State of Minnesota

MINNESOTA DEPARTMENT OF CORRECTIONS

Affirmative Action Plan

August 2014 – August 2016

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108

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MINNESOTA DEPARTMENT OF CORRECTIONS
2014 – 2016 Affirmative Action Plan

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I. EXECUTIVE SUMMARY

MINNESOTA DEPARTMENT OF CORRECTIONS
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Review revealed underutilization of the following protected group(s) in the following EEO-4 job categories:

Table 1.

EEO-4 Job Categories	PROTECTED GROUPS		
	Women	Racial/Ethnic Minorities	Persons With Disabilities
Officials/Administrators			
Professionals		x	x
Technicians		x	x
Protected Services: supv		x	
Protected Services: non-supv	x	x	x
Office/Clerical		x	x
Skilled Craft	x	x	x
Service Maintenance		x	x

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of the Minnesota Department of Correction's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency's website and maintained in the Human Resources/Affirmative Action Office.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management & Budget, and contains affirmative action goals and timetables, as well as reasonable and sufficiently assertive hiring and retention methods for achieving these goals.

Affirmative Action Officer — 11.3.14 (date)

Lori Kingston
Human Resources Director or Designee — 11-3-14 (date)

Commissioner/Agency Head — 11-3-14 (date)

II. STATEMENT OF COMMITMENT

As Commissioner of the Minnesota Department of Corrections, I support our Affirmative Action Plan's efforts to provide equal opportunity in employment to current and prospective employees without regard to their protected status. To ensure a diverse workforce representative of all protected groups I affirm my personal and official support of a plan and its policies which provide that:

- Discrimination against applicants or employees on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated.

- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;

- This agency will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underutilized in the workforce;

- This agency is committed to the retention all qualified, talented employees, including protected group employees.

- The agency is committed to taking a proactive role in reducing our workforce's underutilization of persons with disabilities by supporting Executive Order 14-14, the Olmstead Act, and the Supported Worker Program

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

Commissioner

11-3-14
date

III. PERSONS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. COMMISSIONER OF CORRECTIONS

1. Responsibilities

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

2. Duties

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

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

3. Accountability

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

B. AFFIRMATIVE ACTION MANAGER

1. Responsibilities

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

2. Duties

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

- Develop and administer the department's Affirmative Action and Equal Opportunity Plan.
- Develop and set agency-wide goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Department of Corrections (DOC) Commissioner on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between the DOC and MMB.
- Determine the need for affirmative action training within the agency and initiate the development of such training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action.
- Develop innovative programs to attract and retain protected group members in the DOC.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for missed opportunities in the DOC hiring process and refer unresolved issues to the Commissioner for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Oversee the administration of the Americans with Disabilties Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.

3. Accountability

The Affirmative Action Manager is accountable to the Commissioner and Assistant Commissioner for program impacts and for ongoing program activities and direction.

C. AFFIRMATIVE ACTION OFFICER DESIGNEE

1. Responsibilities

The designees are responsible for the implementation of the department's Affirmative Action Plan at their facility/work location. Each designee is appointed by their respective Superintendent, Warden, and Field Services Director, and is directly accountable to him/her for matters relating to affirmative action. Indirectly, the designees are accountable to the department's Affirmative Action Manager.

2. Duties

- Fulfill all affirmative action reporting requirements by submitting standard quarterly 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 location.
- Serve as a member of the department-wide Affirmative Action Officers Committee.
- Determine the need for diversity training and recommend training at their respective work location.
- Review policies, procedures, and practices and to recommend changes to the Affirmative Action Manager.
- Receive employee complaints of discriminatory harassment, advise employees of the department policy and complaint process, and promptly notify the Affirmative Action Manager of complaints received.
- Serve as ex-officio member of the recruitment team at their work locations.

3. Accountability

The Affirmative Action Designee is accountable to the Warden, Superintendent, or Director of Field Services, and indirectly to the Affirmative Action Manager on matters pertaining to Affirmative Action and Equal Opportunity.

D. HUMAN RESOURCES

1. Responsibilities

The Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies. Human Resources Directors are responsible for responding to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with the agency, assisting managers and supervisors in human resources management activities.

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

2. Duties

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

- 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 utilization of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected class persons and notify managers and supervisors of existing disparities
- Ensure the pre-hire review process is implemented and receives support from hiring managers and supervisors;
- Initiate and report on specific program objectives contained in the affirmative action plan;
- Ensure that all job opportunities are made available to all staff.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants.
- Assist supervisors, managers and the Affirmative Action Officer in affirmative recruitment of protected group members through career and job fairs and other recruitment efforts, as well as in selection and retention of protected group members.
- Assist the Diversity Recruitment Program Coordinator in the diversity recruitment and retention activities geared towards protected group members.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives;

3. Accountability

Human resources staff are accountable to the Human Resource Directors and the Manager for the Human Resources Department.

E. AMERICANS WITH DISABILITIES ACT COORDINATOR

1. Responsibilities:

The Americans with Disabilities Act (ADA) Coordinator is responsible for the oversight of the agency's compliance with the ADA Title I – Employment and Title II – Public Services, in accordance with the ADA - as amended, the Minnesota Human Rights Act, and Executive Order 96-09.

2. Duties:

The duties of the ADA Coordinator shall include, but not limited to, the following:

- Provide guidance, coordination, and direction to agency management with regard to the ADA in the development and implementation of agency policy, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices with regard to hiring and retention of 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 agency services, and report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update Human Resources Directors on evolving ADA issues. Meet bi-annually with ADA Coordinators and provide updates on ADA.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Manager in designing and delivering specific ADA training for targeted groups.
- 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 or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator and the regional human resources director (RHRD) who also serves as the regional ADA coordinator, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
    - Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
    - Determine the precise job-related limitations;
    - Identify the potential accommodations and asses the effectiveness each would have in allowing the employee to perform the 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.

3. Accountability:

The ADA Coordinator reports directly to Affirmative Action Manager.

F. SENIOR MANAGERS AND FACILITY EXECUTIVE TEAM LEADERS

1. Responsibilities

DOC senior managers and Facility executive team leaders are responsible for implementing all aspects of the DOC Affirmative Action Plan and its commitment to affirmative action and equal opportunity in their division, facility or region.

2. Duties

The duties of DOC senior managers and facility executive team leaders shall include, but not be limited to, the following:

- Identify problem areas and eliminate barriers that inhibit equal employment opportunity within their division, facility, region, and the DOC.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees assigned to their unit or facility.
- Assist the Affirmative Action Manager in conducting periodic audits of hiring and promotion patterns to remove impediments to attaining goals and objectives.
- Hold regular discussions with supervisors and employees to ascertain that the agency's equal employment opportunity policies are being followed.
- Inform and evaluate division, facility, or managers and supervisors on their equal employment opportunity efforts and results in addition to other job performance criteria.

3. Accountability

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

G. MANAGERS AND SUPERVISORS

1. Responsibilities

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

2. Duties

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

- Identify and eliminate barriers that inhibit equal employment opportunity.
- Communicate the agency's affirmative action policy and plan to assigned staff.
- Include responsibility statements for affirmative action and equal employment opportunity in their position descriptions.
- Carry out their supervisory responsibilities in accordance with the affirmative action and equal employment opportunity policies embodied in this plan.
- Provide a positive and inclusive work environment.
- Maintain a "single standard" principle within the work force so that employees are evaluated, recognized, developed and rewarded on a fair and equitable basis.
- Refer formal or informal complaints related to discrimination or discriminatory harassment to the Director of Human Resources, Assistant Commissioner of Operations, Affirmative Action Manager, Affirmative Action Officer Designee, or the Director of Policy and Legal Services.

3. Accountability

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

H. All Employees

1. Responsibilities:

All employees shall be responsible for conducting themselves in accordance with the state of Minnesota's Equal Employment Opportunity Policy by refraining from any actions that would interfere with any employee's work performance with respect to that individual's race, creed, color, sex, national origin, age, marital status, disability, sexual orientation, 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 unlawful discrimination are encouraged to utilize the agency's discrimination complaint procedure.

2. Duties:

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

- Exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public.
- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, color, creed, religion, national origin, sex, marital status, public assistance, disability, genetic information, sexual orientation, or membership in a local human rights commission.

3. Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner. Employees are responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

This plan will be provided in alternative format upon request.

A. Internal Dissemination

- The Affirmative Action Plan will be located on DOC public website and on the DOC internal website, Ishare. In addition to the Affirmative Action Plan, the name and phone number of the Affirmative Action Officer Designee serving that location will also be posted on iShare.

- Managers and supervisors will be responsible for notifying their staff of revisions to the plan and where they can access the plan for review.

- New employees during their orientation will be informed of the department's Affirmative Action Plan, the name of their Affirmative Action Officer Designee, the existence of Diversity Committees (Employee Resource Groups), and the availability of the Affirmative Action Plan.

- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees

A. External Methods of Communication

- The agency's Affirmative Action Plan is available on the agency's external website at www.doc.state.mn.us or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.

- The agency's web site home page, agency letterhead, publications, and all job postings, will include the statement "an equal opportunity employer. "

- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: EEO is the law, Employee Rights under the Fair Labor Standards Act, and the ADA Notice to the Public.

V. DOC POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

(This policy is in review and will be updated after the plan has been submitted)

Minnesota Department of Corrections

Policy:	**103.300**	**Title:**	**Anti-Discrimination and Sexual Harassment**
Issue Date:	**1/6/09**		
Effective Date:	**1/6/09**		

AUTHORITY: Minn. Stat. §§ 363A.01 et al (Minnesota Human Rights Act) and 43A.01.

PURPOSE: To ensure the department's employment practices are free from illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics, by providing a process through which complaints of illegal discrimination will be promptly, thoroughly, and respectfully handled and investigated.

APPLICABILITY: This policy applies to all individuals affiliated with the Department of Corrections including but not limited to, applicants, employees, contractors, and volunteers, and is intended to protect the rights and privacy of both the complainant and respondent and other involved individuals, as well as to prevent retaliation or reprisal.

