Analysis** indicates percentages by protected group within a separation type. For example, if there were 10 separations by dismissal or non-certification in total. Of those separations, eight were female employees. The female dismissal or non-certification separation is 80.00% (8 divided by 10).

Corrective Actions and Action-Oriented Programs will be followed to address the identified area(s) to monitor/focus.

Corrective Actions and Action-Oriented Programs

Minnesota Administrative Rules 3905.0400, Subp. 1, Item H

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

Corrective Actions

This section identifies ways the 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 "Progress Reports and Personnel Analyses sections."

Table 3. Areas of Further Monitoring and Corrective Actions

Areas for Further Monitoring	Corrective Actions
<p>Officials/Administrators</p> <ul style="list-style-type: none"> • The office is underutilized in females in this job category 	<p>The office is underutilized in the female category of Officials/Administrators, which is made up of managerial staff.</p> <ul style="list-style-type: none"> • The office has already made progress in this category as a female minority was hired as a Deputy Attorney General after the reporting period of this Plan. • By June 30, 2021, develop an awareness strategy with executive leadership, deputies and managers for females in the officials/administrators job category to prepare for promotional opportunities. • Assess appointment summary data on a quarterly basis and compare the data to the prior quarter in order to ensure that the office is maintaining its goals in this category. • Immediately review office exit survey data for females and analyze data for common reasons for leaving, identify areas for improvement, communicate data to leadership, and develop and implement positive change based on survey data. Immediately develop a plan to address any significant issues that are discovered. • By December 31, 2020, establish a method to disseminate exit survey data to division managers. • By December 31, 2020, mitigate any biases that may exist in the recruiting/selection process by providing “Inclusive Hiring Practices” training to all leadership, executives and managers involved in the hiring process. • Immediately review/evaluate job announcements, both internally and externally, to eliminate non-inclusive language. • By December 31, 2020, develop a standardized list of questions for all job applicants in order to minimize bias and promote equal opportunity. • By December 31, 2020, develop a plan to ensure managers are proactively contributing to the success and retention of female attorneys by helping them achieve the goals gleaned through one-on-one meetings and the annual review process. • Enhance outreach efforts by immediately researching

Areas for Further Monitoring	Corrective Actions
	<p>opportunities to post job announcements to women focused recruiting sites.</p>
<p>Professionals</p> <ul style="list-style-type: none"> • The office is underutilized in racial/ethnic minorities in this job category • The office needs to “monitor” females in this job category because underutilization may occur by employee movement or if there are additional hires/promotions of males in this category 	<p>The office is underutilized in the racial/ethnic minorities category of Professionals, which is made up of Assistant Attorneys General.</p> <ul style="list-style-type: none"> • By December 31, 2020, create formal, year-round law clerk and internship positions with all MN law schools and any key staff and student groups that support racial and ethnic minorities. Actively recruit racial/ethnic minorities to be used as a feeder program for entry level attorney positions. • By December 31, 2020, contact offices of equity and diversity at a minimum of ten targeted law schools on at least a quarterly basis to attract qualified candidates, as well as network with numerous student associations and organizations to encourage protected group candidates to consider the office for employment. • By December 31, 2020, mitigate any biases that may exist in the recruiting/selection process by providing “Inclusive Hiring Practices” training to all leadership, executives and managers involved in the hiring process. • By December 31, 2020, develop a standardized list of questions for all job applicants in order to minimize bias and promote equal opportunity. • By December 31, 2020, develop a plan to ensure managers are proactively contributing to the success and retention of racial/ethnic minority attorneys by helping them achieve the goals gleaned through one-on-one meetings and the annual review process. • By December 31, 2020, and at least every three years, communicate with employees that the office collects summary data to make determinations about where we need to improve in terms of recruitment, selection, or retention of racial/ethnic minorities and individuals with disabilities, and encourage self-identification. • By June 30, 2021, develop a mentor program to support career development of racial and ethnic minority attorneys.

