STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

Affirmative Action Plan

August 2014 – August 2016

Minnesota Department of Public Safety

445 Minnesota Street

St. Paul, Minnesota 55101

This document can be made available upon request in alternative formats
by calling 651-201-7136.

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II. EXECUTIVE SUMMARY

DEPARTMENT OF PUBLIC SAFETY
Affirmative Action Plan 2014-2016

Review revealed underutilization of the following protected group in the following job categories:

Table 1. Underutilization Analysis of Protected Groups

PROTECTED GROUPS			
Job Categories	**Women**	**Racial/Ethnic Minorities**	**Individuals with Disabilities**
Officials/Administrators		X	
Professionals	X	X	X
Protected Services: Sworn	X	X	X
Protected Services: Non-sworn	X		
Office/Clerical		X	
Technicians	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 department. Our intention is that every employee is aware of the Department of Public Safety's commitments to affirmative action and equal employment opportunity. The plan will also be posted on the department's internal and external websites and maintained in the Internal Affairs/Affirmative Action office.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and 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 Signature: Cassandra [illegible] Date: 7-25-14

HR Director/Designee Signature: Lowell Thompson Date: 7-25-14

Commissioner/Department Head Signature: Ramona K Dohn Date: 7/25/14

III. STATEMENT OF COMMITMENT

This statement reaffirms the Department of Public Safety's commitment to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities with regard to race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, status with regard to public assistance, familial status, or membership or activity in a local human rights commission.

- The Department of Public Safety is committed to implementing the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.

- The department will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.

- The department will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives. In addition, this department expects all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

Commissioner/ Department Head Signature: Ramona L Dohman

Date: 7/25/14

IV. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN

A. Commissioner

Mona Dohman, Department of Public Safety Commissioner

Responsibilities:
The Commissioner is responsible for the establishment of an Affirmative Action Plan that complies with all federal and state laws and regulations.

Duties:
The duties of the Commissioner include, but are not limited to the following:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the department's Affirmative Action Plan in her position description;
- Take action, if needed, on complaints of discrimination and harassment;
- Ensure final determinations on employee complaints of discrimination and harassment;
- Ensure the Affirmative Action Plan is effectively communicated to all employees on an annual basis;
- Make decisions and changes in policy, procedures, or accommodations as needed to facilitate effective affirmative action and equal employment opportunity;
- Actively promote equal opportunity employment; and
- Require responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in all department director, manager, and supervisor position descriptions and annual objectives.

Accountability:
The Commissioner is accountable directly to the Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

B. Affirmative Action Officer

Cassandra O'Hern, Director of Internal Affairs/Affirmative Action

Responsibilities:
The Affirmative Action Officer is responsible for implementation of the department's affirmative action and equal opportunity program, and oversight of the department's compliance with equal opportunity and affirmative action laws.

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

- Prepare and oversee the Affirmative Action Plan, including development and setting of department-wide goals;
- Monitor compliance and fulfill all affirmative action reporting requirements;
- Inform the Commissioner of progress in affirmative action and equal opportunity and report potential concerns;
- Review the Affirmative Action Plan at least annually and provide updates as appropriate;
- Provide a department-wide perspective on issues relating to affirmative action and equal opportunity and assist in the identification and development of effective solutions in problem areas related to affirmative action and equal opportunity;
- Identify opportunities for including affirmative action and equal opportunity into the department's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Review and recommend changes in policies, procedures and programs to ensure affirmative action is enforced throughout the department, especially in the areas where disparities exist;
- Investigate and mediate formal and informal complaints alleging conduct in violation of the Department's policies against discrimination and harassment;
- Monitor and enforce the department's Pre-Hire Review procedure with respect to all appointments before hiring decisions are authorized;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of these laws;

- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention, progress on hiring goals, reasonable accommodations, and other opportunities for improvement; and

- Serve as the department's liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and equal opportunity enforcement agencies.

Accountability:
The Affirmative Action Officer is accountable directly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

C. Americans with Disabilities Act Coordinator

Cassandra O'Hern, Director of Internal Affairs/Affirmative Action

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

Duties:
The duties of the Americans with Disabilities Act Coordinator include, but are not limited to the following:

- Provide guidance, coordination, and direction to department management with regard to the Americans with Disabilities Act in the development and implementation of the department's policy, procedures, practices, and programs to ensure they are accessible and nondiscriminatory;

- Provide consultation, technical guidance, and/or training to directors, managers, supervisors, and staff regarding best practices in recruitment, selection, and retention of individuals with disabilities, provisions of reasonable accommodations for employees and applicants, and other opportunities for improvement; and

- Track and facilitate requests for reasonable accommodations for employees and applicants, as well as members of the public accessing the department's services, and report reasonable accommodations annually to Minnesota Management and Budget.

Accountability:
The Americans with Disabilities Act Coordinator reports directly to the Commissioner.

D. Human Resources Director

Lowell Thompson, Director of Human Resources

Responsibilities:
The Human Resources Director is responsible for ensuring equitable and uniform administration of all personnel policies including taking action to remove barriers to equal employment opportunity with the department.

Duties:
The duties of the Human Resources Director include, but are not limited to the following:

- Provide leadership to human resources staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles;
- Ensure, to the extent possible, development and utilization of selection criteria that is objective, uniform, and job-related;
- Initiate and report on specific program objectives contained in the Affirmative Action Plan;
- Collaborate with the Department Affirmative Action Officer in the pre-hire review process and ensure it receives support from directors, managers, and supervisors;
- Include the Affirmative Action Officer in the decision-making process regarding personnel actions involving protected group members, including hiring, promotion, disciplinary actions, reallocation, transfer, termination, and department and division-wide classification studies;
- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in position descriptions and annual objectives;
- Assist in recruitment and retention of individuals in protected groups, and notify directors, managers, and supervisors when appropriate of existing disparities;
- Make available to the Affirmative Action Officer and Americans with Disabilities Act Coordinator or designee all necessary records and data necessary to perform duties related to equal opportunity and affirmative action;
- Review classifications, qualification requirements and procedures in order to eliminate selection factors having no significant relationships to job performance;
- Maintain records that will enable the analysis of all portions of the selection process;

- Maintain retirement-eligible information and communicate it to division directors to ensure appropriate succession and workforce planning; and

- Assist management and supervisors to determine appropriate action on sustained complaints of departmental policies including complaints of discrimination and harassment.

Accountability:
The Human Resources Director is directly accountable to the Commissioner.

E. Directors, Managers, and Supervisors

Responsibilities:
Directors, managers, and supervisors are responsible for implementation of equal opportunity and affirmative action within their respective areas of supervision and compliance with the department's affirmative action programs and policies to ensure fair and equal treatment of all employees and applicants.

Duties:
The duties of directors, managers, and supervisors include, but are not limited to the following:

- Assist the Affirmative Action Officer in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity;

- Communicate the department's affirmative action related policies to assigned staff;

- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies identified in this plan;

- Maintain a consistent standard within the workforce so that employees are evaluated, recognized, developed, and rewarded on a fair and equitable basis;

- Include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in staff position descriptions and annual objectives;

- Select candidates for new positions or promotional opportunities on the basis of training, experience, the department's affirmative action goals and in accordance with the department's Pre-Hire Review procedure;

- Submit to the Director of Internal Affairs/Affirmative Action, written documentation of the reason(s) for non-selection of a protected group candidate for a position where a disparity exists;

- To provide a positive and inclusive work environment; and

- To refer complaints of discrimination and harassment to the appropriate parties.

Accountability:
Directors, managers, and supervisors are accountable directly to their designated supervisor and indirectly to the department's Commissioner.

F. All Employees

Responsibilities:
All employees are responsible for conducting themselves in accordance with the department's equal opportunity and affirmative action policies and this Affirmative Action Plan.

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

- Exhibit an attitude of respect, courtesy, and cooperation towards all employees and the public; and

- Refrain from any actions that would adversely affect the performance of a coworker with respect to their race, sex, color, creed, religion, age, national origin, sexual orientation, disability, marital status, status with regard to public assistance, familial status, or membership or activity in a local human rights commission.

Accountability:
Employees are accountable to their designated supervisor and indirectly to the department's Commissioner.

V. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN

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

A. Internal Methods of Communication

- The Commissioner's Statement of Commitment will be sent to all employees via email annually, with directions for supervisors to make the information available to staff without email access. The email will also notify employees of the completion of the 2014-2016 Affirmative Action Plan along with directions as to where to view the Plan and how to obtain a copy of it.

- The Director of Internal Affairs/Affirmative Action will distribute the Affirmative Action Plan to the Human Resources Office and the division directors with directions detailing their responsibility to support and implement the Plan. Each division director is responsible to ensure that employees know where they can view the Plan or obtain a copy of it.

- The department's Affirmative Action Plan is available to all employees on the department's internal website or in print copy to anyone who requests it. As requested, the department will make the plan available in alternative formats.

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

B. External Methods of Communication

- The department's Affirmative Action Plan is available on the department's external website or in print copy to anyone who requests it. As requested, the department will make the plan available in alternative formats.

- The department's website, letterhead, 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: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

VI. POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT

The Minnesota Department of Public Safety has policies to ensure that the department's practices are free from discrimination, including sexual harassment, based upon protected class status, and provides a process through which complaints of discrimination and/or discriminatory harassment will be promptly, thoroughly, and respectfully handled and investigated. The department also seeks to maintain a positive working environment free from inappropriate, offensive, or bullying behavior by providing a process through which complaints will be promptly, thoroughly, and respectfully handled and investigated.

The department's policy prohibiting discrimination and harassment, along with the complaint procedure, is included in this section.

The following related policies are included in Appendix F:

- General Harassment/Inappropriate Workplace Conduct
- Investigation and Resolution of Employee Misconduct
- Employee Conduct

Minnesota Department of Public Safety

Discrimination/Discriminatory Harassment **No. 1502**

Applicability: All department employees, contractors, subcontractors, grantees, volunteers, student workers and interns.

POLICY

The Minnesota Department of Public Safety is committed to providing a workplace and public services which are free from discrimination, including sexual harassment and harassment based upon protected class status. It is the policy of the department that all employees are able to work in an environment free from discrimination and discriminatory harassment. The department will not tolerate discrimination or discriminatory harassment by its employees, contractors, subcontractors, grantees, student workers, interns or volunteers and will take appropriate corrective action against those individuals who violate this policy. This policy applies to conduct that occurs in the workplace and at any location that has a reasonable connection to the workplace.

This policy also applies to the handling of complaints against department employees, contractors, subcontractors, grantees, student workers, interns or volunteers alleged to have engaged in discrimination or harassment against a member of the public. All employees are expected to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from discrimination or discriminatory harassment. Employees and others who act under the department's authority who engage in discrimination or discriminatory harassment in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.

Acts of discrimination and discriminatory harassment are prohibited by state and federal law and by this policy. However, the department may take corrective actions when inappropriate behavior or actions occur, even if they are not so serious as to be unlawful.

This policy establishes a process through which complaints of discrimination and discriminatory harassment will be promptly, thoroughly, and respectfully handled and investigated. The department will not tolerate any reprisal or retaliation against any person who makes a complaint or participates in any investigation into allegations of discrimination or discriminatory harassment. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment. Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is also prohibited.

DEFINITITIONS

Discrimination:
Discrimination is any conduct that adversely impacts the employment, work environment or provision of service to an individual based on the individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, familial status, age, disability, or membership or activity in a local commission.

Discriminatory harassment:
Discriminatory harassment is any behavior based on a protected class characteristic that unreasonably creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance. Discriminatory harassment may include, but is not limited to: repeated disparaging, belittling, derogatory comments, slurs, or jokes; or displaying objects, cartoons, or pictures of a derogatory or discriminatory nature.

Sexual harassment:
Sexual harassment is any sexually oriented conduct, whether it is intended or not, that is unwelcome and:

1) has the effect of creating a workplace that is hostile, offensive or humiliating,
2) submission to sexual conduct is made a term or condition of the individual's employment, or
3) unreasonably interferes with the individual's work performance.