POLICY:

A. Nondiscrimination

It is the policy of the Department of Corrections (department) that all its employees and individuals affiliated with the department to be able to work in an environment free of all forms of illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics.

B. Responsibility to Report

It is the responsibility of all individuals affiliated with the department, including but not limited to applicants, employees, contractors, and volunteers to report incidents that the individual in good faith believes constitutes sexual harassment or other illegal discrimination, to any Regional Human Resource Director, Affirmative Action Officer Designee, Director of Policy & Legal Services, or Assistant Commissioner for Support Services who must take timely and appropriate action as outlined in this policy.

All department employees are required to report observed acts of sexual harassment or other illegal discrimination to a supervisor, cooperate in investigations relating to illegal discrimination, and maintain confidentiality requirements. Failure of an employee to follow these requirements is grounds for discipline.

All managers and supervisors are responsible for the implementation of this policy and for ensuring that all employees have knowledge and understanding of this policy. All managers and supervisors will (1) monitor the department's work environment for signs of harassment on a daily basis; (2) advise employees about the types of behavior prohibited and complaint procedures; (3) stop all observed acts of harassment regardless of whether the employees involved are under his or her supervision; and (4) take immediate action to limit the work contact between employees involved in a complaint of harassment pending investigation.

C. Administrative Responsibility

The department will not tolerate any form of illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics, and will take appropriate corrective action against employees who violate this policy after a prompt and thorough investigation. Employees who engage in any form of illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics, in the work place can expect disciplinary action, up to and including termination of employment. All disciplinary actions will be considered on an individual basis.

D. Retaliation Prohibited

The department will not tolerate any retaliation or reprisal against any complainant who in good faith reports any form of illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics, or individual who participates in an investigation. Any employee who is found to have taken retaliatory actions against an individual because of that person's good faith complaint or participation in an investigation relating to this policy is subject to discipline, up to and including termination of employment.

DEFINITIONS AND PROHIBITED ACTS:

Affirmative Action Officer Designee - an individual designated by the Appointing Authority, in conjunction with the Office of Diversity, to be a resource for employees regarding the department's Affirmative Action Plan

Agency Investigation Tracking System - the department's database that documents employee discipline administration by human resources.

Appointing Authority - for purposes of this policy, is a warden, superintendent, or manager who has been delegated as the authority for personnel transactions by the Commissioner.

Discrimination/Illegal Discrimination - for purposes of this policy, is defined as adverse treatment based upon an individual's protected class characteristics, except when based upon a bona fide occupational qualification. Illegal discrimination means discrimination and harassment in employment practices based upon protected class characteristics in violation of state and federal law.

Harassment - for purposes of this policy, is a form of discrimination and in general is the display of behavior based upon protected class characteristics by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment Prohibited Conduct - examples of prohibited harassment include, but are not limited to:

- Display of posters, signs, pictures, cartoons, symbols, written statements, emails, non-verbal behaviors, including gestures and facial expressions, or other materials that demean, offend, or belittle any individual's protected class characteristics.
- Unwelcome statements, name-calling, or other verbal conduct, including using derogatory names or terms when referring to individuals or groups of individuals based upon protected class characteristics.

Protected Class Characteristics - for the purpose of this policy, means that discrimination and harassment in employment practices are prohibited on the basis of race, color, sex, creed, religion, age, familial status, national origin, disability, sexual orientation, marital status, status with regard to public assistance or membership or activity in a local commission.

Regional Human Resource Director – director of human resource for each region in the department.

Retaliation - for purposes of this policy is defined as, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she made a complaint under this policy or assisted or participated in any manner in an investigation, regardless of whether a claim of discrimination or harassment is substantiated.

Sexual Harassment - for purposes of this policy, is a form of discrimination that includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

* Submission to such conduct is made a term or condition of an individual's continued employment, promotion, or other condition of employment. This may occur by acts or words that are stated clearly, or acts or words that are implied.

* Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.

* Such conduct is intended to interfere or results in interference with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment Prohibited Conduct - examples of prohibited actions and statements include but are not limited to:

* Derogatory or vulgar comments of a sexual nature; sexually vulgar language, remarks about a person's physical anatomy or characteristics; "dirty" jokes; sexual innuendo; sexually explicit language; lewd or vulgar tones; threats of physical harm; and distribution or display of written or graphic sexual materials.
* Touching oneself or another person in a sexually suggestive way; physical contact or positioning so as to invade personal privacy; or intentional touching of anatomy that is private such as breasts, genital areas, or buttocks. Also included are intentional movements made in an attempt to look at another person's breasts, genital areas or buttocks. Also prohibited are physical acts such as hitting, pushing and making physical gestures of a sexual nature such as hip-grinding or grabbing motions.
* Display of nude or semi-nude sexually suggestive pictures, sexually oriented magazines or posters, sexually offensive cartoons, and other words or pictures of a sexually suggestive nature.

REFERENCES: Title VII of the Civil Rights Act of 1964, as amended.

Age Discrimination and Employment Act of 1967.

Rehabilitation Act of 1973, as amended.

Americans with Disabilities Act

SUPERSESSION: Policy 103.300, "Anti-Discrimination and Sexual Harassment," 11/19/07.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means, regarding this topic.

/s/

Harley W. Nelson, Deputy Commissioner

Community Services

Lynn M. Dingle, Deputy Commissioner

Facility Services

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS OF ALLEGED HARASSMENT/DISCRIMINATION

PROCEDURES

A. Reporting an Incident

The department encourages any individual who in good faith feels he or she has been or is being subjected to illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics, to report the incident to any Regional Human Resource Director, Affirmative Action Officer Designee, Director of Policy & Legal Services or Assistant Commissioner for Support Services who must take timely and appropriate action as outlined in this policy. The complainant may be asked to complete a complaint form with a written summary of what has occurred and may also be asked to submit a copy of any additional written documentation of the matter. A supervisor, manager or Affirmative Action Officer Designee who receives a complaint or becomes aware of a potential violation of this policy will immediately notify and forward any written documentation to a Regional Human Resource Director, the Director of Policy & Legal Services, or the Assistant Commissioner for Support Services for processing under this policy.

Step 1. Report illegal discrimination to a Regional Human Resource Director, Affirmative Action Officer Designee, the Director of Policy & Legal Services or Assistant Commissioner for Support Services utilizing **Policy 103.300 Anti-Discrimination and Sexual Harassment** complaint form (attached).

Step 2. Immediately upon receipt of an illegal discrimination complaint, the Regional Human Resource Director and the Appointing Authority, in consultation with the Director of Policy & Legal Services and the Assistant Commissioner for Support Services, will take the necessary steps to limit contact between the alleged harasser and the complainant pending the investigation outcome. A harassment complaint egregious in nature will require reassignment of the alleged harasser from the complainants work area pending the investigation outcome.

Step 3. Within two working days the complaint will be forwarded to the Director of Policy & Legal Services and Assistant Commissioner for Support Services. The Director of Policy & Legal Services will review and determine whether the complaint alleges a violation of **Policy 103.300** and the need for an investigation. As necessary, the Director of Policy & Legal Services will refer allegations of employee misconduct or criminal behavior to the Office of Special Investigations for review under **Policy 107.100 "Internal Affairs – Office of Special Investigations."**

Step 4. After consultation with the Regional Human Resource Director and the Appointing Authority, the Director of Policy & Legal Services will determine whether to initiate an investigation and how the investigation will proceed. If an investigation is initiated, the Regional Human Resource Director will establish a record of the complaint in the Agency Investigation Tracking System.

Step 5. The Director of Policy & Legal Services will notify the complainant(s) and the respondent(s) in writing that the complaint will be investigated. The letter will be mailed to the employee address provided in the personnel payroll system unless otherwise requested. Copies will be forwarded to the Appointing Authority, Regional Human Resource Director, and the Assistant Commissioner for Support Services.

Step 6. The Director of Policy & Legal Services will assign a special investigator who will as necessary:

a) Take a verbal statement from the complainant as the initial step to confirm the determination that the complaint is properly a discrimination complaint subject to **Policy 103.300**.

b) Obtain the respondent's side of the story or explanation and explain the investigative procedure.

c) Obtain additional evidence or facts by reviewing relevant files, documentation, interviewing possible witnesses, other alleged victims and co-workers, and any other necessary investigative work.

d) Prepare a thorough written report of the findings and submit it to the Director of Policy & Legal Services for review and determination

e) Complete the investigation for review and determination within sixty days of the investigator's initial meeting with the complainant unless reasonable cause for delay exists.

Step 7. The Director of Policy & Legal Services will review and share the investigative report with the Appointing Authority and Regional Human Resource Director. The Director of Policy & Legal Services will determine based upon the totality of the circumstances whether the findings of the investigation substantiate a violation of **Policy 103.300**.

Step 8. If the investigation findings do not support that a violation of the policy occurred, the Director of Policy & Legal Services will notify in writing the complainant(s) and respondent(s) of the determination.

Step 9. If the investigation findings do support that a violation of the policy occurred, the Director of Policy & Legal Services will notify the Appointing Authority and Regional Human Resource Director. The Director of Policy & Legal Services will also notify in writing the complainant(s) and respondent(s) of the determination.

Step 10. The Appointing Authority will work with the Regional Human Resource Director to prepare a recommendation for appropriate corrective action pursuant to Employee Discipline Administration **Policy 103.225**, including a basis for the recommendation from the comparables in the Agency Investigation Tracking System and any applicable aggravating or mitigating factors. The recommendation for appropriate corrective action will be discussed with the Assistant Commissioner for Support Services, the Regional Human Resource Director, the Director of Policy & Legal Services, and the appropriate division head.

Step 11. The Director of Policy & Legal Services, in consultation with the Assistant Commissioner for Support Services, will review for authorizing the corrective action to be administered and will communicate this authorization to the Appointing Authority and the Regional Human Resource Director. Corrective action may not be carried out or altered during any grievance procedure of a collective bargaining agreement unless authorized by the Assistant Commissioner for Support Services and Director of Policy & Legal Services.