Areas for Further Monitoring	Corrective Actions
<p>Professionals (continued)</p>	<ul style="list-style-type: none"> • Although there were a very small number of racial/ethnic minority separations in this category, we will continue to review office exit survey data in a timely manner for racial/ethnic minorities and analyze data for common reasons for leaving, communicate data to leadership, and develop and implement positive change based on survey data. Any significant issues will be addressed immediately. • Continue to partner with the AGO's Hiring, Recruitment and Diversity Committee to carry out recommendations including affinity AGO group memberships. • Immediately begin posting employment opportunities on the LOCUS site. LOCUS is a private Facebook group of nearly 5,500 professionals across Minnesota from the following communities: Black, Indigenous, and People of Color. The group actively promotes employment opportunities across their individual and professional networks on a daily/weekly basis. • By June 30, 2021, deepen partnerships with state bar affinity associations by ensuring either direct membership by one or more members of the Attorney General's Office (AGO), and at least annual direct outreach by the Attorney General, or his designee from leadership. Evaluate the success of these activities at the end of this plan year.

Areas for Further Monitoring	Corrective Actions
<p>Professionals</p> <ul style="list-style-type: none"> • The office needs to “monitor” females in this job category because underutilization may occur by employee movement or if there are additional hires/promotions of males in this category 	<p>Although there is no underutilization of females in this job category, it is an area that potentially will be underutilized if protected group members separate or if there are additional hires/promotions of males in this category.</p> <ul style="list-style-type: none"> • Assess appointment summary data and movement data on a quarterly basis and compare the data to the prior quarter in order to ensure that the office is maintaining its goals in this category. • By December 31, 2020, develop a plan to ensure managers are proactively contributing to the success and retention of female attorneys by helping them achieve the goals gleaned through one-on-one meetings and the annual review process. • By December 31, 2020, conduct a manager training on sexual harassment & sexual discrimination. • By December 31, 2020, conduct an office-wide training on sexual harassment and sexual discrimination. • By June 30, 2021, develop a mentor program to support career development of female attorneys.
<p>Para-Professionals</p> <ul style="list-style-type: none"> • Females are underutilized in this category • Of the total number of separations in this category there was a disproportionately higher number of female resignations 	<p>The office is underutilized in the female category of Para-Professionals, which is made up of a wide variety of IT, paralegal, investigative, and other professional level positions.</p> <ul style="list-style-type: none"> • Immediately review office exit survey data for females and analyze data for common reasons for leaving, identify areas for improvement, communicate data to leadership, and develop and implement positive change based on survey data. Immediately develop a plan to address any significant issues that are discovered. • By December 31, 2020, establish a method to disseminate exit survey data to division managers. • By December 31, 2020, mitigate any biases that may exist in the recruiting/selection process by providing “Inclusive Hiring Practices” training to all leadership, executives and managers involved in the hiring process.

Areas for Further Monitoring	Corrective Actions
<p>Para-Professionals (continued)</p>	<ul style="list-style-type: none"> • Immediately review/evaluate job announcements, both internally and externally, to eliminate non-inclusive language. • By December 31, 2020, develop a standardized list of questions for all job applicants in order to minimize bias and promote equal opportunity. • Contact offices of equity and diversity at colleges on an ongoing basis in order to attract qualified candidates, as well as network with numerous student associations and organizations to encourage protected group candidates to consider the office for employment. • Immediately begin sending job announcements to the Workforce Community Email List, which will result in job openings being distributed directly to statewide organizations and individuals serving women, minorities, individuals with disabilities, and veterans. • By June 30, 2021, the office will develop a framework to be used to identify development needs for individual staff which could lead to promotional opportunities. • Enhance outreach efforts by immediately researching opportunities to post job announcements to women focused recruiting sites. • Immediately repost job announcements if qualified female applicants are underrepresented in the applicant pool.