Sexual harassment can occur between individuals of the opposite sex or same sex. Sexual harassment may include, but is not limited to, unwelcome sexual advances, sexually motivated physical conduct or other unwelcome verbal or physical conduct. Sexual behavior that does not rise to the level of illegal sexual harassment but that is inappropriate, disruptive, or creates a hostile work environment may also result in disciplinary action.

Employee:
Employee means all department employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers. While not employees, this policy also applies to volunteers, contractors, subcontractors and grantees.

Protected class:
Protected class status defined under Minnesota law include an individual's race, color, creed, religion, national origin, sex, sexual orientation, marital status, public assistance status, familial status, age, disability, or membership or activity in a local commission.

Retaliation or Reprisal:
Retaliation or reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy or an individual who participates in an investigation into such allegations.

ROLES AND RESPONSIBILTIES

Employees and Others Working Under the Department's Authority:
All employees, contractors, subcontractors, grantees, student workers, interns or volunteers or any other individual working under the department's authority are responsible for their own personal conduct in a manner consistent with the spirit and intent of this policy. Such individuals will refrain from engaging in any conduct in the work place or the provision of public services which constitutes discrimination or discriminatory harassment against others. Individuals covered under this policy are responsible for seeking assistance about how this, or any other policy, applies to them. Employees will provide appropriate information and assistance to any person who wants to file a complaint of discrimination or harassment. Such assistance may include referring the individual to a supervisor, the complaint information on the department website, or providing contact information for Internal Affairs/Affirmative Action.

Managers and Supervisors:
Managers and supervisors have a special responsibility to report allegations of discrimination or harassment. Supervisors shall immediately report any allegations of discrimination or harassment to the department's director of Internal Affairs/Affirmative Action. In addition, department administrators, managers, and supervisors are responsible for implementing and enforcing this policy, taking appropriate action when necessary and for enforcing all discrimination and sexual harassment articles in collective bargaining agreements.

Director of Internal Affairs/Affirmative Action:
Any claims of discrimination or discriminatory harassment or inappropriate behavior under this policy will be investigated by investigator(s) selected by the director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis.

- The director will monitor the progress of each investigation and make recommendations to the appropriate division director regarding the conclusion of each complaint.
- The director will work with the Human Resources director to provide necessary training to department employees regarding this policy.
- The director will report annually to the commissioner and all division directors the number of complaints filed under this policy.

HOW TO FILE A COMPLAINT OF DISCRIMINATION OR DISCRIMINATORY HARASSMENT:

The following internal complaint procedure is intended to help the department resolve concerns or complaints of sexual harassment and other types of discrimination and discriminatory harassment. Individuals are encouraged to use this procedure, but may also pursue information and remedies available through the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, or the courts. Individuals are advised to check with these agencies to determine the existence of time limitations for filing complaints.

1. Individuals who believe they have been harassed or otherwise discriminated against by an individual covered by this policy:
    - in the work place,
    - when receiving public services provided by the department, or
    - who have witnessed such behavior,

    are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly.

2. If managers or supervisors learn through an exit interview or by other means that an individual has left the department because of alleged harassment or discrimination, the division director or director of Human Resources will notify the director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the division director or director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the director of Internal Affairs/Affirmative Action.

3. Individuals are encouraged to file their concerns and complaints in writing using any format including the Formal Complaint of Alleged Employee Misconduct form. However, oral complaints will be accepted and processed. Complaints may be filed with the employee's supervisor, the director of Internal Affairs/Affirmative Action or the director of Human Resources, or anyone in a supervisory or management position in the department. The complaint does not need to be made through the employee's chain of command and can be made directly to the directors of Human Resources or Internal Affairs/Affirmative Action. If the complaint involves the employee's immediate supervisor, the complaint may be filed with any other supervisor or manager in the department of the directors of Human Resources or Internal Affairs/Affirmative Action.

4. The person who receives a concern or complaint involving allegations of discrimination or discriminatory harassment will immediately notify the director of Internal Affairs/Affirmative Action. While not required, the Formal Complaint of Alleged Employee Misconduct form may be used.

5. The director of Internal Affairs/Affirmative Action will direct and review any investigation brought under this policy. Whenever possible, the investigation will be completed within 60 days. If the investigation cannot be completed within 60 days, the director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.

6. The director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.

7. Any corrective action decision or recommendation will be made by the division director in consultation with the director of Human Resources.

8. The director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.

9. The director of Internal Affairs/Affirmative Action shall provide the Commissioner of the Minnesota Management and Budget Office with a summary of the investigation as required under Minnesota Administrative Rule 3905.0500 and Minnesota Statute § 43A.04.

ADDITIONAL RESOURCES

- The Civil Rights Act of 1964; 42 U.S.C. 2000, as amended
- The Americans with Disabilities Act of 1990; 42 U.S.C. 12131, as amended
- The Age Discrimination in Employment Act of 1975; 42 U.S.C. 6101
- Minnesota Human Rights Act, Minn. Stat. Ch. 363A
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1501, General Harassment/Inappropriate Workplace Conduct
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Applicable collective bargaining agreements and plans

Policy Owner: Internal Affairs/Affirmative Action
Effective Date: July 15, 2014
Origination and Revision Dates: 4/1/05, 2/3/11

VII. REASONABLE ACCOMMODATION POLICY

Policy:	**Reasonable Accommodation**
Number:	**1511**
Intended Audience:	**All managers and supervisors, all HR employers and division personnel expeditors**
Division/Staff Responsible:	**Office of the Commissioner**
Date Policy Established/Revised:	**08/14/1998; 06/02/03**

POLICY

The Department of Public Safety is committed to the fair and equal employment of people with disabilities. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is the policy of the Department of Public Safety to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the department. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act, 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

ADA Coordinator-
A representative from the DPS Office of Human Resources who has been given the responsibility to perform as such.

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

Major Life Activities-
Seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working.

Reasonable Accommodation-
Any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

PROCEDURES

Reasonable accommodation applies to three aspects of employment:

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

Request for Reasonable Accommodations for Job Applicants

1. The job applicant shall inform the hiring manager/supervisor of the need for an accommodation. The hiring manager/supervisor will contact the ADA Coordinator and obtain the necessary forms and information for the job applicant to request a reasonable accommodation.

2. The DPS HR Office in cooperation with the Division Manager will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Request Reasonable Accommodations for Employees

1. The Department of Public Safety will inform all employees that this accommodation policy can be made available in accessible formats.

2. The employee shall inform their manager/supervisor of their need for an accommodation and the manager/supervisor shall discuss alternatives with them.

3. The Manager/Supervisor must inform the ADA Coordinator of the request and with assistance from the Manager/Supervisor, if needed; the employee shall fill out and submit a Request for Accommodation form and an Authorization for Release of Medical Information form to the ADA Coordinator.

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 Department of Public Safety is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide or deny the request if it is deemed unreasonable.

5. The ADA Coordinator may request documentation from the employee's health care provider to support the request. A cover letter to their physician, an ADA Information from Physician form (with the essential functions of the position) and the Employee's Authorization for Release of Medical Information will be given to the employee to take to their physician. This information must be returned to the ADA Coordinator by the employee upon its completion. Any medical documentation will 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.

6. The DPS Human Resources Office will work with the employee and the manager/supervisor to obtain technical assistance, as needed.

7. The DPS Human Resources Office will provide a decision to the manager/supervisor and the employee within a reasonable amount of time upon receipt of the necessary information requested.

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.

FUNDING OF REASONABLE ACCOMMODATIONS

Funding must be approved by the Department of Public Safety for accommodations that do not cause an undue hardship (M.S. 43A.191(c)). An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Department of Public Safety. The availability of funds varies with each department. The expenditure of funds for the accommodations over the amount determined to be significant must be approved by the Department Head. When determining whether or not to make the accommodation without imposing undue hardship on the department, the following factors will be considered:

- the size of the department's budget;
- the nature and cost of the accommodation;
- the ability to finance the accommodation in relationship to the site(s) where there may be a need; and
- documented good faith effort to explore a less restrictive or less expensive alternative.

APPEALS

Employees or applicants who are dissatisfied with the decision(s) pertaining to his/her accommodation request may file an appeal with the department 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 department's complaint procedure with the Diversity Office.

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

The Minnesota Department of Public Safety has detailed weather emergency and evacuation plans and procedures in place to ensure the safety of employees in the event of such an emergency. The National Oceanic Atmospheric Administration Weather Radio Station is monitored on a daily basis by the Safety Director, front desk staff and Town Square Security. Should severe weather watches or warnings be issued, the department's front desk staff and Town Square Security notify all staff by PA announcement.

Each work area within Town Square and Bremer Tower are assigned a Floor Warden. Floor Wardens are responsible for evacuation of department employees and customers within their assigned areas of responsibility. Floor Wardens are assigned a radio for communication with the command post regarding the need to shelter in place or evacuate as necessary.

A copy of the department's weather and emergency evacuation plans can be found on the department's internal website.

Everyone has a responsibility to develop their own personal emergency evacuation plan, which includes individuals with disabilities or individuals who will need assistance during evacuation. The Americans with Disabilities Act Coordinator works to develop a plan in consultation with the appropriate building and safety personnel. When developing a plan, safety needs will be determined on a case-by-case basis because they vary with each individual and building.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance during an emergency may be needed, the individual should contact the department's ADA Coordinator or Safety Director listed below to request the type of assistance they may need.

Cassandra O'Hern, ADA Coordinator, 651-201-7133, cassandra.ohern@state.mn.us
Jason Amborn, Safety Director, 651-201-7380, jason.amborn@state.mn.us

Evacuation Options:
The department has at least one mandatory fire drill and one weather emergency drill each year. All employees are required to participate in these drills. Individuals with disabilities have four basic, possibly five, evacuation options.

- Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;

- Stairway evacuation: Using steps to reach ground level exits from building;

- Shelter in place: Unless danger is imminent, remain in a room with an exterior window, a telephone or other communication device, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place and they cannot communicate directly

with the on-site command post, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;

- Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or

- For agencies equipped with an evacuation chair: Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If a department is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair. The Department of Public Safety has an evacuation chair located on the 23rd floor of the Bremer Tower.

Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities:
Individuals with disabilities should follow the following procedures:

- Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs"): Individuals using wheelchairs or PMDs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.

- Mobility disabilities (individuals who do not use wheelchairs): Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

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

- Visual disabilities: The department's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals

with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:
Individuals with disabilities or who are in need of assistance during an evacuation have three evacuation options based on their location in their building:

- Horizontal evacuation: If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;

- Elevator evacuation: If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or

- Shelter in Place: Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.

IX. GOALS AND TIMETABLES

Through the utilization analysis, the department has determined which job categories are underutilized for women, minorities, and individuals with disabilities within the department and has set the following hiring goals for the next two years (Reference Table 2).

Table 2. Underutilization Analysis and Hiring Goals for 2014-2016

	UNDERUTILIZATION – # OF INDIVIDUALS			**HIRING GOALS FOR 2014-2016**		
Job Categories	**Women**	**Racial/ Ethnic Minorities**	**Individuals With Disabilities**	**Women**	**Racial/ Ethnic Minorities**	**Individuals With Disabilities**
Officials/Administrators	_	1	_	_	1	_
Professionals	1	5	4	1	3	2
Protected Services: Sworn	17	12	8	5	5	1
Protected Services: Non-sworn	24	_	_	5	_	_
Office/Clerical	_	4	_	_	4	_
Technicians	16	8	6	5	4	2
Service Maintenance	2	1	_	1	1	_

Availability:
The department determined the recruitment area to be statewide for all job categories. In conducting its underutilization analysis, the department used the two factor analysis. The department determined it was best to use this type of analysis because it most accurately describes the hiring process. For many of the department's positions, the initial hire is made from an external source, but most movement between positions, including promotions, are made from internal sources. Therefore, it is appropriate to consider both internal and external factors when determining the availability.