Step 12. Upon authorization from the Assistant Commissioner for Support Services and Director of Policy & Legal Services, the appointing authority will promptly administer the corrective action and the Regional Human Resource Director will document the corrective action in the Agency Investigation Tracking System.

B. Harassment by Non-employees

If a non-employee harasses an employee, the employee should take the same steps outlined above. Upon a finding substantiating the complaint of harassment, the Appointing Authority will take the necessary corrective steps to stop the harassment. Alleged employee harassment of offenders may be covered by this policy. Harassing conduct by offenders toward employees will be handled in accordance with **Policy 303.010 "Offender Discipline"** and **Policy 303.025 "Offender Housing Conditions and Expectations."**

C. Personal Resolution

In instances when an individual believes he or she personally has been subjected to harassment, that individual may voluntarily choose to directly address the offensive behavior unless the behavior involves

physical touching or is egregious in nature. In certain instances the department has a responsibility to act even if the complainant requests no action be taken and prefers to handle the matter with personal resolution. In said circumstances the department will take appropriate action based on the facts or evidence available. In a situation when personal resolution is proper, he or she should politely and clearly explain to the alleged harasser as soon as possible after the incident that the behavior is objectionable and that it should stop. If the behavior does not stop or if the individual believes some adverse action may arise from the discussion, he or she should follow the formal complaint procedure. Under no circumstances will an individual be required to use personal resolution to address harassment.

D. Integrated Conflict Management System and Conflict Response Initiative (ICMS/CRI)

The ICMS/CRI option requires the voluntary participation of all parties to the complaint and the authorization of the Assistant Commissioner of Support Services in consultation with the Director of Policy & Legal Services. In appropriate cases, individuals who believe they are involved in a workplace conflict that includes harassing conduct may request assistance in resolving the conflict utilizing ICMS/CRI as described in **Policy 103.229 "Integrated Conflict Management System."** If an individual wishes to use ICMS/CRI, he or she may contact the individual's facility or work unit ICMS/CRI coordinator. The ICMS/CRI coordinator will consult with the appointing authority, the Director of Policy & Legal Services, and the Assistant Commissioner of Support Services for a determination on whether ICMS/CRI would be an appropriate method of resolving the harassment complaint. Harassment complaints egregious in nature will not be considered for the ICMS/CRI process and the formal complaint procedure will be followed.

E. False Statements

Any individual who provides false statements regarding the filing of a complaint of illegal discrimination, including sexual harassment and discrimination based upon protected class characteristics, or during the investigation of such a complaint may be subject to disciplinary action up to and including termination.

F. Confidentiality

Information gathered during the investigation will be handled in accordance with federal and state data privacy laws. Confidentiality cannot be guaranteed, however, all involved parties to an investigation are directed to only discuss the matter with those individuals who have a business reason to know in order to protect the privacy of the complainant(s), respondent(s) and other participants in the investigation. There may be instances in which the department has a responsibility to act even if the complainant requests no action be taken and the department will take appropriate action based on the facts or evidence available.

G. Reporting

For statewide recordkeeping purposes, disposition of complaints will be filed with the designee of the Commissioner of Minnesota Management and Budget within 30 days of final determination.

REFERENCES: Title VII of the Civil Rights Act of 1964, as amended.

Age Discrimination and Employment Act of 1967.

Rehabilitation Act of 1973, as amended.

Americans with Disabilities Act

SUPERSESSION: Policy 103.300, "Anti-Discrimination and Sexual Harassment," 11/19/07.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means, regarding this topic.

VII. STATEWIDE REASONABLE ACCOMMODATION POLICY

POLICY

The State of Minnesota is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the accommodation process. It is the policy of this agency to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, as amended, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

Definitions

Disability:

For purposes of determining eligibility for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities; or a record of such an impairment; or being regarded as having such an impairment.

Reasonable Accommodation:

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

Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

Procedure - Current Employees and Employees Seeking Accommodation

1. This agency will inform all employees that this accommodation policy can be made available in accessible formats.

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

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

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

   a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.

   b. Determine the precise job-related limitation.

   c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.

   d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the agency is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.

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

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

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

Procedure-Job Applicants

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

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

Policy for Funding Accommodations

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

Definition of Undue Hardship

An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of this agency.

Procedure for Determining Undue Hardship

In determining whether or not providing a reasonable accommodation would impose an "undue hardship," the agency will consider at least the following factors:

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

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

Appeals

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

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

Supported Work

This agency will review vacant positions and assess the current workload and needs of the office to determine if job tasks might be performed by a supported employment worker(s). If appropriate, the agency will work with the agency ADA Coordinator and organizations that provide employment services to persons with disabilities to recruit and hire individuals for supported employment if such a position is created.

VIII. EVACUATION PROCEDURES FOR PERSONS WITH DISABILITIES

POLICY: **MN Department of Corrections Policy 301.160, "Emerency Plans",**

AUTHORITY: Minn. Stat. §241.01

PURPOSE: To ensure that plans are developed at all agency locations to handle emergency situations. To ensure that there is an evacuation procedure in place for individuals with disabilities.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: Each location must prepare emergency plans and/or security instructions for handling emergency situations and ensure that these emergency plans meet the distinctive requirements of the location. Many facility emergency plans are confidential and each location must inform staff on a "need to know" basis.

DEFINITIONS: None

PROCEDURES:

A. Emergency plans

1. Emergency plans may include such examples as the following emergency situations, as appropriate:
   a) Escape;
   b) Riot;
   c) Hostage situation;
   d) Terroristic action (including bomb threat);
   e) Adverse job action/employee strike;
   f) Natural disaster (including severe weather);
   g) Fire;
   h) Response to the State Emergency Operations Center (SEOC) through the Minnesota Emergency Operations Plan (MEOP); and
   i) Any other plan deemed necessary to maintain safe and secure operations.

2. Emergency plans must be readily available to the staff required to use them, but every necessary security precaution (i.e., securing computer workstations when not in use, etc.) must be taken relative to the plans (to avoid offender access).

3. The location must establish a liaison with outside agencies to develop and clarify the outside agencies' roles when interacting with the location during emergencies.

4. The location must conduct emergency plan training at least annually. Training must be documented using appropriate incident reports and incident command system (ICS) forms.

5. Each location uses the ICS as a communications system within the location and between the location and the community in the event of an emergency situation. Each location must establish an emergency call-up system for additional staff to be available in the event of an emergency situation.

6. Each site must have emergency plans including provisions for emergency repairs or replacement in life-threatening situations.

7. Each site must have instructions/operating guidelines/post orders, as appropriate, regarding emergency power including:
   a) Determination of essential lighting, security, and life support functions;
   b) Security level of emergency power source;
   c) Determination/mitigation of adverse effect of emergency power operations upon:
      (1) Security functions; and
      (2) Control center computer systems/controls; and
   d) Maintenance, storage, and deployment of portable emergency power equipment, such as:
      (1) Portable generators; and
      (2) Lighting (flashlights, lanterns, light sticks, etc.).

8. Each site must maintain continuity of operations plans (COOP) following the guidelines in Policy 105.012, "Continuity of Operations."

B. Emergency plans – facility safety administrators and the central office safety director

1. All site safety administrators must ensure that the site complies with applicable fire codes and regulations as mandated by the State of Minnesota regulations.

2. The office services supervisor must have copies of the DOC central office emergency and evacuation plan available upon request.

C. Accommodations - an employee with a disability must inform his/her supervisor of any special evacuation needs. In conjunction with the employee, the supervisor must designate a minimum of two co-workers to assist the disabled employee in an emergency. The designated employees must form a written plan to meet in a specific area of the workplace during emergencies and must forward the plan to the employee's supervisor and the office services supervisor. When sheltering in place, one designated co-worker must remain with employees with a disabilities until the fire department or other emergency personnel are able to assist in the evacuation.

D. Evacuation procedures for individuals with disabilities

1. Hearing disabilities - the agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The strobe lights assist individuals who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and may need to be alerted of emergency situations.

2. Mobility disabilities (non-wheelchair users) – 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 is cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist.

3. Mobility disabilities (wheelchair or personal mobility device users) – individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm/strobes sounds. Security staff must respond to each of the areas of rescue assistance every time a building evacuation is initiated, to identify how many individuals need assistance to safely evacuate.

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

5. Severe weather/emergency situation evacuation options – an individual with disabilities, who is in need of assistance during an evacuation has three evacuation options, based on his/her location in the building (1) horizontal evacuation, (2) elevator evacuation, or (3) shelter in place.

INTERNAL CONTROLS:

A. Instructions detailing emergency plans are attached herein.

B. Incident reports and completed ICS forms are retained at each facility.

REVIEW: Annually

REFERENCES: ACA STANDARDS 2-CO-3B-01; 4-4217; 4-4218; 4-4220; 4-4338; 4-4224; 1-ABC-3B-07; 1-ABC-3B-08; 1-ABC-3B-09; 1-ABC-3B-12
POLICY 203.230, "DEATH OF AN OFFENDER"
DIVISION DIRECTIVE 301.020, "ESCAPE"
POLICY 301.140, "INCIDENT COMMAND SYSTEM"
MINN. STAT. §§253B.18; 253B.185
MMB ADMINISTRATIVE PROCEDURE 5.4, "TIME OFF IN EMERGENCIES"

SUPERSESSION: *Policy 301.160, "Emergency Plans," 2-5-13*
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic

ATTACHMENTS: None

/s/
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services

IX. GOALS AND TIMETABLES

The MN Department of Corrections used a series of factors in determining the underutilizations for women, minorities, and individuals with disabilities working within the agency by utilizing census workforce data.

The women, minorities, and individuals with disabilities represented are within the identified county recruitment area and comprise an underutilization that reflects the requisite skills in the identified county recruitment area.

The recruitment area is identified by the reasonable recruitment (30 mile) radius relative to the county identified by the work location. If the actual number of women, minorities, and individuals with disabilities represented within the DOC work location is less than the external availability identified by the two-factor analysis, the agency is underutilized in that job category.