Persons Responsible for Corrective Actions:

- Executive Leadership, Deputy Attorneys General, Division Managers, Affirmative Action Officer, Personnel Assistant

Other Action-Oriented Programs

This section provides an overview of the office's general efforts and actions to ensure equal opportunity. The office has reviewed barriers to hiring 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 due to hiring freeze/pause.
- Limited anticipated number of open positions or promotional opportunities in the Officials/Administrators category due to small total number of employees in the category and anticipated lack of movement or separation.
- Limited outreach due to unanticipated budget deficiencies. This will limit our outreach and effectiveness of recruitment efforts (lack of ability to attend costly job fairs, post to costly job boards, etc.).
- Unwillingness of employees to self-identify, including individuals with disabilities. This will affect the representation of employees in this protected group.
- Lack of staffing and resources in the Human Resources office to fulfill all objectives.

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:

- Recruit attorneys from the MN Affinity Bar Associations, Twin Cities Diversity in Practice, the StarTribune Diversity Network, and other community partners.
- Place advertisements of classified job opportunities through [the State of MN Careers website](https://mn.gov/mmb/careers/search-for-jobs/) (<https://mn.gov/mmb/careers/search-for-jobs/>).
- Continue to consider females, racial/ethnic minorities, and individuals with disability applicants for all positions for which they qualify.
- Continue to consider C700 applicants for all classified positions for which they qualify.
- Interview equally proportionate numbers of applicants in protected groups as compared to non-protected group members.
- Continue to participate and expand our participation if possible, in job fairs to recruit females, racial/ethnic minorities, and individuals with disabilities. Job fairs the office participated in during the prior plan year:
 - 2020 Career & Internship Fair College of Social & Behavioral Sciences
 - University of Minnesota Job & Internship Fair

- 2020 Careers in Law Fair - University of Minnesota
- Government & Nonprofit Career Fair UMN/All Colleges
- Metro State's 2019 Diversity Networking and Job Fair
- Continue to use the expanded equal employment opportunity language on all job postings and advertisements which states: "The Attorney General's Office greatly encourages, celebrates and values diversity. It is an equal opportunity employer which does not discriminate on the basis of race, creed, color, national origin, religion, sex, marital status, sexual orientation, gender identity, age, disability, or military status."
- Review/evaluate job postings to eliminate non-inclusive language.
- Leverage the assistance of the Hiring, Recruitment and Diversity Committee in providing recommendations for improvement that align with and support the Attorney General's mission to hire and retain a staff that is diverse in personal background, gender, race, ethnicity and sexuality.
- Encourage employees to refer members of protected groups in their networks to the office for potential employment.
- Network with offices of equity and diversity and student associations at colleges to attract qualified candidates for employment.
- Recruit AGO staff to participate and be active directly in affinity bar groups.
- The Attorney General or his designee will conduct outreach at least once per year to affinity bar groups.

Persons Responsible:

- John Keller, Chief Deputy Attorney General
- Sue Vrooman, HR Director
- K.C. Moua, Personnel Assistant

Retention

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

- Conduct exit interviews and surveys, analyze the data, and immediately address identified concerns.
- By December 31, 2020, develop a plan to ensure managers are proactively contributing to the success and retention of protected groups by helping them achieve the goals gleaned through one-on-one meetings and the annual review process.
- Leverage the assistance of the Hiring, Recruitment and Diversity and Training Committees to implement a method to create and promote employee development opportunities.
- Create an inclusive workplace by providing frequent training and modeling appropriate workplace behavior.
- Ensure an inclusive work environment and equal opportunities for all employees.
- Work to implement methods to gather employee feedback to learn more about what improvements employees would like to see in workplace culture.
- Continue to provide brown bag lunch presentations for all staff for both informational purposes and to promote promotional opportunities. Presentations are given by section deputies and/or division managers to provide an overview of the work of each of their sections/divisions.
- Support the creation of affinity groups within the office for employees in protected classes.
- Promote the use of the Employee Assistance Program as a tool to resolve conflicts in the workplace.