The department did not use the Agency Appointment summary report to calculate the availability percentages because this report does not separate the sworn and non-sworn Protective Services job categories. In addition, some sworn positions are grouped in the Professionals category (Special Agents in Charge and Majors) while trooper trainees are listed as Service Maintenance. In order to provide a more accurate reflection of the Protective Services job categories, the department manually calculated the number of individuals in sworn and non-sworn jobs.

In the department's 2012-2014 Affirmative Action Plan, the two factor analysis was used on the entire Protective Service job category. At that time, the department assigned weighted availability percentages of 80% internal and 20% external. The external availability was calculated by adding the sworn and non-sworn 2000 U.S. Census percentages for women and minorities and dividing by two to get the average external percentage for the Protective Service category. These numbers were compared with the census data for occupation code "Police Officers" to support the availability percentages.

In this current plan, the sworn and non-sworn two factor analyses were calculated separately by manually calculating the department's employees in these categories. This calculation more accurately reflects the department's work force; however it results in large changes in the numerical difference between the two plans. In addition, no negative numbers were used in the last plan in job categories that did not show an underutilization. This plan uses negative numbers which results in a greater numerical difference in job categories that do not have an underutilization.

Underutilization Analysis worksheets are attached in the appendix. Numbers less than 10 are indicated with "<10" in accordance with Minnesota Management and Budget's guidance on data privacy.

Women:
At the department, the population of women has improved in the following job categories: Officials/Administrators, Professionals, Protective Services: Sworn and Office/Clerical. The population of women has not improved in the following job categories: Protective Services: Non-Sworn, Technicians and Service Maintenance.

There have been some significant improvements when compared with the last plan. In the Officials/Administrators, the total number of employees in the job category decreased, but the total number of women increased resulting in 52.5% of the employees being women as compared with 45.2% in 2012. The department is not underutilized in this category. The total number of department employees in the Professional job category decreased significantly because of the creation of MN.IT

and the transfer of department employees to MN.IT. However, the percentage of women in the job category increased to 54% as compared to 48% in 2012. The goal was four, which was met. It is difficult to compare the last plan to this plan because of the impact of MN.IT. The department is currently underutilized by one and will strive to meet this goal through new hires.

The total number of employees in the Protective Services: Sworn category increased by 40, with the number of woman increasing by four. There was a goal of five which was met, but offset by the number of women retiring. The goal will remain five which will be achieved by continued emphasis on recruiting and participation in the LETO program.

The Office/Clerical job category shows a significant improvement from 2012. However, this improvement is due to recording negative numbers rather than a zero when there is an underutilization. In 2012 86.8% of the employees were women and currently 85.18% of the employees are women.

The total number of women has improved in the Protective Services: Non-Sworn job category, however the availability analysis shows that the population has not improved. In 2012, there were eight more employees than there are in 2014. Of those, 58 were women (29%). Currently, there are 68 women, which equates to almost 36%. However due to changes in methodology and the census, there is a greater availability percentage, which results in a significant underutilization of 24 women. The department set a goal of increasing the total number of women by 5 and will monitor this job category to determine if there are selection barriers that need to be addressed.

The total number of women has improved in the Technicians job category by five, while the total number of employees in this job category decreased by one. The percentage of women in this group is now 45% as compared with almost 42% in 2012. However, the availability analysis indicates that 54.5% of the individuals in this job category are women. This results in an underutilization of 16 women as compared with 10 in 2012. A little over half of the individuals who separated from this job category were women. The department is able to hire women into this job category as evidenced by the fact that there are more women in the group today than in 2012. The department had a goal of 2 and met the goal, but it is now underutilized by a greater number due to the change in availability percentage. The goal will be increased to five.

The department has very few employees in the Service Maintenance job category which is a male dominated job group. It was not underutilized previously but is now by one. When hiring occurs in this job category, efforts will be made to recruit and hire women into these positions.

Based on our analysis of the conditions of the department, we do not expect any job group to grow significantly in the next two years. We anticipate hires in these job groups will be mainly for replacement purposes only. As openings occur, we will make a good faith effort to recruit and hire women into all job categories, and focusing on those where there is currently an underutilization.

Minorities:
At the department, the population of minority employees has improved or stayed the same in the following job categories: Officials/Administrators, Protective Services: Sworn and Non-Sworn. The population of minority employees has not improved in the following job categories: Professionals, Office/Clerical, Technicians and Service Maintenance.

In the Officials/Administrators job category, there are no minority employees. This is the same as in 2012. The goal was to hire one minority employee and this was not achieved. There were a total of five separations and the total number of employees in this job category is down by two employees. The availability percentage is low, 2.89%. As such, it is difficult to hire minority individuals into this job category. The goal for this plan is one. Increased efforts will be made to consider promotional opportunities for existing employees and increased recruitment efforts for external hires.

The population of minority employees in the two Protective Services job categories improved. The total number of sworn employees increased by 40, with the number of minority employees increasing by nine. A total of four minority sworn employees separated and as such the total number of minority employees hired was thirteen. The department met its goal of five; however it remains underutilized in this job category. The goal will be set at five again which will be achieved by continued emphasis on recruiting and participation in the LETO program. In the non-sworn category, the total number of employees decreased by eight, but the total number of minority employees increased by five and three minority employees separated. As such, a total number of eight minority employees were hired. There was no set goal because there is no underutilization.

The population of minority employees did not improve in the Professionals job category. The total number of employees decreased by 129; primarily as a result of transferring employees to MN.IT. This resulted in a decrease of 19 minority employees. Previously, the department was not underutilized in this job category but is now underutilized by five minority employees. It is not anticipated that there will be significant hiring in this job category but as openings occur, efforts will be made to recruit and hire at least three minority employees.

In the Office/Clerical job category, the total number of employees has decreased by 33, while the number of minority employees has decreased by five. Six minority employees separated from the department. The department did not have a hiring goal in the last plan as it was not underutilized in this category. It has a goal of hiring at least four minority employees. This job category has the largest number of new hires as it has a significant number of entry level positions.

In the Technicians job category, the total number of employees reduced by one, the number of minority employees remained the same, despite five minority employees separating from the department. While the number of employees remained the same, the availability percentage doubled resulting in an underutilization of eight. There was no underutilization in the last plan. A goal of hiring at least four minority employees has been established in this plan.

The department has very few employees in the Service Maintenance job category. It was not underutilized previously but is now by one. When hiring occurs in this job category, efforts will be made to recruit and hire minority individuals into these positions.

Based on our analysis of the conditions of the department, we do not expect any job group to grow significantly in the next two years. We anticipate hires in these job groups will be mainly for replacement purposes. As openings occur, we will make a good faith effort to recruit and hire minority individuals into all job categories, focusing on those where there is currently an underutilization.

Individuals with Disabilities:

At the department, the population of individuals with disabilities has improved or remained the same in all job categories. It has an underutilization number in the Professionals, Protective Services: Sworn, and Technicians job categories. The total number of employees with disabilities has increased by 13, resulting from an increased number of employees with disabilities in almost all job categories.

In the Professionals job category, the total number of employees decreased by 129; primarily as a result of transferring employees to MN.IT. Two employees with disabilities separated from the department. However, the total number of employees with disabilities increased by one but the underutilization number remained at four. Given that no significant hiring is expected in this job category in the next two years, the hiring goal will remain at two.

In the Protective Services: Sworn job category, the total number of employees increased by 40, and the number of employees with disabilities increased by one. There was a goal of hiring one individual with a disability. Given the job requirements of the protective services sworn positions, it is extremely difficult to recruit and hire individuals with disabilities. A hiring goal will remain set at one.

The population of employees with disabilities in the Technician job category remained the same despite a decrease in the total number of employees by one. There were no separations by individuals with disabilities in this job category. There was a goal of hiring two individuals with disabilities in 2012 and this goal will remain the same.

Based on our analysis of the conditions of the department, we do not expect any job group to grow significantly in the next two years. We anticipate hires in these job groups will be mainly for replacement purposes. As openings occur, we will make a good faith effort to recruit and hire individuals with disabilities into all job categories, focusing on those where there is currently an underutilization. In addition, the department will continue to grant reasonable accommodations which allow its employees and applicants to perform the essential functions of their positions, participate in selection and promotional processes and to participate in the benefits and privileges of employment.

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

In pursuing the department's commitment to affirmative action, the department will take the following actions during 2014-2016:

Objective #1:
Provide appropriate training to promote a respectful and inclusive workplace free from discrimination and discriminatory harassment.

Action Steps:
Continue to provide education to department supervisors and managers about affirmative action and their responsibilities in implementing the Affirmative Action Plan.

Make training available to all new employees about respectful communication and each employee's responsibility to ensure a workplace free from discrimination, harassment, fear and violence. The department has implemented a department-wide workplace violence prevention program to ensure that employees have the information and tools to feel safe in the workplace.

Provide training to all employees in topics including respectful communication, diversity and inclusion.

Evaluation:
This objective was included in the department's last Affirmative Action Plan. These efforts appear to be effective and will continue. Evaluation methods include analyzing the number of exit interviews that contain information regarding the work environment, the number of discrimination and discriminatory harassment complaints internally and with the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission. All such complaints are analyzed to identify any trends. Training is provided to address any trends.

Objective #2:
Continue the State Patrol's LETO program to increase the number of women, minority and veterans hired as troopers.

Action Steps:
Support and evaluate the State Patrol's efforts to increase diversity in its applicant pool by using the Law Enforcement Training Opportunity (L.E.T.O.) to provide educational training sufficient to meet Peace Officer Standards and Training ("P.O.S.T.") licensing requirements.

Evaluation:
The State Patrol's LETO program continues to increase the number of qualified women and minority applicants as well as veterans. The State Patrol is able to make progress towards its affirmative action goals because of this program. This program remains a best practice for collaboration between the department and MNSCU. In each of the four years the State Patrol has

used LETO to hire troopers; over half of the diverse troopers (women and people of color) have come from the LETO program.

Objective #3:
Engage in effective recruitment and hiring efforts.

Action Steps:
Participation in career fairs and community events such as those identified in Section XII to demonstrate its commitment to diversity recruitment and hiring, recruit potential applicants and promote public safety education.

Partner with community organizations to demonstrate the department's commitment to diversity recruitment, to enhance community relationships and increase the number of qualified diverse applicants.

Create and support pre-law enforcement opportunities to encourage students to pursue law enforcement and criminal justice careers and provide work opportunities to students interested in law enforcement.

Evaluation:
Evaluate the department's selection processes to identify and reduce barriers for women, minorities and people with disabilities.

Where a disparity exists, review the selection process and approve the hiring decision, before an offer is made. Ensure appropriate justifications for all non-affirmative hires.

The department's budget does not permit significant recruitment efforts. The department can use its public contacts to demonstrate its commitment to making all Minnesotan's safe, including those traditionally underrepresented. These community contacts serve as additional recruitment resources. The department will work with the State's Recruiter at Minnesota Management and Budget to determine other low cost methods of recruiting.

The primary method of evaluating the department's recruitment and hiring goals is by continually updating and evaluating the selection process for those positions which are frequently filled to identify and reduce any barriers for women, minorities and individuals with disabilities. When a disparity in exists in the hiring process, the selection must be reviewed and approved by the Affirmative Action Officer before the offer is made. Program managers must also approve the hiring request when it will be considered a missed opportunity. All division directors and the Commissioner are provided with the results of quarterly hiring efforts by each division identifying the number of justified hires or missed opportunities. Division directors are held accountable in their performance evaluations for their affirmative action efforts.

Objective #4:
Improve retention of qualified employees at all levels.

Action Steps:
Require supervisors to discuss an employee's career targets and goals and document them as part of their annual performance evaluations. This is used to determine specific development and training opportunities to enhance the employee's development and skills to increase retention and promotional development.

