
State of Minnesota

Department of Agriculture

Affirmative Action Plan

2010 - 2012

Minnesota Department of Agriculture
625 Robert Street North
St. Paul, MN 55155-2538

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Minnesota Department of Agriculture
2010 - 2012 Affirmative Action Plan

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Statement of Commitment

The Minnesota Department of Agriculture is committed to Minnesota's statewide affirmative action efforts and equal employment opportunity policies. I affirm my personal and official support of these policies which provide that:

- Discrimination against employees, applicants, or eligibles on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated;
- The Minnesota Department of Agriculture is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- The Minnesota Department of Agriculture will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are underrepresented in the workforce;
- The Minnesota Department of Agriculture is committed to the retention all qualified, talented employees, including protected group employees.

Sherry Thomas-Berry will act as the Minnesota Department of Agriculture's Affirmative Action Officer designee. She is responsible for monitoring the day-to-day activities of the program. Anthony Becker will act as ADA Coordinator designee. He is responsible for monitoring the day-to-day activities of that program.

Anyone interested in reviewing the Minnesota Department of Agriculture's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity issues, may request a copy of the plan from Sherry Thomas-Berry.

It is the policy of the Minnesota Department of Agriculture 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 the Minnesota Department of Agriculture. We strive to provide equal employment opportunities and the best possible service to the citizens of Minnesota.

Signed on 09/07/2011

By: Dave Frederickson, Commissioner

Affirmative Action Designee and ADA Coordinator Designee Duties & Communication of Affirmative Action Plan

Sherry Thomas-Berry will act as the Department of Agriculture's Affirmative Action designee. The designee will be responsible for completing the biennial Affirmative Action Plan as well as directing and implementing the agency's Affirmative Action Program. The designee will also be responsible for ensuring that the agency's Affirmative Action Plan is communicated to internal and external persons through job postings, internal and external websites, and recruitment efforts. The designee will report directly to the Sean Tolefree, Human Resources Director. He can be reached at 651/201-6584 or at Sean.Tolefree@state.mn.us. Mr. Tolefree will report directly to Dave Frederickson, Commissioner, who shall administer the agency's Affirmative Action Program in compliance with existing laws, federal regulations, and state rules. He will be accountable for affirmative action compliance to Governor Dayton and to the Commissioner of Minnesota Management and Budget.

The Affirmative Action Plan will be accessible to Department of Agriculture employees at <http://www.mda.state.mn.us/uddernet/> and to external interested parties at <http://www.mda.state.mn.us/>. Anyone interested in reviewing the Department of Agriculture's Affirmative Action Plan or who has concerns about affirmative action or equal opportunity, may request a copy of the plan from Sherry Thomas-Berry at 651/201-6513 or Sherry.Thomas-Berry@state.mn.us. A copy of the plan is also available for viewing in the Human Resources Division waiting room located in the Freeman Office Building, 625 Robert Street North, St. Paul, MN 55155-2538, 5th Floor, Pod B.

Anthony Becker will act as the Department's ADA Coordinator designee. He will be responsible for enabling qualified individuals with a disability to perform the essential functions of a job and to ensure that these individuals receive equal benefits and privileges of employment. He will also be responsible for responding to requests for reasonable accommodations and for maintaining the ADA Policy. The ADA Coordinator will report directly to Sean Tolefree. Anthony Becker can be reached at 651/201-6640 or Anthony.Becker@state.mn.us.

Harassment/Discrimination Policy

Statement of Policy

It is the policy of the Minnesota Department of Agriculture to prohibit harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age. This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment should file a complaint internally with the Minnesota Department of Agriculture's Affirmative Action Officer designee. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the Office of Diversity and Equal Opportunity at Minnesota Management and Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

Each employee is responsible for the application of this policy. This includes initiating and supporting programs and practices designed to develop understanding, acceptance, commitment, and compliance within the framework of this policy. All employees must be informed that harassment is unacceptable behavior. The Affirmative Action Officer designee will be expected to keep the Minnesota Department of Agriculture and its employees apprised of any changes in the law or its interpretation regarding this form of discrimination. The Affirmative Action Officer designee is also responsible for:

1. Ensuring that each new employee who is hired, and all employees are aware of this policy; and
2. Informing all employees of the complaint procedure and ensuring that all complaints will be investigated promptly and carefully.

Definitions

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may affect morale and interfere with the employee's ability to perform. For example, harassment based on national origin has been defined by the U.S. Equal Employment Opportunity Commission as "Ethnic slurs and other verbal or physical conduct relating to an individual's national origin."

Sexual harassment has also been specifically defined by the Minnesota Human Rights Act, which states in regard to employment, that:

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

It is possible for discriminatory harassment to occur: 1) among peers or coworkers, 2) between managers and subordinates, or 3) between employees and members of the public. Employees who experience discriminatory harassment should bring the matter to the attention of the Minnesota Department of Agriculture's Affirmative Action Officer designee. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer designee and all employees are expected to address or report any suspected harassment or retaliation.

Varying degrees of discriminatory harassment violations can occur and require varying levels of progressive discipline. Individuals who instigate harassment are subject to serious disciplinary actions up to and including suspension, demotion, transfer, or termination. Additionally, inappropriate behaviors that do not rise to the level of discriminatory harassment, but are none the less disruptive, should be corrected early and firmly in the interests of maintaining a barrier-free work place. Individuals who participate in inappropriate behaviors at work are also subject to disciplinary actions.