Persons Responsible:

- John Keller, Chief Deputy Attorney General
- Donna Cassutt, Chief of Staff
- Sue Vrooman, HR Director

Training

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

- Continue to provide office-wide training and development opportunities to all employees. Examples of trainings provided during this plan year include:
 - *Implicit Biases and Microaggressions in the Workplace*, presented by Anne Phibbs, PhD, founder and president of Strategic Diversity Initiatives.

- *Moving from Pain to Power: The Deleterious Impact of Racism and Implicit Bias on Everyone*, presented by Dr. BraVada Garrett-Akinsanya, a healing and self-care expert.
- *Healing Historical and Racialized Trauma*, presented by Resmaa Menakem, a healer, author, and trauma specialist.
- Continue to provide cultural learning opportunities for all employees to promote knowledge, equity, and inclusivity. Examples of opportunities provided during this plan year includes:
 - Art gallery open houses featuring minority artists' artwork on a rotating basis at the State Capitol location.
 - Iftar pot-luck celebration and the sharing of facts about Ramadan.
 - Black History Month celebration.
 - National Hispanic Heritage Month luncheon.
- Provide on-boarding orientations that intentionally include our opportunities and support for racial and ethnic minorities and other underrepresented groups.
- Announce training opportunities to all employees.
- Broadly announce all promotion and transfer opportunities to all employees.
- Ensure that all new hires take required mandatory trainings including sexual harassment, discrimination and harassment, respectful workplace, and implicit biases and microaggressions in the workplace.

Persons Responsible:

- John Keller, Chief Deputy Attorney General
- Donna Cassutt, Chief of Staff
- Sue Vrooman, HR Director
- K.C. Moua, Personnel Assistant

Methods of Auditing, Evaluating, and Reporting Program Success

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 classified hire to track the number of females, racial/ethnic minorities, and individuals with disabilities in each stage of the selection process. Managers 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. Managers must document their hiring decisions and human resources will review for bias.

An office that does not meet its hiring goals for competitive appointments, and noncompetitive appointments under Minn. Stat. sec. 43A.08, subd. 1(9), (11) and (16), and 43A.15, subds. 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.

The office will make every attempt to match the percent of self-identifying racial/ethnic minorities who are minimally qualified with the percent interviewed for positions in the classified service. 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 program 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 agency's affirmative action goals and timetables.

If it is determined that there is a disparate impact on protected groups, the agency will document the reasons why the layoff is occurring, such as positions targeted for layoff, applicable personnel policies or collective bargaining agreement provisions, or other

relevant reasons. The agency will determine if other alternatives are available to minimize the disparate impact on protected groups.

Other Methods of Program Evaluation

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

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

The 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

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 office's managers or supervisors
2. The office's affirmative action officer
3. The office's human resources office
4. Office management, up to and including the Attorney General

If the report concerns an office 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 office'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 office Affirmative Action Officer
5. Comply with their office's complaint and investigation procedures and/or the office'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

Office 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 office's complaint and investigation procedures and/or the office's Affirmative Action Plan

IV. Affirmative Action Officer or Designees Responsibilities

Office Affirmative Action Officer/designee must:

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

Office Responsibility

Agencies are responsible for the following:

1. Adopting this policy as the office HR policy.
2. Disseminating this policy to office 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

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

Acknowledgement

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 office's managers or supervisors, the office's affirmative action officer, the office's human resources office, or office management, up to and including the Attorney General. I understand that if my report concerns an office head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

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

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 office's managers or supervisors;
2. The office's affirmative action officer;
3. An office's human resource office;
4. Office management, up to and including the Attorney General.