The department encourages employees and applicants to request reasonable accommodations when necessary to perform the essential functions of the job or to apply for a position. The department ensures that all supervisors are trained to identify when an employee or applicant is making a request and how to appropriately respond to it. The department's ADA Coordinator assists supervisors and employees with the accommodation process and makes the accommodation decision after engaging in the interactive process.

Evaluation:
These actions steps were identified in the previous Affirmative Action Plan. There were fewer employees who resigned or retired from the department in the past two fiscal years than the previous two years. In addition, the number of employees who completed exit interviews and stated they left the department because they were unhappy remains low. The Human Resources Director in consultation with the Affirmative Action Officer will continue to monitor the separation information.

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS

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

The Department of Public Safety is committed to maintaining a successful affirmative action program. The department will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, individuals with disabilities, or veterans. Directors, managers, and supervisors will work closely with Human Resources and the Affirmative Action Officer in reviewing the requirements for the position, posting the position, and interviewing and selection to ensure that equal opportunity and affirmative action is carried out. To evaluate the program, the Director of Internal Affairs/Affirmative Action monitors all the Unlimited Classified hires and the Non-Competitive Qualifying hires in job groups where a disparity exists using the State of Minnesota Monitoring the Hiring Process form. The Director notifies the division directors about their hiring practices as it relates to protected group applicants quarterly. This information is compiled by division for each division director to use to evaluate their hiring practices.

The Director of Internal Affairs/Affirmative Action reviews all hiring recommendations for vacancies filled from an eligible list containing interested protected group members. Hiring supervisors are informed that they are filling a vacancy in a position for which affirmative action goals have not been met. Hiring supervisors are notified that there are protected group members on the eligible list and that they must have approval from the Internal Affairs/Affirmative Action Director prior to making an offer of employment. If, after interviews, the supervisor recommends hiring a non-protected group applicant, the supervisor must provide a written justification for not selecting the protected group individual. The Internal Affairs/Affirmative Action Director reviews the rationale, the position description, the posted job qualifications, the protected group member's application, and any other relevant documentation to determine whether to approve the recommendation. Any time the department cannot justify a hire, the department takes a missed opportunity. Department leadership will be asked to authorize the missed opportunity. The department will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis. The Director of Human Resources and the Director of Internal Affairs/Affirmative Action work together to ensure that no offer of employment is given without the necessary approval.

When candidates are offered interviews, employees scheduling interviews will describe the interview format to the candidate and provide an invitation to request a reasonable accommodation for individuals with disabilities to allow the candidate equal opportunity to participate in the interview process. For example, describe if interview questions are offered ahead of time or what technology may be used during the interview process. This allows for an individual with a disability to determine if they may need a reasonable accommodation in advance of the interview.

All personnel involved in the selection process will be trained and accountable for the department's commitment to equal opportunity and the affirmative action program and its implementation.

The following procedure is attached:
Pre-Hire Review Procedure

Pre-Hire Review Procedure

State rules governing the statewide affirmative action program specify that a procedure must be developed in each department which "requires pre-employment review of all hiring decisions for occupational categories with unmet affirmative action goals."

This procedure must be followed when there is an underutilization in the job class and your preferred candidate is not a protected group member (e.g. female, minority, or person with a disability) that would address the underutilization and there are protected group applicants who met the minimum qualifications.

Before an offer of employment is made, the hiring supervisor must submit written justification and receive approval from the Affirmative Action Officer to proceed with the hiring process.

PROCESS

1. The Office of Human Resources will:
    a. Notify the hiring supervisor that there is an underutilization and that affirmative action goals have not been met for one or more protected group(s) and that member(s) of those group(s) are on the eligible list.
    b. Advise the hiring supervisor that they must obtain approval from the Affirmative Action Officer if they do not select a protected group applicant and there are protected group candidates in the applicant pool.

2. Hiring Supervisor will:
    a. Determine who to interview based on objective criteria including the minimum and preferred qualifications posted for the position.
    b. Not interview any applicants who do not meet the minimum qualifications posted for the position.
    c. Provide a written rationale based on knowledge, skills, and abilities required for the position as provided in the job posting if the hiring supervisor decides not to offer the position to a protected group applicant.
    d. Communicate the interview process and selection decision and rationale to their supervisor.
    e. Complete the hiring justification form and send it to the Affirmative Action Officer.

INFORMATION REQUIRED

1. Human Resources will provide the hiring supervisor and the Affirmative Action Officer with the applicant list and specific instructions on the hiring obligations including applicable affirmative action responsibilities.
2. Human Resources will provide the hiring justification form to the hiring supervisor. It must be completed by the hiring supervisor and provided to the Affirmative Action Officer. This information should also include all individual interview scores and any additional ratings for those interviewed including any minimum passing score.

3. When necessary, the Affirmative Action Officer may require the following additional information:
    a. Resumes for the protected group applicants and the preferred candidate.
    b. Copy of the interview questions, additional exercises and answers for the protected group applicants and the preferred candidate.

DECISION

1. The Affirmative Action Officer will:
    a. Review the rationale submitted by the hiring supervisor and approve or disapprove the request to move forward in the hiring process with the selected candidate.
    b. Analyze the documentation to determine if the proposed hire will be considered a non-affirmative justified hire or if it will result in a missed opportunity.
        i. If necessary, meet with the hiring supervisor and/or their supervisor regarding the hiring decision.
    c. Inform the hiring supervisor and Human Resources of the final decisions to proceed with the hiring process.
    d. Discuss with the hiring supervisor the implications of bypassing applicants who fill an underutilization.
    e. Inform the Commissioner and all Division Directors on a quarterly basis of the hiring decisions including any missed opportunities.

B. Pre-Review Procedure for Layoff Decisions

The Human Resources Director in conjunction with the Affirmative Action Officer are responsible for reviewing all pending layoffs to determine their effect on the department's affirmative action goals and timetables.

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

C. Other Methods of Program Evaluation

The department submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the department's affirmative action program:

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

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

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

XII. RECRUITMENT PLAN

The objective of this recruitment plan is to ensure the department's recruitment programs are publicly marketed, attract, and obtain qualified applicants, enhance the image of state employment, and to assist in meeting the affirmative action goals to achieve a diverse workforce.

Recruitment costs incurred during Fiscal Years 2013 and 2014: $48,877.

Below are various recruitment methods or strategies utilized by the department during the past year and plans for the upcoming plan years 2014-2016.

A. Advertising Sources

Advertising outlets with a large diverse leadership or clientele are targeted. Recruitment sources used to attract qualified applicants during the previous year were:

Minnesota Management & Budget (MMB) website
Minnesotaworks.net
Monster.com
Dice.com
Startribune.com
DEED Website
College and University websites
Career centers
Recruitment events
Job fairs
Diversity websites
Community Organizations
High School/College Partnership Programs (LETO, SEEDS)
Professional Organizations
Agency Employees
Job Specific Community Websites
Direct Email (names in recruitment database)
Presentations
P.O.S.T. Website
Online Women in Policing
Social Networking (i.e. LinkedIn, Facebook, Twitter & minnesotajobnetwork.com).

B. Job and Community Fairs

It is our intent to attend as many career fairs as possible, focusing on those that have a high number of potential diverse candidates. The Minnesota State Patrol attended an estimated 50 job fairs and community events in the last reporting year. In addition, the department attended the Get Jobs Job Fair sponsored by DEED and the Veteran's Career Fair.

C. College and University Recruitment Events

The State Patrol attempts to make appearances at all of the Minnesota certified law enforcement training colleges. In addition, to support the LETO program, they attend college fairs at those schools that do not have a specific law enforcement program. Recruitment fairs were attended at:

Alexandria Technical College
North Dakota State University (Fargo)
St. Cloud State University
Minnesota State University - Moorhead

D. Recruitment for Individuals with Disabilities

1) Review the job postings for physical and sensory requirements and ensure that qualifications in job postings are inclusive and do not pose any unnecessary barriers.
    - Our department will review all job postings for physical and sensory requirements and determine if the qualifications for the position are job-related and consistent with business necessity. Additionally, our department will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.
2) Self-Identification
    - At the time of application and once a year, our department will communicate to our employees that we collect summary data related to the number of individuals who have applied for positions and who are in our workforce. We will inform employees that we collect this summary data to make determinations about where we need to improve in terms of recruitment, selection, or retention of individuals with disabilities.
3) Supported Employment (M.S. 43A.191, Subd. 2(d))
    - The department supports the employment of individuals with disabilities and will review vacant positions to determine if job tasks can be performed by a supported employment workers. We will work with community organizations that provide employment services to individuals with disabilities to recruit for these positions.
    - Implement and ensure that reviews of positions are taking place. We will work with VRS or the MMB State ADA Coordinator to assist us in our efforts.
4) 700-Hour Program
    - Where possible, our department will utilize the 700-hour program which allows our department to hire an individual with a disability and provide them training. At the end of this period, our department can hire the individual.
5) Accessibility Matters Campaign
    - Our department will distribute marketing material and resources to our staff to remind them to create accessible electronic documents and systems, so that employees with disabilities coming into the workforce can contribute to the workforce and will be able to access similar information and resources as other employees.

6) Reasonable Accommodations
    - We will prominently display on our career site that we will provide reasonable accommodation to qualified individuals with a disability who apply for our positions. Once hired, we will educate employees, supervisors, and managers on accommodating employees in the workplace.
7) Strategic Partnerships
    - Our department will build strategic partnerships with DEED - Vocational Rehabilitation Services ("VRS"), DEED - State Services for the Blind ("SSB"), and other state agency partners to conduct job evaluations and to assist in recruitment or referral of candidates to open positions. Our department will work to inform VRS or SSB when a position is posted or prior to a posting, if possible, about the positions. Additionally, we will post positions for at least 7 days to ensure equal opportunity to apply for the position.
8) Self-Analysis
    - Our department will conduct periodic self-checks to determine if our systems or documents are accessible, language in our job postings is inclusive, and reasonable accommodations have been provided and staff have been trained on how to provide reasonable accommodations.
9) Reporting
    - Our department will conduct a quarterly analysis of the number of individuals with disabilities who have applied for positions and the number of individuals with disabilities hired.

E. Relationship Building and Outreach

State Patrol recruiters have attended schools in the Hmong, Somali, Hispanic and Native American communities. These visits included the Fond Du Lac Tribal College, and career opportunity fairs in urban high schools. In addition, department personnel have joined the Statewide Recruitment group that meets on a quarterly basis.

Many of the department's divisions attend school and community events promoting public safety. These opportunities develop relationships and outreach efforts. The State Patrol has focused significantly on its diversity recruitment efforts. Minnesota requires specific peace officer education and skills training for peace officer licensure. Typically, this is obtained through a law enforcement college degree. An analysis conducted of those currently in college programs determined that there was not a sufficient number of racial diversity and women in this traditional pool of applicants to significantly increase the number of diverse hires in the trooper ranks. As a result, the department partnered with Minnesota State Colleges and Universities (MnSCU) to create the Law Enforcement Training Opportunity (LETO) program, whereby the State Patrol provides the required education and skills training to any qualified applicant with a two or four-year college degree, regardless of the degree. The State Patrol has graduated four LETO schools and is currently hiring for the fifth. The State Patrol has partnered with private and public entities to obtain diverse community members to serve on the interview panel for selection of troopers.

The department utilizes informal recruitment opportunities such as community events to promote public awareness of various public safety issues and participates at public safety oriented conferences. These serve as recruiting opportunities for the agency.

F. Internships

Currently the department has links on its website to apply for internships at the State Patrol, BCA and AGED. These are regular standing internships so applications are accepted year round.

State Patrol internships are reserved for those who are in certified Minnesota law enforcement training. Diverse candidates are targeted at these institutions as potential State Patrol interns.

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

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

XIII. RETENTION PLAN

The department is committed to not just the recruitment of women, minorities, individuals with disabilities, and veterans, but also to the retention of these protected groups.