DOC HIRING GOALS AND UNDERUTILIZATION CHART 2014-2016

STATEWIDE

Job Group	Census Underutilization - # of Persons			Hiring Goals for 2014-16		
	Women	Minorities	Individuals with Disability	Women	Minorities	Individuals with Disability
Officials &Admin.	2	3	0	1	1	0
Professionals	17	18	13	10	12	7
Technicians	4	9	6	4	7	6
Prot. Serv: sup	0	4	0	0	3	0
Prot. Serv.:non-sup	230	10	50	104	8	24
Office Clerical	0	4	5	0	3	5
Skilled Craft	6	26	3	4	1	3
Service Maint.	28	6	6	6	3	6

Goal considerations reflect the agency's historical internal and external hiring activity between FY 2012-2014 and the future workforce availability of positions within the agency. The agency's goals may or may not reflect the exact underutilization total as identified by the US Census; however the DOC is committed to pursuing a goal to decrease the underutilizations in jobs that will be available during the FY2014-2016 period.

The Department of Corrections has analyzed and provided this data in a statewide format.

STATEWIDE GOAL EXPLANATION:

In order to address DOC's anticipated workforce hiring availability the agency has determined that goals will be strategically assessed by applying future hiring needs, retention trends, US Census underutilization and (internal/external) two factor analysis.

Officials and Administrators Goal Explanation:

The Department of Corrections wishes to increase the number of females, minorities, and individuals with disabilities in the agency. The US Census shows that our current workforce is underutilized in all three categories. Since the 2012-2014 Affirmative Action Plan, the DOC has increased the underutilization of females and minorities in the agency. This is indirectly realted to the 44.61% separation rate of females who make up (45%) of our agency; the 7.09% separation of minorities who make up 6.58% of our agency. The number of individuals with disabilities represented in this EEO4 category has improved. This is due to the change in the 7% statewide availability goal.

Professionals Goal Explanation:

The Department of Corrections wishes to increase the number of females, minorities, and individuals with disabilities in the agency. The US Census shows that our current workforce is underutilized in all three protected groups. The US Census has identified that the DOC is underutilized by 18 Minorities. If we retain our current staff rates, we will be much closer to a representation identified by the US Census by setting a goal of 10 additional females and 12 additional minority staff. The State of Minnesota has also identified that our agency should set our goals for individuals with a disability minimally at 7% to achieve increased diversity by 2018. Our goal is set to 7% in order to achieve this recommendation. Based on typical trends for open positions in this job category, the DOC will have moved forward in eliminating the agency's underutilization of the three protected groups in 4.5 years. Since the 2012-2014 Affirmative Action Plan, the DOC has increased the underutilization of females in the agency. This is indirectly realted to the 44.61% separation rate of females who make up (45%) of our agency. Since the 2012-2014 Affirmative Action Plan, the DOC has decreased the underutilization of minorities. The turnover in the professionals category continues to be a challenge especially positions in the health, teaching, and therapy fields. The professionals category is our second largest EEO4 category. The number of individuals with disabilities represented in this EEO4 category has also improved. This is due to the change in the 7% statewide availability goal.

Technicians Goal Explanation:

The Department of Corrections wishes to increase the number of females, minorities, and individuals with disabilities in the agency. The US Census shows that our current workforce is underutilized in all three protected groups. The US Census has identified that the DOC is underutilized by nine minorities. If we retain our current staff rates, and set a goal of four additional females and seven additional minority staff, we will be much closer to a

representation identified by the US Census. The State of Minnesota has also identified that our agency should set our goals for individuals with a disability minimally at 7 % to achieve increased diversity by 2018. Our goal is set to 7% in order to achieve this recommendation. Since the 2012-2014 Affirmative Action Plan, the DOC has decreased the underutilization of females and minorities in the agency. This is indirectly related to the creation of MN.IT and the removal of IT staff from this agency's category. The number of individuals with disabilities represented in this EEO4 category has improved. This is due to the change in the 7% statewide availability goal.

Protective Services Non-Supervisory Goal Explanation:

Underutilizations for Protective Services non-supervisory positions were determined using the Department of Employment and Economic Development Affirmative Action Statistics. Specifically the agency was able to use the category "bailiffs, corrections officers, and jailers" which directly related to the protective services non-supervisory (or corrections officers) in lieu of the larger census category that included jobs that are not catalogued in this job category (i.e. probation officers, social workers, agents).

The Department of Corrections wishes to increase the number of females, minorities, and individuals with disabilities in the agency. The US Census shows that our current workforce is underutilized in all three protected groups. The US Census has identified that the DOC is underutilized by 230 females, nine minorities, and 50 individuals with disabilities. The DOC wishes to set goals based on our hiring trends. The DOC has set 104 as our statewide female goal and eight as our statewide minority goal, and 24 as our statewide disability goal in order to increase the diversity of the agency.

In the past 10 Affirmative Action Plans, the DOC has not reached the availability according to the US Census in this category. It is our plan that a strategic long term approach will help us achieve this important representation. These projections will also be vital for our agency's anticipated retirements in the next ten years. Based on typical trends for open positions in this job category, the DOC will have moved forward in eliminating the agency's underutilization in 4.5 years.

Protective Services Supervisory Goal Explanation:

The Department of Corrections wishes to maintain or increase the number of females and individuals with disabilities in the agency. The US Census does not show that our current workforce is underutilized in women or individuals with disabilities on a statewide level in this job category. The US Census does show that we are underutilized by four minorities. Based on typical trends for open positions in this class we have set three as our statewide minority goal. In order to achieve a more diverse workforce, the agency plans to utilize US Census and two factor analysis to reach that goal.

Office Clerical Goal Explanation:

The Department of Corrections wishes to maintain or increase the number of females in the agency. The US Census does not show that our current workforce is underutilized in women. The US Census has identified that the DOC is underutilized by four minorities and five individuals with disabilities in this job category. Based on typical trends for open positions in this class we have set three as our statewide minority goal. This goal will allow us to meet our US Census underutilization needs in 2.5 years. The State of Minnesota has also identified that our agency should set our goals for individuals with a disability minimally at 7% to achieve increased diversity by 2018. Our goal is set to 7% in order to achieve this recommendation. Since the 2012-2014 Affirmative Action Plan, the DOC has increased the underutilization of minorities in the agency. As the fluxuation of staff has changed within the Office of Diversity, more focus was put towards the Protective Services position recruitment and retention. These directed efforts did not leave room for heavy recruiting in the area of office clerical staff. As a result a larger number of office clerical positions were filled through Work Out of Class opportunities.

Skilled Craft:

The Department of Corrections wishes to increase the number of females, minorities, and individuals with disabilities in the agency. The US Census shows that our current workforce is underutilized in all three protected groups. Based on typical trends for open positions in this class we have set four as our statewide female goal and seven as our statewide minority goal in this job category. The State of Minnesota has also identified that our agency should set our goals for individuals with a disability minimally at 7 % to achieve increased diversity by 2018. Our goal is set to 7% in order to achieve this recommendation. Since the 2012-2014 Affirmative Action Plan, the DOC has decreased the underutilization of females and individuals with disabilities in the agency. However, very few positions have opened in this area. Recruitment continues to be a challenge for our antiquated facilities and remote locations. Since the 2012-2014 Affirmative Action Plan, the DOC has increased the underutilization of minorities in the agency. As the fluxuation of staff has changed within recruiting, more focus was put towards the protective services positions recruitment and retention. These directed efforts did not leave room for heavy recruiting in the area of Skilled Craft staff. The agency is putting together a more directed plan for this category for this 2014-2016 Affirmative Action Plan.

Service Maintenance Goal Explanation:

The Department of Corrections wishes to increase the number of females, minorities, and individuals with disabilities in the agency. The US Census shows that our current workforce is underutilized in all three protected groups. Based on typical trends for open positions in this job category we have set six as our female statewide goal, and three as our goal for minorities and individuals with disabilities. The State of Minnesota has also identified that our agency should set our goals for individuals with a disability minimally at 7 % to achieve increased diversity by 2018. Our goal is set to 7% in order to achieve this recommendation. Since the 2012-2014 Affirmative Action Plan, the DOC has decreased the underutilization of females, minorities, and individuals with disabilities in the agency. This field has been difficult for the DOC to recruit in.

Our service maintenance field positions have been a challenge for our Agency. Currently different types of jobs that interact with offender populations, are a part of the Corrections Early Retirement Plan (CERP). The current group of employees that has remained in these positions, are predominatly white males. This group of CERP eligible staff has remained stagnant with little movement. Most new service maintenance positions available during the past two years have not been CERP eligible and they pay less than the private sector. The Agency continues to struggle to fill many non-CERP service maintenance positions with these hardships.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

The Minnesota Department of Corrections Affirmative Action Program is designed to implement the provisions of this Affirmative Action Plan and meets requirements found in Minnesota Statutes, Chapter 43A.191, and Subdivision 2 for agency Affirmative Action Plans. The DOC's 2014-2016 Affirmative Action Program is focused on four main areas (Rule 3905.0400 (h); A.P. 19.1):

The Department of Corrections will develop structures and strategies to equip managers and supervisors with the ability to manage diversity, identify diversity training needs, measure recruitment results, and refine retention approaches on the basis of creating a diverse workforce that fits the needs of the state and reflects the population that we serve.

1. **Training**
2. **Recruitment**
3. **Retention**
4. **Outreach**

Program Objective 1: Training

The Department of Corrections will work to provide diverse training opportunities for its employees that support the agency's vision, mission, and values.

The department recognizes that staff is critical to maintaining core operations and delivering services to offenders. The agency employs more than 4,300 people, and maintaining a safe work environment and healthy work culture, in collaboration with labor unions, is essential to sound business practices and operations. - DOC Strategic Plan 2014

ACTION STEPS:

1. Provide a centralized plan for diversity training topics. This will be identified by facility executive teams and Affirmative Action Officer Designees. (i.e. ADA, gender, generational differences, challenging conversations, LGBTQ issues in corrections, and working with employees with cultural differences or religious differences).

2. Work with employee development staff to ensure that affirmative action, diversity, and ADA is incorporated into training(s) and orientations offered to employees, supervisors and management as appropriate.