If the report concerns an office 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 office'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 office Affirmative Action Officer

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

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

IV. Human Resources Responsibilities

Office 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 office's complaint and investigation procedures and/or their Affirmative Action Plan

V. Affirmative Action Officer or Designee Responsibilities

Office Affirmative Action Officer/designee must:

- Model appropriate behavior
- Treat all complaints of sexual harassment seriously
- Comply with the office's complaint and investigation procedures
- Keep the office 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 office'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 office. 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 office 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 agencies³⁰ carry out their responsibilities under this policy, developing training, and updating this policy as necessary.

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by office 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. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, 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 office's managers or supervisors, the office's affirmative action officer, the office's human resources office, or office management, up to and including the Attorney General. I understand that if my report concerns the Attorney General, 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

The Attorney General's Office is committed to granting all employees, as well as applicants, a right to a workplace free of discrimination or harassment. The purpose of these procedures is to implement the office's Affirmative Action Plan and discrimination and harassment policies as they relate to employment matters. They are not intended to be applicable to complaints of general harassment covered by other office policies.

A. 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) at the staff member's location or any other location, 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 Tennesen 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.

B. Manager Responsibilities.

All managers, including deputy attorneys general, 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 his or her 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 or deputy attorney general 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.

C. Human Resources and Affirmative Action Officer or Designee 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.

D. 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. However, if the Affirmative Action Officer determines that the complaint is meritless, the Affirmative Action Officer shall prepare a written report indicating that the complaint is meritless.

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. The report shall include recommendations for designated actions to be taken to remedy the complaint. In making the recommendations, the Affirmative Action Officer shall consult with the manager of the subject of the complaint.

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 to a deputy attorney general.
2. The manager or deputy attorney general 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. No complaint shall be processed under this procedure if the complaining party refuses to divulge his/her identity and how he/she can be contacted to verify the nature of the complaint. 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. The report shall include recommendations for designated actions to be taken to remedy the complaint. In making the recommendations, the Affirmative Action Officer shall consult with the appropriate manager.

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.

E. 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

<p style="text-align: center;">ATTORNEY GENERAL'S OFFICE COMPLAINT OF DISCRIMINATION/HARASSMENT</p> <p>The information on this form is collected so that the Attorney General's Office may review your complaint under the office's discrimination and harassment policies and to administer those policies and monitor compliance. You are not legally required to provide this information, but the Attorney General's Office may not be able to review your complaint if you do not provide sufficient information. The information collected is private personnel data on you. It will, however, be disclosed, as needed, within the office to the Affirmative Action Officer, appropriate managers or deputies, and the Attorney General. During any investigation the data remains personnel data on you, but it may also be disclosed subject to the limitations imposed by Minn. Stat. § 13.43, subd. 8, to any individual who may have information on the matter, the employee against whom or on whose behalf the complaint is made or to the Minnesota Department of Human Rights or the Equal Employment Opportunity Commission.</p> <p>NAME/TITLE: _____</p> <p>ADDRESS: _____</p> <p>TELEPHONE: _____</p> <p>Who is (are) the subject(s) of your complaint? _____</p> <p>NAME(S): _____</p> <p>TYPE OF DISCRIMINATION OR HARASSMENT: (check all that apply)</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Race</td> <td><input type="checkbox"/> Marital Status</td> <td><input type="checkbox"/> Disability</td> </tr> <tr> <td><input type="checkbox"/> Sex</td> <td><input type="checkbox"/> Gender Identity</td> <td><input type="checkbox"/> Gender Expression</td> </tr> <tr> <td><input type="checkbox"/> Familial Status</td> <td><input type="checkbox"/> National Origin</td> <td><input type="checkbox"/> Religion</td> </tr> <tr> <td><input type="checkbox"/> Age</td> <td><input type="checkbox"/> Creed</td> <td><input type="checkbox"/> Genetic Information</td> </tr> <tr> <td><input type="checkbox"/> Color</td> <td><input type="checkbox"/> Sexual Orientation</td> <td><input type="checkbox"/> Retaliation</td> </tr> <tr> <td><input type="checkbox"/> Sexual Harassment</td> <td><input type="checkbox"/> Status with Regard to Public Assistance</td> <td><input type="checkbox"/> Membership or Activity in a Local Human Rights Commission</td> </tr> </table> <p>Other (Specify): _____</p> <p>When did the incident occur? Date: _____ Time: _____</p> <p>Place: _____</p>	<input type="checkbox"/> Race	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Disability	<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Familial Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion	<input type="checkbox"/> Age	<input type="checkbox"/> Creed	<input type="checkbox"/> Genetic Information	<input type="checkbox"/> Color	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Status with Regard to Public Assistance	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission	<p>Describe the incident in detail. If you are reporting an incident on behalf of another, please include that person's name and division in the Office (attach additional sheet(s) if needed):</p> <p>_____</p> <p>_____</p> <p>Were there any witnesses to the incident?</p> <p>NAME(s): _____</p> <p>_____</p> <p>I certify that the information I provided is true and correct to the best of my ability.</p> <p>Signature: _____ Date: _____</p> <p>Received by: _____</p> <p>Signature: _____ Date: _____</p>
<input type="checkbox"/> Race	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Disability																	
<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Gender Expression																	
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<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Status with Regard to Public Assistance	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission																	