A. Individual Responsible for the Department's Retention Program/Activities

Patti Bennett, Human Resources Staffing Supervisor, 651-201-7378, patricia.bennett@state.mn.us

B. Separation and Retention Analysis by Protected Groups

The Director of Internal Affairs/Affirmative Action analyzes the annual separation data to determine whether gender, ethnicity or disability status appeared to play a role in the separation of employees. This information is also analyzed for workforce planning purposes. While statistics cannot determine the reasons for a particular action, if the numbers reflect unexpected results, it is a starting point to gather more information regarding a particular set of separations. This analysis focuses on dismissal or non-certification, resignation, retirement, and layoff as reasons for separation.

In fiscal years 2011-2012 there were 264 employees who retired or resigned. In fiscal years 2013-2014, there were 230. While there were fewer retirements and resignations, these separation options are still trending significantly higher than in previous fiscal years. These rates are consistent with the increasing age of the workforce and with changes in retirement options. When compared by gender, women resign at a higher rate than men, while men retire at a higher rate than women (57% of resignations are by women, while only 38% of retirements are by women). This can be explained by the greater number of men in the protective services, sworn job class who retire at age 55. A greater number of women work in job groups that do not have a mandatory retirement age. For example, in the office/clerical job class, which is a female dominated job class, 32 of the 36 employees who resigned and 26 of the 32 employees who retired were women. In contrast, in the protective services, sworn job class, 5 of the 32 employees who resigned and 5 of the 34 employees who retired were women. These two job classes make up over half of all resignations/retirements for the agency and both have about an equal number of resignations as retirements.

In fiscal years 2011-2012 there were 18 dismissals or non-certifications. Of these, 12 were women (66%). In fiscal years 2013-2014, there were 22 dismissals or non-certifications. Of these, 12 were women (54%). The total number increase between the four year span is not significant. Dismissals and non-certifications occurred almost exclusively in two job classes, office/clerical and technicians. The office/clerical job class is predominately female (88%) and it has the largest number of entry level positions. The technician's job class is 45% female and it saw an overall separation rate of 54%. This job class also had all but one of the layoffs and 68% of those laid off were women. The layoffs occurred because of the statewide Public Safety Answering Points (PSAP) consolidation and its impact on Radio Communication Operators (RCOs). RCOs were located throughout the state. During 2013, consolidation began which

resulted in two PSAP locations, in Roseville and Rochester. Some RCOs moved, while others were laid off. In addition, the RCO position traditionally has a high rate of non-certifications during the probationary period because it is difficult to assess at hire whether the candidate will be successful.

There were not a significant number of minority employees or employees with disabilities who were dismissed or non-certified. All dismissals and non-certification decisions are approved by the Director of Human Resources. The Director and the Affirmative Action Officer will continue to monitor the effect of dismissals and non-certifications on the number of women. Annual separation information will continue to be monitored to determine whether any trends exist and whether recruitment and retention efforts have been successful.

C. Methods of Retention of Protected Groups

The Department of Public Safety recognizes that investment in human resources is the best way to ensure an efficient and talented workforce. Many of the positions in the department are skilled jobs that require high levels of experience and training. To retain our employees, the department invests in individual employee development. Every supervisor is encouraged to afford their subordinates an individual development plan established as part of the employee's annual performance review. This plan may identify training and development opportunities for the employee.

The department offers an annual Employee Development and Training Program consisting of various courses including, but not limited to: technical, managerial and supervisory, diversity and accessibility, organizational, customer service, communication and interpersonal skills. The Training Program works to build and enhance a competent and skilled workforce that is ready to carry out the mission and vision of the department.

The department recognizes that employees are the department's number one asset and there must be a supportive environment of motivation. To accomplish this, the department has an Employee Recognition Program to recognize employees' efforts to stimulate employees to take pride and satisfaction in their jobs and recognize each other's accomplishments.

The department strives to create and maintain a safe and respectful work environment. To ensure such an environment, all employees are held accountable for their own actions and expected to adhere to the department's policies. All new employees are trained in respectful communication in the workplace and the prevention of discrimination and harassment. Managers and supervisors are held accountable to ensure that affirmative action programs are implemented including efforts to affirmatively retain and promote protected group employees.

The department makes every effort to retain its protected group employees. All employees separating from the department are requested to complete an exit interview to afford the employee the opportunity to provide the department with input relative to experiences, feelings and perceptions upon the employee's departure from the department. This assists the department in its efforts to identify areas of strengths and weaknesses that should be

addressed and to continually improve the work environment. The Director of Internal Affairs/Affirmative Action follows up with each former employee who indicates on the exit interview questionnaire or during an exit interview that the employee felt unfairly treated based on a protected group status.

APPENDIX

A. Complaint of Discrimination/Harassment Form

STATE OF MINNESOTA
Department of Public Safety

FORMAL COMPLAINT OF ALLEGED EMPLOYEE MISCONDUCT

The information you provide may become part of an administrative investigation conducted at the direction of the Minnesota Department of Public Safety Internal Affairs/Affirmative Action and may be classified as private or confidential data under Minnesota State Statute Chapter 13. The information you supply may also be used in a grievance hearing, arbitration or other appeal procedure and it may become necessary for you to testify at these hearings. Your contact information is requested so that you can be contacted to provide additional information. You are not legally required to supply the data, however if you do not provide it, it may impact the ability to fully investigate your concerns. The information will be made available only to those with a legitimate business need to know the information and to those authorized by state and federal law.

Name of complainant:

Address: City: State: Zip:

Telephone numbers: Home: Work: Cell:

E-mail address:

Provide as much information as possible:

Name of employee(s) involved:
(If no name is available, any other identifying information, i.e. badge number, description of employee)

Date and time of incident:

Location:

Description of Incident (include additional pages as necessary):

Names of possible witnesses and contact information, including email and cell phone if possible:

The information I have provided is true and accurate to the best of my knowledge.

_____ _____
Signature of complainant Date

Return the completed form to:
Minnesota Department of Public Safety
Internal Affairs/Affirmative Action
445 Minnesota Street, Suite #530
St. Paul, Minnesota 55101-5530

B. Employee/Applicant Request for ADA Reasonable Accommodation Form

STATE OF MINNESOTA – DEPARTMENT OF PUBLIC SAFETY

EMPLOYEE/APPLICANT REQUEST FOR ADA REASONABLE ACCOMMODATION FORM

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

Employee/Applicant Name: **Job Title:**

Work Location: **Phone Number:**

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

Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?

2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.

    a. If yes, please explain.

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

1. What, if any job function are you having difficulty performing?

State of Minnesota – Department of Public Safety
Reasonable Accommodation Request Form, Page 2

2. What, if any employment benefit are you having difficulty accessing?

3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?

4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

Information Pertaining to Medical Documentation

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

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

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

Employee/Applicant Signature: **Date:**

C. Department Profile and Organizational Chart

The Department of Public Safety, through its divisions works in partnership with city, county, state, federal and not-for-profit agencies to improve safety for Minnesotans and those who visit our state. The department is comprised of 11 divisions where 2,100 employees operate programs in the areas of law enforcement, crime victim assistance, traffic safety, alcohol and gambling, emergency communications, fire safety, pipeline safety, driver licensing, vehicle registration and emergency management. The department's activity is anchored by three core principles: education, enforcement and prevention, and supports the statewide outcome that people in Minnesota are safe.

The Department's organizational chart can be found on the department's external website.

D. Underutilization Analysis Worksheets

Minnesota Department of Public Safety

JOB CATEGORY AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS & ANNUAL GOALS

Worksheet for comparing incumbency to availability and setting goals to correct underutilization.

WOMEN									
Job Categories	**Total Employees in Job Group**	**Total Number of Women in Group**	**% of Women in the Group**	**Availability %**	**Availability Number**	**AAP 2014-2016 Number Underutilized**	**AAP 2012-2014 Underutilized**	**Improved, Not Improved, Same**	**Numerical Difference in the Two Plans**
Officials/Administrators	40	21	52.50%	47.83%	19	-2	0	Improved	2
Professionals	381	209	54.86%	55.11%	210	1	10	Improved	9
Protective Services: Sworn	644	70	10.87%	13.53%	87	17	64	Improved	47
Protective Services: Non-sworn	189	68	35.98%	48.76%	92	24	0	Not Improved	24
Office/Clerical	452	385	85.18%	72.98%	330	-55	0	Improved	55
Technicians	173	78	45.09%	54.54%	94	16	10	Not Improved	6
Service Maintenance	14	<10	7.14%	19.44%	<10	2	0	Not Improved	2
Totals	1893	832	43.95%						

MINORITIES									
Job Categories	**Total Employees in Job Group**	**Total Number of Minorities in Group**	**% of Minorities in the Group**	**Availability %**	**Availability Number**	**AAP 2014-2016 Number Underutilized**	**AAP 2012-2014 Underutilized**	**Improved, Not Improved, Same**	**Numerical Difference in the Two Plans**
Officials/Administrators	40	0	0.00%	2.89%	1	1	1	Same	0
Professionals	381	25	6.56%	7.77%	30	5	0	Not Improved	5
Protective Services: Sworn	644	39	6.06%	7.85%	51	12	15	Improved	3
Protective Services: Non-sworn	189	27	14.29%	12.02%	23	-4	0	Improved	4
Office/Clerical	452	40	8.85%	9.77%	44	4	0	Not Improved	4
Technicians	173	<10	4.62%	9.28%	>10	8	0	Not Improved	8
Service Maintenance	14	0	0.00%	6.44%	1	1	0	Not Improved	1
Totals	1893	139	7.34%						

INDIVIDUALS WITH DISABILITIES									
Job Categories	**Total Employees in Job Group**	**Total Number of Indiv./ with Disabilities in Group**	**% of Indiv. w/ Disabilities in the Group**	**Availability %**	**Availability Number**	**AAP 2014-2016 Number Underutilized**	**AAP 2012-2014 Underutilized**	**Improved Not Improved Same**	**Numerical Difference in the Two Plans**
Officials/Administrators	40	<10	7.50%	7.31%	<10	0	0	Same	0
Professionals	381	13	3.41%	4.49%	17	4	4	Same	0
Protective Services: Sworn	644	12	1.86%	3.15%	20	8	30	Improved	22
Protective Services: Non-sworn	189	18	9.52%	8.18%	15	-3	0	Improved	3
Office/Clerical	452	35	7.74%	7.33%	33	-2	13	Improved	15
Technicians	173	<10	2.89%	6.10%	>10	6	10	Improved	4
Service Maintenance	14	<10	14.29%	11.88%	<10	0	0	Same	0
Totals	1893	88	4.65%						

Source: American Fact Finder, operated by the U.S. Census Bureau. Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010)., released in March of 2013. Statistics for individuals with disabilities are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

Job Category: Officials and Administrators

A	ASSIGNED WEIGHT (%)
Internal Availability	62.00%
External Availability	38.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	52.50%	32.55%	D	0.00%	0.00%	F	7.50%	4.65%
External Availability	C	40.20%	15.28%	E	7.60%	2.89%	G	7.00%	2.66%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
47.83%	2.89%	7.31%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	Statewide Labor Force Availability

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

Job Category: Professionals

A	ASSIGNED WEIGHT (%)
Internal Availability	70.00%
External Availability	30.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	54.86%	38.40%	D	6.56%	4.59%	F	3.41%	2.39%
External Availability	C	55.70%	16.71%	E	10.60%	3.18%	G	7.00%	2.10%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
55.11%	7.77%	4.49%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

Job Category: Protective Service Sworn

A	ASSIGNED WEIGHT (%)
Internal Availability	75.00%
External Availability	25.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	10.87%	8.15%	D	6.06%	4.55%	F	1.86%	1.40%
External Availability	C	21.50%	5.38%	E	13.20%	3.30%	G	7.00%	1.75%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
13.53%	7.85%	3.15%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 Minnesota Statewide Labor Force