3. The Affirmative Action Manager and the Office of Diversity will serve as the subject matter expert (SME) on diversity topics, or identify outside SMEs needed for training purposes in the agency. Research and recommend training materials for educating staff on a variety of diversity topics.

4. Ensure that diversity training is accessible to all DOC employees, regardless of ability, shift, or location.

5. Provide a biennual diversity symposium for employees tailored to incorporate the agency's vision, mission, and values inconjunction with diversity, affirmative action, and/or ADA topics.

6. Utilize electronic resources through the agency's internal site and internal training management system to provide diversity training for remote staff and shift workers.

7. Utilize executive team members to implement training recommendations in support of specific agency or facility needs that directly relate to our offender population.

Person(s) Responsible:

- DOC Manager of the Office of Diversity
- DOC Office of Diversity staff
- Employee Development Training Director
- Executive Leadership
- Facility executive teams
- Affirmative Action Officer Designees

Evaluation Method:

Diversity trainings will be evaluated and reviewed annually for effectiveness in meeting AAP objectives through staff evaluations, employee surveys, changes in discrimination or harassment occurences, and participation rates in non mandatory trainings..

Target Date:

- 2014- 2016

Program Objective 2: Recruitment

The Deparment of Corrections values the recruitment of a diverse and talented workforce to ensure agency human capital needs are available to effectively meet business goals and minimize the underutilization of protected class individuals.

ACTION STEPS:

1. Development of an apprenticeship program which provides entry level opportunities for individuals to explore and gain expereince needed to be qualified and enter the workforce in the skilled craft service maintenance categories; typically a high desparity has been demonstrated with these types of positions.

    - Apprenceship research will be conducted with MMB and the MN DOL.

2. Build business partnerships with key academic law enforcement/corrections insititutions through speaking engagements, career exploration initiatives, internship programs, and facility tours to position the DOC as employer of choice and cultivate an ongoing diverse candidate pool.

    - Careers in Corrections speaking series from DOC officals/staff
    - Explore offsite class room /on location Trainee Corrections Officer testing and interview opportunties.
    - Explore a targeted recruitment relationship with a highly diverse MNSCU Corrections Program

3. Continued assessment of the CO Trainee recruitment process.

    - Identify areas and strategies to increase the number of qualified protected group applicants.
    - Work in conjunction with Human Resources to review issues of non certification.
    - Work in conjunction with Human Resources to monitor and aggressivly address low qualified minority applicant pools.
    - Work in conjunction with Human Resources to monitor and aggressivly address low volume female applicant pools.
    - Work in conjunction with Human Resources to monitor and aggressivly address low volume applicant with disabitlies.

4. Continued assessment of recruitment in the professionals category.

    - Ongoing training and development in effective recruitment strategies for recruitment teams to ensure effective outreach to minority candidates.
    - Ongoing training and development in effective recruitment strategies for recruitment teams to ensure effective outreach to candidates with disabilties.

- Conduct internal bias training for hiring supervisors to assist objectively in the selection and hiring process.

5. Development of recruitment materials, resources and business plans which demonstrate commitment to diversity and inclusion.

6. On a quarterly basis, assess and report on progress in recruitment results, programs and new initatives.

Person(s) Responsible:

- Affirmative Action Manager
- Office of Diversity staff
- Manager of Human Resources
- Director of Employee Development
- Executive Leadership
- Affirmative Action Officer Designees

Evaluation Method:

Diversity recruitment will be evaluated and reviewed annually for effectiveness in meeting AAP objectives through monitoring the hiring process, monitoring agency diversity representation, applicant or employee surveys, and changes in protected candidate applicant rates.

Target Date:

- 2014- 2016

Program Objective 3: Retention

The Department of Corrections recognizes the value in retaining a qualified, diverse and talented workforce need to retain its staff. The agency will work to enhance the recruitment, selection, development, and retention of highly qualified, diverse DOC workforce that is prepared to carry out the, vision, mission, values, and of the DOC.

ACTION STEPS:

1. Conduct qualitative analysis of agency turnover. Exit interviews, exit surveys, and workforce data will be utilized to assess any disparate impact among protected group employees in the agency. Compiled qualitative and quantitative data will be provided annualy to the Agency Executive Team.

    - Special emphsis will be given to analyze the proportion of resignations among female and minority protected groups with respect to representation within the agency.

2. Conduct a quantitative analysis of agency turnover. Provide senior management with quarterly reports of affirmative hiring efforts and bi-annual separation data to increase visibility of and accountability for the agency's affirmative action efforts.

    - Special emphsis will be given to analyze the proportion of resignations among female and minority protected groups with respect to representation within the agency.

    - Special emphais will be given to review any trends of non certification in the protective services non supervisory and professionals job categories within the female and minority protected groups with respect to representation within the agency.

3. Review promotional programs and opportunities to determine whether they draw from all segments of the workforce and develop strategies to eliminate any disparate impact among protected group employees in the agency.

    - (ie. Mentoring, Corrections Officer Trainee Field Training Program, Work out of Class, etc.)

4. Monitor discipline data by protected groups to assess any disparate impact among protected group employees in the agency.

5. Provide survey results, turnover data, exit interview information related to protected class individuals for a retention review committee to monitor trends and review retention needs within the agency.

Person(s) Responsible:

- Executive Leadership
- DOC Affirmative Action Manager
- Office of Diversity staff
- Employee Development Training Director
- Manager of Human Resources

Evaluation Method:

The Office of Diversity will provide a diversity return on investment metrics tool for DOC planning and reporting with regards to agency retention needs and success.

Target Date:

- 2014- 2016

Program Objective 4: Community Outreach

ACTION STEPS:

1. Support Special Emphasis Programs to promote diversity within the workforce such as the State Supported Worker Program, Internship program, Americorp, Step Up Achieve, and Right Track.

2. Work to improve web accessiblty on the public internet site as well as the internal intranet site as recommended by MN.IT.

3. Work to improve a plan for limited english customers and offenders.

4. Continue active participation of the Office of Diversity in the Alliance for Cooperation and Collaboration in Employment and State Services (ACCESS).

5. Continue active participation in the MN.IT Accessibilty Coordinators statewide group.

6. Continue to foster participation and relationships with minority councils and the MN Council on Disabilities.

Person(s) Responsible:

- DOC Affirmative Action Manager
- Office of Diversity staff
- Affirmative Action Officer Designees

Evaluation Method:

The Office of Diversity will continue to report to executive team leaders important issues and questions highlighted in the greater MN Community. The Office of Diversity will also look for opportunities to recruit and promote the MN Department of Corrections as a premire workplace within the community.

Target Date:

- 2014- 2016

XI. METHODS OF AUDITING, EVALUATING AND REPORTING PROGRAM SUCCESS

A. Pre-Employment Review Procedure/Monitoring the Hiring Process

The Minnesota Department of Corrections will act affirmatively to recruit and hire qualified individuals from protected groups. The following process describes the steps necessary prior to a supervisor making an offer of employment (DOC Monitoring the Hiring Process Policy and Procedures – attachment C).

RECRUITMENT AND POSITION POSTING ACTION STEPS:

1. Anticipating a Need
    a. What is the composition of the current staff complement?
    b. Is there underutilization within the agency/division/unit?
2. Establishing a Position
    a. What knowledge, skills and abilities are needed in order to perform the essential functions of the position?
    b. Who will be most impacted by the work of this position?
    c. Are there any special skills required?
    d. Are there affirmative action goals for this job group?
3. Identifying Recruitment Resources
    a. What media resources are available? Are they targeted to address under-utilization?
    b. What internal resources are available (including staff within the agency)?
    c. What electronic notification methods are available?
    d. What relationships with recruitment sources exist?
    e. What external events/activities can be used to promote this position?
4. Assessing Composition of the Applicant Pool
    f. Do Human Resources indicate that there is a diverse pool of qualified applicants for this position?
    g. If the pool is not diverse, can the position be re-posted?

5. Ensure that position descriptions accurately reflect the knowledge, skills and abilities required to perform the essential functions of the position. Revise as required.

6. Upon receipt of a request to fill a position, Human Resources Management staff will notify the supervisor of unmet affirmative action goals.

Person(s) Responsible:

- Human Resource Management
- Managers and Supervisors

INTERVIEW AND SELECTION ACTION STEPS:

1. If a new job announcement is necessary, the hiring supervisor will be encouraged to target recruitment activities that will address any unmet goals.
2. Job related and objective questions will be prepared and asked during the interviews consistently to all candidates. Supervisors are encouraged to review interview questions with the agency affirmative action officer or HRM representative to ensure that they are based on objective, job-related criteria.
3. Selecting Competent, Caring and Committed Staff
    a. Do candidates possess the required knowledge, skills and abilities to perform the essential functions of the position?
    b. Do they possess the capacity to understand and meet the needs of those impacted by the work?
    c. Have they demonstrated the ability to work in diverse team environments?
4. Retaining Diverse Talent
    a. Does staff have the needed training, support and feedback to be successful?
    b. Is the work culture conducive to their professional growth?
    c. Are there support mechanisms in the agency that will assist them in being productive?

Person(s) Responsible:

- Human Resource Management
- Managers and Supervisors
- Senior Leadership

Affirmative attempts to eliminate under-utilization can be undertaken at several points in the employment process. Office of Diversity – Affirmative Action Manager and senior management of the Agency will encourage all hiring supervisors to consider the following issues during the course of employing individuals in the agency. The following questions address the areas in which supervisors can affirmatively ensure equal employment opportunity:

POST HIRE ACTION STEPS:

1. Measuring Performance
    a. Have they demonstrated competence in performing the essential job functions?
    b. What accomplishments have they made?
    c. What contributions have they made to the agency-wide affirmative action and diversity goals and objectives?
    d. Have they demonstrated an ability to interact effectively with co-workers and stakeholders?
    e. What development goals would assist them in being more effective in their work?

Person(s) Responsible:

- Managers and Supervisors

B. Pre-Review Procedure for Layoff Decisions

The Minnesota Department of Corrections is required by federal and state law to maintain various personnel records for the purpose of preparing reports. To meet this requirement, a centralized reporting system has been established and will be maintained by the Human Resource Management Division.