E. Attorney General's ADA Reasonable Accommodation Policy

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

The Attorney General's Office must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. The office 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. Reasonable accommodation must be provided 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 Office of the Attorney General.

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- The office is required to appoint an ADA coordinator or designee, depending on office size, to direct and coordinate 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, which can be obtained from the Human Resources office.

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 acquiring or modifying equipment or devices, modifying training materials, making facilities readily accessible, modifying work schedules, and 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 office. The office is not required to provide accommodations that would impose an undue hardship on the operation of the office.

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

- Immediate manager;
- Affirmative Action Officer/Designee;
- ADA Coordinator;
- Human Resources Office;
- Any manager or employee 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 office 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 office 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 should be documented in writing to ensure efficient processing of requests.

Accommodation request forms can be obtained from the Human Resources Director.

When a 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. Managers should consult with the 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 office must make appropriate arrangements without requiring a request in advance of each occasion.

The Interactive Process

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 ADA Coordinator to explore and identify specific reasonable accommodation(s).

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 office. An individual may request that the ADA Coordinator, a union representative, or support person be present.

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.

Attorney General

The Attorney General has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The ADA Coordinator is the decision maker for reasonable accommodation requests for all types of requests outside of the managers' authority. The ADA Coordinator will work with the manager to implement the approved reasonable accommodation.

Analysis for Processing Requests

Before approving or denying a request for accommodation, the 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 office; and
5. Determine whether the reasonable accommodation will impose an undue hardship on the office's operations.

An employee's accommodation preference is always seriously considered, but the office 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 office will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The 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 ADA Coordinator must make the request and use the Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider. The 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 office 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 office may deny the reasonable accommodation request. The ADA Coordinator must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Managers must not request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the 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 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 ADA Coordinator.

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

- Deputies, managers or 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 to seek advice from within 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 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 manager and the 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 the office's ADA Coordinator to maintain records and evaluate and report on the office's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of Requests for Reasonable Accommodation

As soon as the ADA Coordinator determines that a reasonable accommodation will be provided, the 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 ADA Coordinator.

Funding for Reasonable Accommodations

Funding must be approved for accommodations that do not cause an undue hardship.

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 ADA Coordinator will work with appropriate staff and the requestor to identify appropriate vacant positions within the office 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 office will consider vacant lower level positions for which the individual is qualified. The EEOC recommends the consideration of positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of Requests for Reasonable Accommodation

The ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The office 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 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

Determination of undue hardship is made on a case-by-case basis and only after consultation with the ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the office considers factors such as the nature and cost of the accommodation in relationship to the size and resources of the office and the impact the accommodation will have on the operations of the office.