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

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AFFIRMATIVE ACTION PLAN 2014-2016

Job Category: Protective Service Non-Sworn

A	ASSIGNED WEIGHT (%)
Internal Availability	47.00%
External Availability	53.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	35.98%	16.91%	D	14.29%	6.72%	F	9.52%	4.47%
External Availability	C	60.10%	31.85%	E	10.00%	5.30%	G	7.00%	3.71%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
48.76%	12.02%	8.18%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 Minnesota Statewide Labor Force

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

Job Category: Office Clerical

A	ASSIGNED WEIGHT (%)
Internal Availability	44.00%
External Availability	56.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	85.18%	37.48%	D	8.85%	3.89%	F	7.74%	3.41%
External Availability	C	63.40%	35.50%	E	10.50%	5.88%	G	7.00%	3.92%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
72.98%	9.77%	7.33%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY
AFFIRMATIVE ACTION PLAN 2014-2016

Job Category: Technicians

A	ASSIGNED WEIGHT (%)
Internal Availability	22.00%
External Availability	78.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	45.09%	9.92%	D	4.62%	1.02%	F	2.89%	0.64%
External Availability	C	57.20%	44.62%	E	10.60%	8.27%	G	7.00%	5.46%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
54.54%	9.28%	6.10%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

Job Category: Service Maintenance

A	ASSIGNED WEIGHT (%)
Internal Availability	67.00%
External Availability	33.00%
Total Assigned Weight (must equal 100%)	100.00%

		WOMEN			MINORITIES			INDIVIDUALS WITH DISABILITIES	
		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics		Initial Statistics (%)	Weighted Statistics
Internal Availability	B	7.14%	4.78%	D	0.00%	0.00%	F	14.29%	9.57%
External Availability	C	44.40%	14.65%	E	19.50%	6.44%	G	7.00%	2.31%

JOB GROUP AVAILABILITY (%)		
Women	Minorities	Individuals with Disabilities
19.44%	6.44%	11.88%

J	SOURCE OF INITIAL STATISTICS
Internal Availability	Promotions, Transfers, Movement
External Availability	2010 MN Statewide Labor Force

Use the percentages above to complete the Job Category Availability/Utilization/Underutilization Analysis and Goals worksheet. Include this worksheet with your AAP.

E. Separation Analysis by Protected Groups Worksheets

Worksheets for conducting separation analysis of protected group members as total separations and in each job category are on file in Internal Affairs/Affirmative Action.

F. Other Relevant Department Information, Policies, or Documents

Policy: **General Harassment/Inappropriate Workplace Conduct**

Number: **1501**

Applicability: **Department-wide**

Maintained by: **Internal Affairs/Affirmative Action**

Originated: **02/01/93**

Effective: **02/03/11**

Definitions

Inappropriate behavior-
Inappropriate behavior includes any hostile, abusive, degrading, intimidating, offensive, exploitative, or physical conduct. Inappropriate workplace behavior may include, but is not limited to, rudeness, exclusionary behavior, inappropriate joking, name calling, belittling, disrespectful, or profane language, or comments or actions that are perceived as threatening.

Bullying-
Bullying is frequent, persistent, and unreasonable behavior that demeans, intimidates, and humiliates employees, either as individuals or groups. Bullying may include, but is not limited to, hostile glares and other non-verbal behaviors, use of put-downs, exclusion and "the silent treatment," and false accusations of mistakes and errors.

Note: Inappropriate behavior and/or bullying *does not* include actions taken by a supervisor that are within the scope of the supervisor's responsibilities and would be considered reasonable and appropriate actions.

Employee-
Employee means all Department of Public Safety employees including full-time, part-time, temporary, seasonal, or emergency workers, interns, and student workers.

Other covered individuals-
All individuals, such as volunteers and contractors, working in the Department of Public Safety workplace.

Reprisal-
Reprisal may include, but is not limited to, any form of retaliation, intimidation, or harassment directed toward a complaining party because the individual has filed a complaint under this policy.

Purpose

The purpose of this policy is to ensure that the Minnesota Department of Public Safety is a positive working environment free from inappropriate, offensive, or bullying behavior by providing a process through which complaints will be promptly, thoroughly, and respectfully handled and investigated.

Policy Statements

- It is the policy of the Minnesota Department of Public Safety that all its employees are able to work in a professional, respectful, and productive environment. The Department will not tolerate inappropriate or offensive behavior or bullying among its employees and will take appropriate corrective action against employees who violate this policy.
- Though not prohibited by law, some behaviors are simply unacceptable for the workplace and will be treated as such.
- This policy prohibits inappropriate workplace behavior by any employee, volunteer, or contractor of the Minnesota Department of Public Safety. This policy also prohibits inappropriate behavior by Department of Public Safety employees, volunteers, or contractors toward a member of the public.
- All employees are expected to conduct themselves with dignity and respect for others. Employees are responsible for creating and maintaining an environment free from inappropriate or offensive behavior and bullying.
- Employees are encouraged to report possible violations of this policy as soon as possible.
- Employees who engage in inappropriate behavior in the workplace can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

Responsibilities

ALL EMPLOYEES, VOLUNTEERS, AND CONTRACTORS

- Are responsible for seeking assistance about how this, or any other policy, applies to them
- Are responsible for personal conduct in a manner consistent with the spirit and intent of this policy

MANAGERS AND SUPERVISORS

- Must seek clarification if there are questions about this policy
- Department administrators, managers, and supervisors are responsible for implementing and enforcing this policy and for enforcing all articles relating to inappropriate workplace behavior in collective bargaining agreements
- Managers and supervisors have a special responsibility to report allegations of inappropriate behavior; supervisors shall immediately report any allegation of prohibited conduct to the Department of Public Safety Director of Internal Affairs/Affirmative Action

DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION

- Any claims of inappropriate behavior under this policy will be investigated by investigator(s) selected by the Director of Internal Affairs/Affirmative Action. During the investigation an attempt will be made to maintain confidentiality as much as is practical, on a need-to-know basis
- The Director of Internal Affairs/Affirmative Action will monitor the progress of each investigation
- The Director of Internal Affairs/Affirmative Action shall report annually to the Commissioner and all Division Directors the number of complaints filed under this policy

PROCEDURES TO FILE AN INTERNAL COMPLAINT

The following internal complaint procedure is intended to help the department and its employees resolve concerns or complaints about inappropriate workplace behavior:

1. Employees, volunteers, or contractors who believe they have been treated inappropriately in the workplace, or who have witnessed such behavior among other employees or covered individuals, are encouraged to file a complaint as quickly as possible so that these matters can be resolved promptly. If managers or supervisors learn through an exit interview or other means that an employee, volunteer, or contractor has left the department because of inappropriate treatment, the Division Director or Director of Human Resources will notify the Director of Internal Affairs/Affirmative Action of the situation to determine the appropriate follow up. When appropriate, the Division Director or Director of Human Resources will conduct an inquiry. A copy of this inquiry and any determination made will be forwarded to the Director of Internal Affairs/Affirmative Action.

2. Individuals are encouraged to file their concerns and complaints in writing using the Formal Complaint of Employee Misconduct Form. However, oral complaints will be accepted and processed as well. Complaints may be filed with the employee's supervisor, the Director of Internal Affairs/Affirmative Action or the Director of Human Resources, or anyone in a supervisory or management position in the Department of Public Safety.
   If the complaint involves the employee’s immediate supervisor, the complaint may be filed with any other supervisor or manager in the Department of Public Safety or the Directors of Internal Affairs/Affirmative Action or Human Resources.

3. The person who receives the concern or complaint will immediately notify the Director of Internal Affairs/Affirmative Action. While not required, the Complaint Intake Form may be used.

4. The Director of Internal Affairs/Affirmative Action will direct and review the investigation. The investigation shall be conducted within 60 days. If the investigation cannot be completed within 60 days, the Director of Internal Affairs/Affirmative Action will inform the complainant of the status of the investigation and the expected date of completion.

5. The Director of Internal Affairs/Affirmative Action will inform the complainant when the investigation is concluded. The Director of Human Resources and appropriate division director will consult to determine appropriate corrective action and notify the subject of the complaint.

6. Any corrective action decision or recommendation will be made by the division director in consultation with the Director of Human Resources and/ or the Labor Relations Manager.

7. The Director of Internal Affairs/Affirmative Action will follow-up with all complainants, following completion of the investigation, to assess the current situation and encourage timely reporting of any further complaints.

Intentional use of this policy or complaint procedure for reasons of personal malice or abuse toward another employee is prohibited.

Other applicable policies, authority, or resources

- Department of Public Safety Policy 1002, Investigation and Resolution of Reports of Employee Misconduct
- Department of Public Safety Policy 1502, Discrimination/Discriminatory Harassment
- Department of Public Safety Complaint Intake Form
- Department of Public Safety Formal Complaint of Alleged Employee Misconduct Form
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Applicable collective bargaining agreements and plans

Date this policy was last revised: 4/1/05
Approved for implementation and distribution: Mary Ellison, 2/3/11

Policy: **Investigation and Resolution of Employee Misconduct**

Number: **1002**

Applicability: **Department-wide**

Maintained by: **Internal Affairs/Affirmative Action**

Originated: **12/30/1998**

Effective: **6/12/12**

Definitions

Administrative Inquiry-
An administrative inquiry is conducted by Internal Affairs/Affirmative Action when an issue is raised by an employee or citizen involving the application of existing policies, procedures and/or work rules. It may also be used for allegations of serious misconduct where the facts are vague and an inquiry is needed to determine whether the alleged actions occurred before the initiation of an investigation using the formal process.

Case Manager-
The case manager is an Internal Affairs investigator assigned to monitor and to assist division supervisors in conducting an employee misconduct investigation.

Complainant-
The complainant is a person who files a complaint alleging misconduct by a department employee or other covered individuals

Discontinued-
An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

Employee-
Employee means all Department of Public Safety employees including full-time, part-time, temporary, intermittent, seasonal, or emergency workers, interns and student workers.

Exonerated-
An employee or other covered individual will be exonerated of the allegations of employee misconduct when the investigation supports a finding that the alleged actions did not occur, the employee or other covered individual named in the complaint was not involved in the acts giving rise to the alleged misconduct allegation, or the alleged acts occurred and were in accordance with policy and otherwise appropriate.

Formal Process-
The formal process is used when an employee or citizen requests that the complaint be provided to Internal Affairs/Affirmative Action for investigation, or the person submits a Formal Complaint of Alleged Employee or other covered individual Misconduct directly to Internal Affairs/Affirmative Action. All complaints made under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment must use the formal process.

Informal Process-
The informal process is used when an employee or citizen brings allegations of employee misconduct to the direction of a supervisor or to another, including Internal Affairs/Affirmative Action, and requests the supervisor to handle the matter as a performance matter which does not involve a signed complaint. This process cannot be used for allegations which fall under the purview of Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment.

Insubordination-
The intentional refusal of an employee or other covered individual to follow the reasonable and appropriate direction or lawful order of a supervisor acting within the scope of their position.

Internal Affairs/Affirmative Action-
IA/AA, sometimes referred to as IAD, is the department's internal investigative unit, under the direction of the Director of Internal Affairs/Affirmative Action, who is the department's Affirmative Action Officer and Americans with Disabilities Act Coordinator and reports to the Commissioner.

Licensed Peace Officer-
Any employee of the department who has the powers of arrest pursuant to Minn. Stat. § 626.843, subd. 1 (c).

Misconduct-
Misconduct includes actions which violate departmental or divisional policies and are considered performance matters, or actions and behaviors which reflect negatively upon the department, the employee's or other covered individual's ability to perform necessary job duties.

Not Sustained-
The recommended conclusion of an investigation will be "not sustained" when the investigation cannot determine whether the alleged actions occurred or not.

Other Covered Individuals-
All individuals, such as volunteers, contractors or grantees working in or on behalf of the Department of Public Safety, are covered individuals under this policy.