PRE-REVIEW PROCEEDURE FOR LAYOFF DECISIONS AND OTHER METHODS OF PROGRAM EVALUATION ACTION STEPS:

The department will evaluate its progress in the following ways:

1. Through automated systems (Access, SEMA4, Crystal Reports) progress is measured and communicated to agency management members who shall disseminate that information to their respective areas of responsibility.
2. A pre-review of layoff decisions will be conducted to determine any adverse impact on protected group employees.
3. Employment interview methods will be randomly reviewed to ensure that all selection criteria are objective and job related.
4. Quarterly reports on hiring and separation rates will be generated, compiled and distributed to agency management.

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure our agency recruitment programs are effectively marketed to attract and retain diverse and qualified applicants, enhance the image of state employment and to support success in meeting the DOC affirmative action goals to achieve a diverse and talented work force.

Annual recruitment costs incurred during the 2014-2016 plan year includes: $15,000 for Advertising sources and $15, 000 for Job Fairs, Recruitment Events, and Community Events.

Listed below are various recruitment methods or strategies utilized by this agency during the past year.

A. Advertising Sources

MMB website, college and university websites, job boards, and career centers; Diversity Websites; Diversity Newspapers; Community Organizations; Partnerships with MN State Councils/Boards; Professional Organizations; Agency Employees; Direct Mail, Trade Journals; Radio, Television; Jobs in Minneapolis (advertisement goes out to a number of professional and diverse organizations, papers, schools and websites), Workforce Centers, Community Support organizations, multicultural student organizations, and MNCARRS (MN Community Advisors on Recruitment and Retention Solutions).

B. Job and Community Fairs

The DOC strives to cultivate a positive brand and employer of choice status through solid relationship building with professional organizations, academic insititutions, community organizations and law enforcement/corrections organizations.

Event
DEED Employer of the Day – various locations
Law Enforcement Career Day 2014 Alexandria College
Minneapolis Urban League - Meet & Greet
Achieve Minneapolis Mock Interviews
DEED sponsored Get Jobs Job Fair
DEED Employer of the Day - Bloomington Workforce Center
DEED Employer of the Day - Cambridge Workforce Center
Breaking Free Job & Career Fair
Law Enforcement Opportunity Annual Career Fair - Alexandria College
Asian Affairs Council Event

MN Association for the Treatment of Sexual AbusersMNATSA Conference and Job Fair
Diversity Career Resource and Education Expo
5th Annual Northland Job Fair Duluth Convention Center
Women Veterans Resource Fair Lutheran Church
5th Annual Career and Jobs Fair – Eagan Community Center
Transition Job Fair - Community Interagency Committee
18th Annual American Indian OIC (Opportunities Industrialization Center)and Takota Institute Career Fair
St. Mary Episcopal Merriam Park
DEED Employer of the Day – Brooklyn Park
Faribault and Owatonna Job Fair
YMCA Lunch and Learn
MN African Women's Association
DEED Employer of the Day - Burnsville Workforce Center
Vets Jobs Fair - Earle Brown
DEEDs Diversity Job Fair
Carlton County Jobs Fair
Government and Non-Profit Career Fair
Minnesota Corrections Association Job Fair
Careers in Law Enforcement – St. Cloud University
YMCA - Get Jobs Job Fair
Minneapolis Urban League-a partner in recruitment initiatives
DEED Employer of the Day – Dakota County
C.L.U.E.S. (Comuniadades Latinas Unidas En Servico) (a partner in recruitment initiatives)
DEED Employer of the Day – Anoka County
Minnesota Black Nurses Association a partner in recruitment initiatives

C. College and University Recruitment Events

Event
St. Cloud State University Diversity Job & Internship Fair
Social & Behavioral Science Career & Internship Day
Mankato State Summer Job Fair
State Universities Job Fair
Minnesota Private Colleges Job Fair
Rasmussen College – Class Presentation and tour
Itasca Community College – Job fair
MSB College Presentation and Tour

Wisconsin Indianhead Technical College Job Fair
Century College Job Fair
St. Cloud State Summer Job Fair
St Paul College – Job Fair/Student Success Day
Century College/Healthcare Job Fair
Henn Technical College Spring Career Fair - Brooklyn Park
Henn Technical College Spring Career Fair - Eden Prairie
Brown College Job Fair
Metro State Law Enforcement and Criminal Justice Class book discussion and recruitment
Criminal Justice class University of Wisconsin – River Falls Presentation
North Hennepin Community College - visit to Wright Technical Center
Inver Hills Comm. College Presentation and Tour
Minnesota State University Mankato Job Fair
Alexandria Job Fair – Law Enforcement

D. Recruitment for Persons with Disabilities

In addition to traditional recruitment avenues, the DOC is committed to supporting community organizations which assist people with disabilities find employment and/or live independently and provides regular and ongoing communication regarding careers in corrections. We will redefine our participation, re-invigorate participation in current supported worker program, identify areas of opportunity for supported worker program utilization internally within the DOC, train leaders and employees on the wealth of accommodations/accessibility options, tools and resources, and promote employment of individuals with disabilities through increasing awareness of accommodation options and understanding of the value of employing qualified individuals with disabilities.

E. Relationship Building and Outreach

DOC leadership and recruitment teams are committed to promoting a positive brand and positive partnerships with community organizations in an effort to ensure all applicants feel comfortable applying for job opportunities with the DOC. On a regular basis these teams participate in activities such as: National Night Out, Yellow Ribbon events, community parades, speaking to community organizations such as high schools, and colleges; attending and providing diversity training, conducting facility tours and information sessions for students interested in careers in corrections, supporting community organizations that support people with disabilities, women and minorities.

F. Internships

The DOC has an Internship Coordinator who is responsible for the development of internship opportunities, coordination of internship assignment, supporting supervisors, maintaining the

internship/recruitment website, assisting facilities with recruitment fairs, visiting schools, posting internship opportunities with colleges, universities and DOC website. The DOC internship program is an important long term recruitment strategy to increase the diversity and retention of our future workforce.

G. Supported Employment (M.S. 43A.191, Subd. 2(d))

This agency supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment worker. We will work with community organizations that provide employment services to people with disabilities to recruit for these positions

XIII. RETENTION PLAN

The Minnesota Department of Corrections will strive to affirmatively ensure equal employment opportunity by retaining a diverse composite of talented and qualified employees, with emphasis on under-represented individuals. The responsibility for these retention efforts to be successful lies with all employees. The department's retention strategy is a multi-faceted approach, guided by the agency management, Human Resources Manager, and Affirmative Action Manager.

A. PERSON(S) RESPONSIBLE FOR AGENCY RETENTION PROGRAM/ACTIVITIES :

- Executive team
  - Hiring authorities in all divisions
- Human Resources Manager
  - DOC Human Resources staff
- Affirmative Action Manager
  - DOC Office of Diversity staff
- Director of Employee Development
  - Employment Development staff

B. SEPARATION AND RETENTION ANALYSIS BY PROTECTED GROUPS

The Department of Corrections will continue to analyze and review separation data for disparate impact of protected employees represented in the agency. This will include reviewing dismissal/non certification trends, resignation trends, and discipline.

Types of Separation	Total Number	Total Percentage	Percentage of Women	Percentage of Minorities	Percentage of Indiv. w/Disabilities
Dismissal or Non-Certification	79	12.72%	60.76%	10.13%	3.80%
Resignations	288	46.38%	45.83%	7.99%	2.78%
Retirement	240	38.65%	38.75%	5.00%	10.42%
Deaths	13	2.09%	30.77%	7.69%	15.38%
Lay-off	1	0.16%	0.00%	0.00%	0.00%
Total Separations	621	100.00%	44.61%	7.09%	6.12%

a. Women

Women represent approximately 39% of the total DOC workforce. The DOC saw a total of 621 separations from FY 2012 and FY 2013. Women were 45% of all separations. This is proportionately higher relative to their total DOC workforce representation. Retirements remained in line with the proportion of women in the agency, however the percentage of women separating by dismissals/non-certifications and resignations is higher than their proportion relative to the their total DOC workforce representation.

b. Minorities

Minorities represent 6.58% of the total DOC workforce. The DOC saw a total of 621 separations from FY 2012 and FY 2013. Minorities make up 7% of all separations. As an aggregate total this is proportionate to their total DOC workforce representation. However, the percentage of minorities separating by dismissals/non-certifications is higher than their proportion relative to their total workforce representation.

c. Individuals with Disabilities

Individuals with disabitlies represent 7% of the total DOC workforce. The DOC saw a total of 621 separations from FY 2012 and FY 2013. Individuals with disabilties make up less than 7 % of all separations as well as less than 7% of all dissmissals/non certifications, resignations and lay-offs.

C. METHODS OF PROTECTED GROUP RETENTION

a. Women

- Review promotional programs and opportunities within the agency to determine whether they draw from all segments of the workforce, and develop strategies to elimnate any disparate impact among protected group employees in the DOC.
    - Special emphasis will be in reviewing field training officer programs, mentoring, practicum, and work out of class(WOOC) opportunities and their impacts on women in the agency.
- It is the agency's plan to conduct qualitative analysis of agency turnover annually utilizing exit interviews, surveys, and workforce data.

b. Minorities

- Review promotional programs and opportunities within the agency to determine whether they draw from all segments of the workforce, and develop strategies to elimnate any disparate impact among protected group employees in the DOC.
    - Special emphasis will be in reviewing field training officer programs, mentoring, practicum, and work out of class(WOOC) opportunities and their impacts on women in the agency.
- It is the agency's plan to conduct qualitative analysis of agency turnover annually utilizing exit interviews, surveys, and workforce data.
- It is the agency's plan to continue to monitor incidents of discipline within the agency for disparate impact of protected employees represented in the agency.

c. **Individuals with disabilities**

- It is the agency's plan to continue to monitor separation rates for indivuals with disabilities within the agency for disparate impact.

d. **Early Conflict Intervention**

- The agency will continue its Integrated Conflict Management efforts and attempt to retain employees by resolving conflicts at the earliest possible opportunity. Supervisors and managers will also be required to resolve employee conflict at the lowest levels within their respective unit. The Employee Development Office, Office of Diversity, with support from administration will continue to provide support and guidance to managers and supervisors to resolve conflicts. The ICMS staff will meet with work units as needed and make referrals to the Employee Assistance Program as appropriate.