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 office 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, the office 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 a Deputy Attorney General;
- 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

The office will 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.

The office will retain reasonable accommodation documentation according to the records 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.

Forms (obtain from Human Resources)

- Employee/Applicant Request for ADA Reasonable Accommodation
- Authorization for 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 Minnesota Statute section 181.974 prohibit employers from using genetic information when making decisions regarding employment.

The 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, status with regard to public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.


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

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

CONTACTS

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us

Request for Reasonable Accommodation Form



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.

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

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

- What job function, if any, are you having difficulty performing?
- What employment benefit, if any, are you having difficulty accessing?
- 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?
- 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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F. 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, 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.

G. Attorney General's 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 Attorney General's 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 his/her 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 his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Attorney General or his designee.

Within 15 calendar days after receipt of the appeal, the Attorney General or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Attorney General or his 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 his designee, and responses from these two offices will be retained by the Attorney General's Office for at least three years.

H. 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 the Office's website: <https://www.ag.state.mn.us/>

	OFFICE OF THE MINNESOTA ATTORNEY GENERAL	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: _____
Americans with Disabilities Act ("ADA") Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form		All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.
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.		<input type="checkbox"/> 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.
General Information		Signature of Requestor _____ Date _____
Date of Request: _____		OFFICE USE ONLY RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION
Person needing accommodation/modification		
Name: _____		Date request received: _____
Address: _____		The request for accommodation/modification is GRANTED . Below is a description of the accommodation/modification:
Email: _____ Phone: _____		The request for accommodation/modification is DENIED because:
Person making request (if different from person needing accommodation/modification)		<input type="checkbox"/> The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability. <input type="checkbox"/> The requested accommodation/modification would impose an undue burden on the office; and/or <input type="checkbox"/> The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.
Name: _____		Requester notified on: (date) _____ via: _____
Email: _____ Phone: _____		Additional notes:
Relationship to person needing accommodation/modification: _____		ADA Coordinator:
Accommodation Information		Name _____
Date accommodation/modification is needed: _____		Signature _____ Date _____
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?		
<input type="radio"/> Phone <input type="radio"/> Email <input type="radio"/> Writing <input type="radio"/> Other (specify): _____		

I. 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 each conference room. All new employees receive a copy of the manual upon hire, and 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 work to develop a plan and consult the appropriate building personnel. To request assistance in setting up a personal evacuation plan, staff should contact: Sue Vrooman, HR Director, (651) 757-1057, sue.vrooman@ag.state.mn.us; or
- K.C. Moua, Personnel Assistant, (651) 757-1279, kc.moua@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: Sue Vrooman

Title: HR Director

Email: sue.vrooman@ag.state.mn.us

Phone: (651) 757-1057

Evacuation Options:

Individuals with disabilities have the following evacuation options:

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

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):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by a designated physical assistance monitor, or shelter in place when the alarm sounds. Physical assistance monitors will inform building security staff of individuals awaiting rescue in the designated rescue area. 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 emergency responders as to how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs or other personal mobility devices):** 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. The physical assistance monitor should offer assistance and, if accepted, accompany the individual with the disability through the evacuation route.
- **Hearing disabilities:** The buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are intended for individuals 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. The physical assistance monitor should offer assistance and, if accepted, accompany the individual with the disability through the evacuation route.

- **Visual disabilities:** The 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 physical assistance monitor should offer assistance and, if accepted, accompany the individual with the disability through the evacuation route.

Severe Weather Evacuation Options:

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

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

Appendix

Refer to the AAP Appendix 2020-2022.

Definitions of Terms Used in This Affirmative Action Plan

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.

Feeder job: staffed positions within the office 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: a geographic area in which an office is seeking a worker in a particular goal unit and where there is an available supply of workers employed or seeking jobs in that goal unit.

Protected groups: 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, 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.