Performance Matter-
Work performance that fails to meet the standards established by the responsible division or department. Examples include, but are not limited to: excessive errors, substandard production rates, tardiness, absenteeism, and sick leave abuse.

Poor Public Relations-
Conduct by an employee or other covered individual toward a customer or citizen that was indifferent, rude, unprofessional, hostile, or otherwise likely to create a negative opinion of the department, its programs or its employees.

Serious Misconduct -
Serious misconduct includes but is not limited to the following:

- Any criminal offense other than petty misdemeanor traffic offenses;
- Actions covered under Department of Public Safety Policy Nos. 1501, General Harassment/Inappropriate Workplace Conduct and 1502, Discrimination/Discriminatory Harassment;
- Conduct which violates a person's civil rights or otherwise violates civil laws
- Conduct which violates applicable state, departmental or divisional policies and would not be considered a performance matter.

Subject-
The subject of an investigation is the person who is alleged to have engaged in the acts or behaviors being complained about.

Sustained-
The recommended conclusion of an investigation will be "sustained" when the investigation supports a finding that the employee or other covered individual engaged in the alleged actions.

Purpose
The purpose of this policy is to ensure the public's confidence in the work performed by Department of Public Safety employees, contractors, grantees or other covered individuals. The Department strives for continuous quality performance of such individuals by providing a process through which complaints will be promptly, objectively, thoroughly and respectfully handled and investigated. This policy is designed to facilitate effective administrative investigations without compromising the ability to prosecute criminal cases when appropriate.

Policy Statements

- It is the policy of the Minnesota Department of Public Safety that alleged reports of misconduct or performance matters will be handled and investigated in an appropriate matter.
- Members of the public and all employees and other covered individuals are encouraged to report acts of misconduct and will be assisted in making the complaint, when asked, in a friendly and non-intimidating manner.

- All employees and other covered individuals are expected to conduct themselves in a professional manner, with dignity and respect for others, and in accordance with all applicable state, department and division policies and procedures.
- Employees and other covered individuals who engage in behavior which violates applicable state, department or division policies can expect disciplinary action. All disciplinary actions will be considered on an individual basis. Appropriate corrective action, up to and including termination of employment, will be taken.
- The Department will not tolerate any reprisal or retaliation against a person who has filed a complaint alleging misconduct or who has participated in any such investigation. Such retaliatory action constitutes a separate violation of this policy and may result in discipline up to and including termination of employment.

Responsibilities

ALL EMPLOYEES, VOLUNTEERS, CONTRACTORS, GRANTEES AND OTHER COVERED INDIVIDUALS WILL:

- Seek assistance about how this or any other policy applies to them.
- Perform job responsibilities in a professional manner and in accordance with standards established by the department or responsible division.
- Avoid behavior that is or could be perceived as misconduct or serious misconduct.
- Comply with all applicable state, department and division policies and procedures.
- Report violations of misconduct by employees or other covered individuals in accordance with this policy.
- Assist persons asking for help to file a complaint.
- Cooperate with any internal investigation.
- Refrain from conducting any investigation into employee conduct or performance when it is not part of their regular duties and without supervisory permission.

DIRECTORS, MANAGERS AND SUPERVISORS WILL:

- Ensure that employees and other covered individuals are aware of the provisions of this policy and other applicable state, department or division policies.
- Seek clarification if there are questions about this policy.
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary.
- Report allegations of employee, contractor or grantee misconduct as appropriate.
- Respond appropriately to all allegations of misconduct which are received by them.
- Investigate allegations related to performance matters, and all complaints referred to them by Internal Affairs/Affirmative Action thoroughly, objectively and timely.

DIRECTOR OF INTERNAL AFFAIRS/AFFIRMATIVE ACTION WILL:

- Determine the appropriate method of investigation for complaints of alleged misconduct by employees and other covered individuals.
- Refer all complaints which are determined to be performance matters to the appropriate division and Human Resources for investigation.
- Assist supervisors, managers and division directors with investigations when appropriate.

- Consult with Human Resources to ensure investigations are conducted in compliance with collective bargaining agreements and plans.
- Assign an investigator for all allegations involving serious misconduct.
- Report annually to the Commissioner and all Division Directors the number of complaints filed under this policy.

HUMAN RESOURCES WILL:

- Assist supervisors, managers and division directors with performance matter investigations.
- Assist supervisors and managers in developing division specific policies.
- Assist supervisors, managers and division directors regarding appropriate disciplinary action.
- Refer all complaints which are perceived to be misconduct to the Internal Affairs/Affirmative Action Division and appropriate division for investigation.

PROCEDURE

Any division policy related to employee misconduct investigations will comply with this policy.

Acceptance of Complaints

- A complaint may be reported to any department employee. Complaints must be accepted in any form; in writing, in person, by telephone, by email, by fax, and may be made anonymously. Anonymous compliant will be given due consideration based on the totality of the circumstances.
- The Formal Complaint of Alleged Employee Misconduct form (1002-02) may be used as a convenient means of documenting a complaint alleging employee misconduct. It will be provided to any individual wishing to make such a complaint, but it is not required to be used.
- A person receiving a complaint in any form other than writing may use the Complaint Intake form (1002-01) to assist them in documenting the complaint.
- Any employee will assist another in making a complaint, if they are asked to help. The employee will provide information about how to make a complaint even when the complaint is about them.
- Any employee receiving a complaint should forward the information to an appropriate individual who has a job responsibility to take appropriate action. For example, a supervisor or manager. However, the complaint should not be forwarded to the individual about whom the complaint is made.
- All complaints alleging conduct which is defined by this policy as serious misconduct or any complaint alleging discrimination/discriminatory harassment under DPS Policy No. 1502 will be immediately forwarded to the Director of Internal Affairs/Affirmative Action.

Investigation of Complaints

- All complaints received by Internal Affairs/Affirmative Action will be reviewed and when possible will be assigned to the employee's division director or supervisor for investigation in consultation with Human Resources.
- Internal Affairs/Affirmative Action will investigate all complaints alleging serious misconduct unless the Director of Internal Affairs/Affirmative Action determines that another investigator is appropriate. When applicable, the director will assign another DPS investigator or contract with an independent investigator to complete the investigation. An Internal Affairs/Affirmative Action investigator will be assigned to case manage the investigation.
- All complaints alleging performance matters will be referred to the division director or appropriate supervisor or manager to conduct the investigation in consultation with Human Resources. Internal Affairs/Affirmative Action will only conduct investigations alleging performance matters when requested to do so by the Commissioner, Human Resources, or Division Director. Internal Affairs/Affirmative Action investigators will provide assistance to supervisors conducting their investigations when requested.
- Investigations into complaints of employee misconduct that are initiated by a department supervisor which is likely to result in the loss of compensation to the employee, either through suspension or discharge, should be forwarded to the Director of Human Resources when the allegations relate to performance matters and to the Director of Internal Affairs/Affirmative Action when the allegations relate to serious misconduct. It is important that department supervisors report the action to someone. It is the responsibility of the Directors of Human Resources and Internal Affairs/Affirmative Action to communicate and ensure the proper handling of the investigation.
- All investigations will be conducted in accordance with applicable collective bargaining agreements and plans, state and federal law including the Peace Officer Discipline Procedure Act, Minn. Stat. § 626.89.
- An investigation will be discontinued when a complainant or witness fails to cooperate with the investigation and does not provide necessary information essential to the investigation and the information cannot be obtained by other means.

Notification of Results

- All investigations conducted or case managed by Internal Affairs/Affirmative Action will be reviewed by the Director of Internal Affairs/Affirmative Action who will make recommended findings, conclusions and other recommendations as appropriate to the appropriate Division Director.
    - Internal Affairs/Affirmative Action will notify the complainant when the investigation is complete.
    - The subject(s) of the investigation will be notified of the result of the investigation by the Division Director, or as otherwise designated by the Division Director.

    - When disciplinary action is taken, the subject(s) and the appropriate collective bargaining representative will be notified of the intent to take appropriate action by the Division Director, or as otherwise designated by the Division Director.
- All investigations conducted within the division will be handled in accordance with divisional policy or as recommended by Human Resources.
    - The appropriate supervisor, or as otherwise designated by the Division Director, will notify the complainant directly when the investigation is complete. If the investigation was referred to the division by Internal Affairs/Affirmative Action, the division also must notify Internal Affairs/Affirmative Action of the conclusion and result of the investigation.
    - The subject(s) of the investigation will be notified of the result of the investigation by the appropriate supervisor, or as otherwise designated by the Division Director.
    - When disciplinary action is taken, the subject(s) and appropriate collective bargaining representative will be notified of the intent to take appropriate action by the appropriate supervisor, or as otherwise designated by the Division Director.
- All information provided to subjects and complainants will be in accordance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, the Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89, applicable collective bargaining agreements and plans and other applicable state and federal law.

Criminal Investigations

- If criminal charges are made against a department employee or other covered individual, Internal Affairs/Affirmative Action is responsible for the administrative investigation. All complaints which stem from criminal charges, or allege criminal activity will be referred to Internal Affairs/Affirmative Action.
- When Internal Affairs/Affirmative Action receives information alleging criminal activity, it will bring matters to the attention of the Commissioner, Human Resources Director and the Division Director when appropriate.
- The Commissioner or appropriate Division Director will ensure that any criminal complaint is referred to the appropriate jurisdiction.
- Internal Affairs/Affirmative Action will cooperate and coordinate with the department conducting the criminal investigation to ensure that evidence is obtained and the criminal investigation is not compromised.
- Internal Affairs/Affirmative Action may conduct its administrative investigation concurrent with the criminal investigation or once the criminal investigation is complete. Internal Affairs/Affirmative Action will determine the appropriate course of the administrative investigation so that it does not compromise any criminal investigation or prosecution.
- Internal Affairs/Affirmative Action will determine when the subject(s) will be interviewed in the administrative investigation and if the subject(s) will be compelled to participate in the interview.

  - Internal Affairs/Affirmative Action will ensure the subject receives the appropriate notice consistent with state and federal law.
  - Internal Affairs/Affirmative Action will maintain information received through an administrative investigation in accordance with state and federal law and in a manner which will not interfere with any criminal investigation or criminal prosecution.
  - Unless court ordered, or otherwise required by federal or state law, Internal Affairs/Affirmative Action will not provide information from a compelled statement of the subject in a criminal investigation to any criminal investigator.
- If it is determined that the administrative investigation will not occur until after criminal charges are filed or the criminal case is resolved, Internal Affairs/Affirmative Action will notify the subject and the applicable collective bargaining representative of this decision unless such notification could jeopardize a criminal investigation. The complainant will be notified of this decision only after information regarding the criminal matter is public information by law.

DISCIPLINARY DISPOSITION

- If the investigation supports a finding that the allegations are sustained, the Division Director will take appropriate action, which may include disciplinary action.
- If the investigation results in a finding of not sustained, the Division Director may take appropriate action, which may include disciplinary action.
- The Division Director will consult with the Director of Human Resources and the Labor Relations Manager to determine what action is appropriate.
- The investigative file will be available to and reviewed by the Division Director and the Director of Human Resources before a final decision is made.
- The Division Director in consultation with Human Resources may determine other appropriate action which is not considered disciplinary.
- The Division Director will notify Internal Affairs/Affirmative Action of any final decision regarding investigations conducted or case managed by Internal Affairs/Affirmative action, including any appropriate action taken.
- The Commissioner reserves the right to review any final decision of a Division Director to ensure that all such decisions are fair and consistent for all employees and other covered individuals throughout all divisions of the Department.