ATTACHMENT A

Employee Request for Reasonable Accommodation Form

Please Print or Type

Employee Name:	Classification/Division	Date of Request:

Attach additional sheets for questions below if necessary.

1. **Please describe the nature of your medical condition for which you are requesting an accommodation. Describe how it limits any major life activities.**

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

3. **Type of accommodation requested:**

   _____ Making facilities readily accessible
   _____ Job restructuring
   _____ Part-time or modified work schedule
   _____ Other (specify): _____
   _____ Modification of equipment or devices
   _____ Qualified reader or interpreter
   _____ Acquisition of equipment or devices

4. **Describe in detail the accommodation you are requesting:**

5. **Has your medical provider recommended the accommodation?** _____ **Yes** _____ **No**

6. **How will the requested accommodation be effective in allowing performance of the essential job function(s)?**

Signature of Employee:	Date:

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

ATTACHMENT B

(This policy is in review and will be updated after the plan has been submitted)

MONITOR THE HIRING PROCESS POLICY

Minnesota Department of Corrections

Policy:	**103.009 Title: Affirmative Action/Monitoring the Hiring Process**
Issue Date:	**9/3/13**
Effective Date:	**9/17/13**

AUTHORITY: Minnesota Management and Budget Administrative Procedure 19.1

PURPOSE: To establish and maintain the department's affirmative action program and provide clear direction to hiring supervisors on affirmative action responsibilities for certain competitive and non-competitive appointments to department positions.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: The department is committed to the establishment and maintenance of an affirmative action program. In accordance with Minnesota statutes and rules, an Affirmative Action Plan is developed/revised every two years and attached to this policy. The plan contains specific components, including program objectives and hiring goals, for each work location. The hiring goals and selection process procedures have been set to eliminate the underutilization of qualified protected group members, except where a bona fide occupational qualification exists. The groups, which the State of Minnesota has determined to be under-utilized in the workforce, include: (1) women, (2) ethnic/racial minorities, and (3) persons with disabilities.

Staff must follow the procedures outlined below in order to eliminate underutilization of qualified protected group members through a series of specific, result-oriented procedures combined with good faith efforts to consider affirmative action goals in selection decisions.

DEFINITIONS:

Applicant pool – applicants who the department determines to meet the minimum qualifications for a position.

Disparate group members – protected group members who would satisfy affirmative action goals if appointed.

Ethnic/racial minorities – refers to persons from the categories below. Person of mixed ethnic/racial background would choose the group with which they most clearly identify.

1. Black/African American (not Hispanic origin) – persons having origins in any of the black racial groups of Africa.

2. Hispanic – persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

3. American Indian or Alaskan native – persons having origins from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

4. Asian or Pacific Islander – persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This category includes, for example, China, India, Korea, Japan, the Philippine Islands, Sri Lanka, and Samoa.

Finalist pool – all applicants who are invited to interview. If the hiring supervisor intends to conduct second interviews, he/she must notify all finalist pool applicants prior to the first interviews that (1) second interviews will be conducted and (2) the requirement(s) to advance to the second interview. The second interview pool then becomes the finalist pool.

Hiring goals – the Commissioner of Minnesota Management and Budget (MMB) establishes statewide goals for each job group by protected group based on the 2000 census. The department goals must be based on comparison of the composition of the work force with the composition of the relevant civilian labor force in the reasonable recruitment area. If the comparison shows that a job group underutilizes a protected group, the commissioner establishes a goal for that protected group in the job group. Equal Employment Opportunity – 4 (EEO4) categories are used as the basis for goal unit designators.

Missed opportunity/non justified hire – determined by the office of diversity in collaboration with the commissioner's office, when a disparate group member is in the finalist pool and is not selected for a vacancy.

Persons with disabilities – refers to a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Recently separated veteran (RSV) – a veteran, as defined in Minn. Stat. §197.447, who has served in active military service, at any time on or after September 11, 2001, and who has been honorably discharged from active service, as shown by the person's form DD-214. The top five RSVs who meet the minimum qualifications for a vacant position and have claimed a veteran's or disabled veteran's preference must be granted an interview for the position.

PROCEDURES:

A. The office of diversity is responsible for developing and revising the department's Affirmative Action Plan.

B. The office of diversity posts the department's Affirmative Action Plan on the DOC office of diversity iShare site and DOC public website. Employees may also request a copy from the office of diversity, their affirmative action officer, or their manager/supervisor.

C. The staffing unit documents in the vacancy announcement the minimum and preferred qualifications, if applicable, for each vacancy in collaboration with the hiring supervisor.

D. The staffing unit applies the affirmative action goals for applicable vacancies by reviewing the affirmative action goal report for the EEO4 category and location of the vacancy at the time the vacancy is being announced on MMB's career website.

E. The staffing unit performs the first review of the applicants' qualifications and refers the applicants who appear to be minimally qualified, based upon a review of the applicants' resume in comparison to the minimum qualifications on the vacancy announcement, to the hiring supervisor.

F. The hiring supervisor reviews and confirms with the staffing unit, the pool of minimally qualified applicants to be reported by the staffing unit on the State of Minnesota monitoring the hiring process form.

G. If a hiring supervisor needs to reduce the pool of applicants beyond the minimum qualifications to reach a reasonable number to interview, he/she may apply one or more of the preferred qualifications documented on the vacancy announcement. The hiring supervisor does not need to apply all the preferred qualifications listed on the vacancy announcement when reducing the pool of applicants. The preferred qualifications chosen to reduce the applicant pool must be applied consistently to all applicants (i.e., all applicants must meet the same preferred qualifications).

H. If additional screening criteria, which were not posted on the vacancy announcement, are to be used to determine the finalist pool, the hiring supervisor must receive approval from the staffing unit prior to scheduling interviews. The staffing unit must document the additional screening criteria in resumix and the transaction request form (TRF) log to confirm the department is complying with the policy of a good faith effort to hire and retain a best qualified, diverse work force. The hiring supervisor applies the job-related criteria consistently to all applicants (i.e., all applicants must meet the same additional qualifications).

I. The hiring supervisor evaluates all applicants in the finalist pool using a structured interview process and/or other selection tools consistently. These tools require approval by the staffing unit prior to use.

J. The hiring supervisor must contact the staffing unit prior to extending a job offer to determine if a disparate applicant(s) is in the finalist pool. The staffing unit must notify the supervisor if a disparity exists and must provide the disparity type and the names of the disparate applicants for reporting purposes on the Missed Opportunity Request form (attached).

The missed opportunity process is not required if RSV applicants are included in the finalist pool solely due to being minimally qualified, and the other finalists also meet one or more preferred qualification.

K. If a disparate group member is not selected, the hiring supervisor must discuss with his/her manager the reasons for not selecting the disparate group member.

L. If, after consultation with their manager, the disparate group member is not selected, the hiring supervisor is required to complete a Missed Opportunity Request form for submittal to the office of diversity and commissioner's office.

M. The office of diversity, in collaboration with the commissioner's office, reviews the complete Missed Opportunity Request form and must notify the staffing unit of the decision.

N. The staffing unit must notify the hiring supervisor of the decision made by the office of diversity, in collaboration with the commissioner's office, and guides the hiring supervisor through the remainder of the hiring process. If the supervisor has a question regarding the decision, he/she may contact the assistant commissioner of operations support.

O. Supervisors and managers are not to disclose information to anyone regarding the protected group status of the selected applicant. The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (Minn. Stat. 13.43, subd. 21) governing the collection and disclosure of all government data, including personnel data. The Minnesota Human Rights Act and Title VII of the Civil Rights Act of 1964 also prohibit indirect inquiries and considerations related to protected group information.

INTERNAL CONTROLS:

A. The Affirmative Action Plan is updated and filed with MMB every two years.

B. Applicant screening and selection actions are recorded in the state's resumix applicant database.

C. State of Minnesota monitoring the hiring process form is completed by the staffing unit when required, and aligns with resumix applicant, requisition data, and established affirmative action goals for the vacancy.

REVIEW: Annually

REFERENCES:

Minn. Stat. § 43A.02, subd. 33
Minn. Stat. § 43A.04, subd 3
Minn. Stat. § 43A.11, subd. 7
Minn. Stat. § 43A.19
Minn. Stat. § 43A.191, subd. 2
Minn. Stat. § 197.447
Minn. Stat. § 13.43, subd. 21
Minn. Rules Ch. 3900, "Personnel"
Minn. Rules Ch. 3905, "State Agencies, Affirmative Action"

SUPERSESSION: *Policy 103.009, "Monitoring the Hiring Process," 9-7-10 and Policy 103.320, "Diversity Affirmative Action," 11-2-10*
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

Missed Opportunity Process

Managers and supervisors shall follow this process when filling a vacancy where a disparity exists for that particular bargaining unit and work location.

No offer of employment shall be made until the Commissioner of Corrections, or his/her designee in the commissioner's absence, is satisfied with the rationale given for not hiring a member of the protected group for which a disparity exists.

Process: When an established affirmative action goal has not been met, the supervisor must request approval before appointing a non-protected class candidate. Supervisors will use the following process to request a missed opportunity. The Office of Diversity is available to discuss the request or provide assistance at any step of the procedure.

1. The supervisor requesting a missed opportunity will complete the *Missed Opportunity Request* form (including any required attachments) as indicated on the form.

2. The above will be submitted to the supervisor's respective manager. If the manager denies the supervisor's request for a missed opportunity hire, s/he will inform the supervisor within one working day. If each level of management agrees to the request to take a missed opportunity, the request will be forwarded to the Office of Diversity for review and decision. However, no decision is final until the Commissioner gives his/her approval to take the missed opportunity.