Other applicable policies, authority, or resources

- All DPS policies including but not limited to:
  - DPS Policy 1501, General Harassment/Inappropriate Workplace Conduct
  - DPS Policy 1502, Discrimination/Discriminatory Harassment
  - DPS Policy 4063, Employee Conduct
  - DPS Policy 1003, Conduct Unbecoming a Peace Officer
- Minnesota Government Data Practices Act, Minn. Stat. Ch. 13
- Peace Officer Discipline Procedures Act, Minn. Stat. § 626.89

- Best Practices For Investigations, Minn. Stat. § 43A.325
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last revised: 8/10/04
Approved for implementation and distribution: Ramona Dohman, 6/12/12

Policy: **Employee Conduct**

Number: **4063**

Applicability: **Department-wide**

Maintained by: **Human Resources**

Originated: **8/1/93**

Effective: **12/14/10**

Definition
Conduct-
A person's behavior or actions.

Purpose
The purpose of this policy is to ensure employees present a positive public image, a professional appearance, and exhibit appropriate and professional behavior while ensuring that the health and safety of other employees and the public is maintained.

Policy Statements
- This policy applies to all Department of Public Safety employees, interns, student workers, and volunteers
- All examples listed in this policy are provided for purposes of illustration and do not comprise an exhaustive list
- Violation of this policy may result in disciplinary actions up to and including termination

Responsibilities

ALL EMPLOYEES WILL:
- Be responsible for complying with this policy
- Be responsible for seeking assistance about how this, or any other policy, applies to them or their job duties
- Act with a high level of workplace professionalism
- Be responsible for avoiding any conduct or behavior that is, or could be, perceived as inappropriate
- Maintain appropriate business relationships and will not engage in conduct or actions that interfere with the operations of the department

DIRECTORS, MANAGERS, AND SUPERVISORS WILL:
- Serve as an example

- Ensure that employees are kept aware of the provisions of this policy, and any additional applicable state, department, or division policies
- Seek clarification if there are questions about this policy
- Enforce the provisions of this policy and take appropriate disciplinary action as necessary
- Ensure that employees, interns, student workers, and volunteers adhere to this policy
- Work with HR when developing division specific policies

HUMAN RESOURCES WILL:

- Work with supervisors and managers in response to incidents of misconduct under this policy
- Work with divisions to develop division specific policies

EMPLOYEE CONDUCT

1. PROFESSIONAL CONDUCT

Under Minnesota Statute §43A.38, Code Of Ethics For Employees In The Executive Branch, employees, interns, student workers, and volunteers have an obligation to avoid conflicts of interest and any act that gives the appearance of a conflict of interest, and must behave in an ethical and professional manner at all times.

The Department of Public Safety may reassign an employee or change their duties to avoid a conflict; and/or require the employee to stop an activity that conflicts with their work within the terms and conditions as outlined in the appropriate collective bargaining agreement or compensation plan.

Employees, interns, student workers, and volunteers must be aware that their conduct, actions, or behaviors are judged by the public.

Respectful Treatment of Others

It is the Minnesota Department of Public Safety's intention to provide a respectful work environment for all of its employees.

Employees will act professionally, courteously, respectfully, and cooperatively with all internal and external customers and co-workers at all times. While it may be difficult to deal with people who are impatient or discourteous, employees will be expected to do so in a professional manner.

Employees will be understanding, respond with a positive, pleasant tone, and a willingness to help. Employees will avoid hostile or sarcastic confrontations. Employees will:

- Act professionally in all forms of communication, regardless of the situation or the means of communication
- Not engage in any conduct that constitutes discrimination or harassment of any type

Use of State Property
In general, state telephones, fax machines, office equipment or machines, and computers are for official business only. There are exceptions which allow limited personal use; personal use that meets the following criteria is acceptable:

- Must not result in any additional costs such as loss of time or resources
- Must not interfere with productivity
- Must not interfere with any department or division business activity
- Must not cause the department or its information systems and resources unacceptable risk or liability
- Must not violate other provisions of this or any other department or state policy
- Must not use resources for activities related to an authorized user's non-department employment

State telephones and fax machines will not be used to make personal long distance calls.
The use of a state, department, or division owned or leased vehicle for personal use or gain is strictly prohibited.

Gifts
A gift can be described as money, goods, services, entertainment, favors, or any other item of value received from an external source in connection with, or because of, an employee's employment with the department or the state. The acceptance of a gift must be in compliance with Minnesota Statute §43A.38 Code of Ethics for Employees in the Executive Branch and the department's Gift Acceptance Policy, 3044.

Bribery Attempts
Employees must be alert to solicitations and are not allowed to directly or indirectly accept offers of money or items of value in exchange for performing or not performing your job duties. If you believe you were offered a bribe, immediately report the circumstances to your supervisor. Cooperate fully with any investigation that may follow.

Rewards
Employees are prohibited from accepting loyalty points or customer rewards. Employees may not accept frequent flyer miles for their personal use; additional details can be found in the department's Travel Policy, 3060.

Soliciting for Charitable Causes
Minnesota Management and Budget (MMB) has an established procedure for employees' charitable contributions via the state sponsored organization known as The Combined Charities Campaign; this is the only statewide organization authorized by MMB.

- Employees **may not** solicit contributions, fundraise, or conduct raffles for any charitable cause during work time or another employee's work time or in any work area of the department

- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks to solicit for a charitable cause
- Employees **may** occasionally solicit for a charitable cause in a non-work area such as a division lunch or break area (i.e.: sign-up sheets, order forms, or brochures)

Soliciting for Private Business or Gain

- Employees **may not** conduct private business, sell, buy, or attempt to sell or buy any commercial products or services during work time or another employee's work time or in any work area of the department
- Employees **may not** use state resources or equipment such as copiers, paper, or the e-mail system, or computer networks for private business or gain
- An employee or group of employees **may not** bring in outside vendors or entities to solicit for private business or gain
- Employees **may not** solicit for private business or gain in a non-work area such as a division lunch or break area

Employee Groups

Employee-operated, non-profit committees or clubs which are sponsored and maintained solely by employees of the department may, at the discretion of their division director, use the department's resources and work areas to provide information about their group's activities.

2. PERSONAL APPEARANCE OF EMPLOYEES

Employees of the Department of Public Safety are to present a positive public image and a professional appearance while ensuring that the health and safety of other employees and the public is maintained.

An employee's behavior, appearance, clothing, and accessories should always be appropriate for their specific duties, work environment, and the nature of their interaction with customers.

If an employee questions the appropriateness of a fashion choice, they should not wear it to work. If an employee's attire is inappropriate or disruptive to co-workers, customers, job performance, or work environment they may be asked to go home to change, using their own vacation leave or leave without pay to cover the absence.

Personal Hygiene and Grooming

Not all employees have face to face contact with the public, however they do interact with co-workers, supervisors, and internal customers; therefore these general requirements apply to everyone:

- Be clean and well groomed; including hair, teeth, hands, fingernails, and be free of body odors
- Cover tattoos that contain obscenity, sexually suggestive language, or demean any person or group
- Wear clean clothing that is in good repair; free of rips and odors
- Outer wear must cover underwear

- Don't wear clothing that is provocative, see-through, reveals cleavage excessively, shows bare midriffs, or bare backsides
- Wear clothing and accessories that are appropriate to the specific work environment, duties, and contact with customers
- Wear clothing that fits properly so it does not cause a safety hazard
- Don't wear backless, strapless, halter, tube dresses or tops
- Don't wear clothing that interferes with job performance or expectations
- Don't wear clothing containing the logos of establishments where alcoholic beverages are the primary beverage, or clothing that promotes drugs or drug use, or tobacco use
- Don't wear clothing that contains obscenity, sexually suggestive, violent language, or demeans any person or group
- Don't wear beach flip flops or rubber shower thongs
- Do wear shoes at all times
- Don't wear sweat suits or workout attire

Blue jeans and shorts are not acceptable attire for daily wear unless the employee's work assignment necessitates their wear and it has been approved by the Division Director. Division Directors may use their discretion in determining if blue jeans or shorts are appropriate.

With the exception of uniformed personnel and at the discretion of the division director, the department generally allows business casual dress on Fridays which may include jeans. Casual dress does not mean that the above personal hygiene and grooming requirements can be ignored.

In addition to the personal hygiene and grooming requirements as outlined above, the department's uniformed personnel will maintain a professional image and will:

- Wear the complete on-duty uniform during those work periods designated by the division director
- Keep the uniform clean, maintained, and well pressed at all times with patches, shield, or other identifying insignia properly placed
- Restrict uniform use to periods of duty and while traveling to and from such duty
- Follow all division directives concerning uniforms

Fragrance
For some persons with allergies or other specific medical conditions, serious medical emergencies can result when they are exposed to certain chemicals or scents.

Employees with an allergy or a condition that will create a medical emergency if exposed to or subjected to prolonged exposure of a chemical or scent should consult their supervisor and the Americans with Disabilities Act (ADA) Coordinator. The department's ADA Coordinator is the Director of Internal Affairs/Affirmative Action.

- Employees will refrain from wearing excessive amounts of personal hygiene products, body sprays, lotions, hair sprays, perfumes, or colognes in the workplace or at other work-related events
- Employees will refrain from using any scented items such as sprays, potpourri, magazine fragrance samples, room deodorizers, or air fresheners in the workplace

Employees wearing a chemical or scent that is disruptive to co-workers, customers, job performance, or work environment may be asked to go home to remove the chemical or scent, using their own vacation leave or leave without pay to cover the absence. Employees using a strong chemical or scent in the workplace will be asked to discontinue the use and remove the source from the workplace.

Tobacco Use
All interior Public Safety offices in state or privately owned or leased buildings are designated as tobacco-use free. Employees may only use approved meal and break periods in which to smoke or use smokeless tobacco products. Employees should respect fellow employees and the public when using and disposing of smoking and smokeless materials. Refer to the department's Tobacco Use Policy, 4105 and individual division work rules or policies for further information.

Alcohol or Drug Use
Employees shall not work under the influence of alcohol, a controlled substance, or any other drug which affects his or her job performance, alertness, coordination, reaction, response, judgment, decision making, or safety. Additional requirements are identified in the department's Alcohol and Drug Use by State Employees Policy, 4068.

For their safety, if an employee experiences an unexpected serious or adverse reaction to a prescribed drug, they should notify their supervisor immediately.

Employees who have an odor that appears to be that of alcohol on their breath or person, may be asked to leave the premises using their own vacation leave or leave without pay to cover the absence. Supervisors will ensure that appropriate transportation needs are met.

Absences from work due to the instances as listed above, may be considered unexcused and will subject the employee to discipline and or leave without pay.

Due to the nature of certain undercover assignments, the department's law enforcement personnel may be excluded from this Alcohol or Drug Use section of the policy; law enforcement personnel should refer to their individual division work rules or policies for further information.

Safety
All department issued safety or protective equipment or clothing will be worn or used as required, or as appropriate according to division policies or procedures.

Employees will comply with the safety and security requirements of the building or location where the employee is working.

Other applicable policies, authority, or resources

- Minn. Stat. §43A.38, Code of Ethics for Employees in the Executive Branch
- Minnesota Management and Budget Financial Reporting Policies, 0102-01 and 0103-01
- DPS Policy 1002, Investigation & Resolution of Reports of Employee Misconduct
- DPS Policy 1003, Conduct Unbecoming a Peace Officer
- DPS Policy 1004, Personal Threats to Harm
- DPS Policy 1501, General Harassment
- DPS Policy 1502, Illegal Discrimination/Sexual Harassment
- DPS Policy 1510, Zero Tolerance of Violence
- DPS Policy 3044, Gift Acceptance
- DPS Policy 3510, Ethical Practices and Conflict of Interest
- DPS Policy 3545, Telecommunication Devices
- DPS Policy 4066, Political Activities of Employees
- DPS Policy 4068, Alcohol and Other Drug Use by State Employees
- DPS Policy 5100, Acceptable Use of Department Computers, Electronic Equipment, Information Systems and Resources
- DPS Policy 5105, Wireless LAN (WLAN) Security Policy
- Collective Bargaining Agreements and Compensation Plans

Date this policy was last revised: 8/24/10
Approved for implementation and distribution: Michael Campion, 12/10/10