3. All candidates will be notified when the vacancy is filled.

4. Supervisors and managers are not to disclose information to anyone regarding the protected group status of the selected candidate. The protected group status of an individual is identified as private data: in accordance to the Minnesota Government Data Practices Act (MN Stat. 13.43, Subd. 21), which governs the collection and disclosure of all government data, including personnel data.

5. Documentation will be kept on the selection process for all appointments for at least one year.

Minnesota Department of Corrections
Missed Opportunity Request

This form is to be completed by the supervisor when requesting a missed opportunity, and the steps outlined in the pre-hire review process shall be followed.

Job Classification:_____

Number of disparate members in the finalist pool: Women #___ Minority #__ Disabled___

Checklist: Attach documentation listed below for disparate candidate(s) and candidate selected: (If candidate selected did not receive the highest interview score please include information on any candidates with higher scores.)

_____ Position Description

_____ List of Interview Panel Members and the Job Classifications

_____ List of **All** Applicants *in the finalist pool* Interviewed and Interview Scores.

_____ Resumes *of the disparate candidate(s), candidate(s) selected.* ***(If candidate selected did not receive the highest interview score please include information on any candidates with higher scores.)***

_____ Structured Interview Questions & Candidates Interview Responses to the Questions *of the disparate candidate(s) and the candidate(s) selected.*

_____ Structured Interview Ratings

_____ Applicant Roster

_____ Justification memo comparing Knowledge, Skills, and Abilities and *other criteria used to evaluate candidates.* (see attachment for **required format)**

Comments:

1)_____
Supervisor's signature Date

2)_____
Dis/Approved Date
Facility CEO signature, or
Community Services division

3)_____
Dis/Approved Date
Executive Staff member/designee

4)_____
Dis/Approved Date
Office of Diversity

5)_____
Dis/Approved Date
Commissioner/designee

Sample Justification Memo

TO:

FROM:

DATE:

SUBJECT: Justification for Hiring Corrections Security Caseworker

Seven candidates were interviewed to fill two newly created Corrections Security Caseworker positions. Each candidate met the preferred qualifications and had a comparative degree of experience in the responsibilities of a Corrections Security Caseworker.

Included in the finalist pool were two candidates a protected group class. All candidates participated in a structured scored interview conducted by__. Each candidate was asked to respond to questions orally and provide written documentation, displaying their ability to follow the directions and writing skills. Each candidate was given the opportunity to answer the questions in whatever detail they felt necessary. The interviewers completed a rating on each question for each candidate. The interview questions solicited responses to their communication and computer skills, knowledge of responsibilities and their ability to manage the unique challenges typically presented in the role as Correction Security Caseworker.

After reviewing the results of the interview process, it is our recommendation to select the two highest scoring candidates:__ The leading candidates scored significantly higher than the protected group candidates. Of the 92 possible points, the leading candidates scored 91 and 87 points respectively. While both of the protected group candidates scored 64 points, their interview-score ranking placed them fourth and fifth among the candidates interviewed.

The rationale for hiring of the most qualified candidates is based on the following:

1. Case Manager Experience

Corrections Security Caseworker is an integral part of an offender's planning for programming while incarcerated and in assisting them in release planning. They will be assigned the highest caseload in the department. They will be expected to produce all of their own reports and enter and retrieve data pertinent to tracking offender programming without clerical support.

SAMPLE JUSTIFICATION MEMO (CONT'D)

CANDIDATE	INTERVIEW SCORE TOTAL	Other Screening Criteria Used (if Applicable)	CORRECTIONS SECURITY CASEWORKER EXPERIENCE	GENERAL VERBAL/WRITTEN COMMUNICATION SKILLS	SECURITY/OFFENDER ADVOCACY	FACLITY EXPERIENCE
	91		6 months Work Out Of Class CSC experience at MCF/ Thorough knowledge in steps involved in assessing offenders needs to determine appropriate programming	Excellent verbal and non-verbal communication skills. Clearly articulates answers to questions and exhibits. Confident and knowledgeable in descriptions of self and philosophies. Extensive working knowledge of the specific computer skills needed to fulfill case management responsibilities.	Demonstrated an understanding of each role and a clear distinction between them. Clearly defined the priority of public safety and institutional security. Special Operations Response Team (SORT) member Facility Staff Training Dept. Instructor: IMS & Firearm Instructor Field Training Officer (FTO) Instructor	MCF (Level _ Security Adult Facility) 3/2002 to present Corrections Sergeant at MCF- — Corrections Officer II 12/1999 – 3/2002 at MCF 8/96 – 12/1999 Corrections Officer at MCF (Level Security Adult Facility)
	87		6 months Work Out Of Class CSC experience at MCF. Thorough knowledge in steps involved in assessing offenders needs to determine appropriate programming.	Above average verbal communication skills and excellent written skills. Confident and knowledgeable in descriptions of self and philosophies. Significant working knowledge of the specific computer skills needed to fulfill case management responsibilities.	Demonstrated an understanding of each role and clearly establishes distinction between them. Clearly defined the priority of public safety and institutional security. Facility Staff Training Dept. Instructor: IMS & Firearms/ Shotgun Instructor Field Training Officer (FTO) Instructor.	MCF/_(Level 4 Security Adult Facility) Corrections Officer MCF- 12/1999 - present Corrections Officer MCF- 7/1998 – 12/1999 (Level _ Security Adult Facility)
	64		8/2004 – 2/2005 Corrections Security Caseworker experience at MCF-_ Minimum knowledge in steps involved in assessing offenders needs to determine appropriate programming.	Good verbal and written communication skills. Less sure of self in descriptions of experiences and philosophies. Limited knowledge of the specific computer skills needed to fulfill case management responsibilities.	Less definitive of each role, but clearly establishes institutional security as priority.	MCF/ _(Level Security Adult Facility) Corrections Officer MCF- 9/1994 to present (Level Security Adult Facility)
	64		6 months Work Out Of Class CSC experience at MCF Minimum knowledge in steps involved in assessing offenders needs to determine appropriate programming.	Average verbal and written communication skills. Less sure of self in descriptions of experiences and philosophies.	Not very definitive of each role, but understands the need to work within the parameters of a correctional setting.	MCF/_ (Level _ High Security Adult Facility) Corrections Officer I 1/1999 to present.

A. STATEWIDE UNDERUTILIZATION ANALYSIS-

STATEWIDE	PROTECTED GROUP: GENDER								
EEO JOB GROUP	Total Number in Group	Total Number of women in Group	% women in the Group	Availability % (Census Table)	Availability Number from US Census	AAP 2014-2016 Number Underutilized from US Census	2 factor analysis job group availab. %	Availability Number from 2 factor	AAP 2014-2016 Number Underutilized from 2 factor
Officials & Administrators	99	52	52.5%	40.2%	39.8	**-12.2**	50.0%	49.5	-2.5
Professionals	1114	674	60.5%	55.7%	620.5	**-53.5**	57.8%	644.0	-30.0
Technicians	134	97	72.4%	57.2%	76.6	**-20.4**	60.9%	81.6	-15.4
Protective Services: sup	186	64	34.4%	13.2%	24.6	**-39.4**	34.4%	64.0	0.0
Protective Services: non- sup	2009	425	21.2%	35.0%	703.6	**278.6**	30.4%	610.5	185.5
Office/Clerical	358	317	88.5%	10.5%	37.6	**-279.4**	45.8%	164.0	-153.0
Skilled Craft	135	2	1.5%	8.8%	11.9	**9.9**	5.2%	7.0	5.0
Service Maintenance	180	37	20.6%	19.5%	35.1	**-1.9**	20.2%	36.3	-0.7

STATEWIDE	PROTECTED GROUP: MINORITY								
EEO JOB GROUP	Total Number in Group	Total Number of minority in Group	% minority in the Group	Availability % (Census Table)	Availability Number from US Census	AAP 2014-2016 Number Underutilized from US Census	2 factor analysis job group availab. %	Availability Number from 2 factor	AAP 2014-2016 Number Underutilized from 2 factor
Officials & Administrators	99	8	8.1%	7.6%	7.5	**-0.5**	8.0%	7.9	0
Professionals	1114	64	5.8%	10.6%	118.1	**54.1**	8.5%	94.4	30
Technicians	134	6	4.5%	10.6%	14.2	**8.2**	9.1%	12.2	6
Protective Services: sup	186	20	10.8%	13.2%	24.6	**4.6**	10.8%	20.0	0
Protective Services: non- sup	2009	124	6.2%	7.7%	154.1	**30.1**	7.2%	144.5	20
Office/Clerical	358	11	3.1%	10.5%	37.6	**26.6**	7.1%	25.6	15
Skilled Craft	135	1	0.7%	8.8%	11.9	**10.9**	4.8%	6.4	5
Service Maintenance	180	5	2.8%	19.5%	35.1	**30.1**	9.3%	16.8	12

STATEWIDE	PROTECTED GROUP: DISABILITY								
EEO JOB GROUP	Total Number in Group	Total Number of indiv w/disab. in Group	% INDIV W/DISAB in the Group	Availability % (Census Table)	Availability Number from US Census	AAP 2014-2016 Number Underutilized from US Census	2 factor analysis job group availab. %	Availability Number from 2 factor	AAP 2014-2016 Number Underutilized from 2 factor
Officials & Administrators	99	17	17.2%	7%	6.9	**-10.1**	7%	6.9	-10.1
Professionals	1114	72	6.5%	7%	77.9	**5.9**	7%	77.9	5.9
Technicians	134	5	3.7%	7%	9.4	**4.4**	7%	9.4	4.4
Protective Services: sup	186	34	18.3%	7%	13.0	**-20.9**	7%	13.0	-20.9
Protective Services: non- sup	2009	107	5.3%	7%	140.6	**33.6**	7%	140.6	33.6
Office/Clerical	358	22	6.2%	7%	25.1	**3.1**	7%	25.1	3.1
Skilled Craft	135	9	6.7%	7%	9.5	**0.5**	7%	9.5	0.5
Service Maintenance	180	7	3.9%	7%	12.6	**5.6**	7%	12.6	5.6