Procedure

Any employee, applicant, or eligible of the Minnesota Department of Agriculture who believes that she/he has experienced discrimination or harassment based on his/her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint of discrimination.

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in this Affirmative Action Plan.

Internal Harassment/Discrimination Complaint Procedure

The Minnesota Department of Agriculture has established the following discrimination complaint procedure to be used by all employees, applicants, or eligibles. Coercion, reprisal, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Responsibility of Employees

All employees shall respond promptly to any and all requests by the Affirmative Action Officer designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer designee to carry out responsibilities under this complaint procedure.

Who May File

Any employee, applicant, or eligible of the Minnesota Department of Agriculture who believes that s/he has been discriminated against by reason of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age may file a complaint. Employees who are terminated are encouraged to file their internal complaint prior to their actual separation; however, complaints will be taken for a reasonable period of time subsequent to the actual separation date.

The Complaint Procedure

The internal complaint procedure provides a method for resolving complaints involving violations of the Minnesota Department of Agriculture's nondiscrimination policy within the agency. Employees, applicants, and eligibles are encouraged to use this internal complaint process. Retaliation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels is prohibited. The Affirmative Action Officer designee may contact the Office of Diversity and Equal Opportunity if s/he wants information about filing a complaint.

Filing Procedures

1. The employee, applicant, or eligible completes the "Complaint of Discrimination Form" provided by the Affirmative Action Officer designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation(s) may involve discriminatory harassment. The Affirmative Action Officer designee will, if requested, provide assistance in filling out the form.

2. The Affirmative Action Officer designee determines if the complaint falls under the purview of Equal Employment Opportunity law, i.e., the complainant is alleging discrimination or harassment on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age; or if the complaint is of a general personnel concern. The Affirmative Action Officer designee shall also discuss other options for resolution, such as the Workplace Mediation Pilot Project.
 - A. If it is determined that the complaint is not related to discrimination but rather to general personnel concerns, the Affirmative Action Officer designee will inform the complainant, in writing, within ten (10) working days.
 - B. If the complaint is related to discrimination, the Affirmative Action Officer designee will, within 10 working days, contact all parties named as respondents and outline the basic facts of the complaint. The respondents will be asked to provide a response to the allegations within a specific period of time.
3. The Affirmative Action Officer designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer designee shall notify the complainants and respondents that s/he has completed the investigation. The Affirmative Action Officer designee shall then review the findings of the investigation.
 - A. If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
 - B. If insufficient evidence exists to support the complaint, a letter will be sent to the complainants and the respondents dismissing the complaint.
4. A written answer will be provided to the parties within sixty (60) days after the complaints are filed. The complainants will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
5. Dispensation of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days of final determination.
6. All documentation associated with a complaint shall be considered investigative data under the Minnesota Government Data Practices Act. The status of the complaint will be shared with the complainants and respondents. After an investigation is completed and all appeals are exhausted, all documentation is subject to the provisions of the Minnesota Government Data Practices Act.
7. All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:

- A. Interviews or written interrogatories with all parties involved in the complaint, e.g., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.
 - B. All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
8. The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

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 651/201-6513

COMPLAINT OF HARASSMENT/DISCRIMINATION

Please Read Before Completion of Form

Any complaint of harassment/discrimination is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether harassment/discrimination has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer designee, the complainant, the respondent, and appropriate personnel.

| Complainant (You) | | |
|---|-----------------------|--------------------|
| Name | Job Title | |
| Work Address | City, State, Zip Code | Telephone () |
| Agency | Division | Manager |
| Respondent (Person Who Harassed/Discriminated Against You) | | |
| Name | Job Title | |
| Work Address | City, State, Zip Code | Telephone () |
| Agency | Division | Manager |

| The Complaint | |
|--|--|
| Basis of Complaint ("X" all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Marital Status <input type="checkbox"/> Status with Regard to Public Assistance <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission | |
| Date most recent act of harassment/discrimination took place: | If you filed this complaint with another agency, give the name of that agency: |

Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

| Information on Witnesses Who Can Support Your Case | | |
|---|--------------|----------------|
| Name | Work Address | Work Telephone |
| 1. | | () |
| 2. | | () |
| 3. | | () |

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

This complaint is being filed on my honest belief that the State of Minnesota has harassed/discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature

Date

Utilization Analysis for the MN Department of Agriculture

PROTECTED GROUP: WOMEN

| A | B | C | D | E | F | G | H | I | J |
|------------------------------|------------------|------------------------|----------------|--|---------------------|--------------------------------|--------------------------------|------------------------------|----------------------|
| EEO JOB GROUP | Total # in Group | Total # Women in Group | % in the Group | Availability % (Census Table) MN Statewide | Availability Number | AAP 2010-2012 # Under-Utilized | AAP 2008-2010 # Under-Utilized | Improved, Not Improved, Same | Numerical Difference |
| Officials and Administrators | 25 | 5 | 20.0% | 37.8% | 9 | 4 | 5 | Improved | -1 |
| Professionals | 300 | 122 | 40.7% | 53.8% | 161 | 39 | 44 | Improved | -5 |
| Technicians | 42 | 19 | 45.2% | 63.1% | 27 | 8 | 9 | Improved | -1 |
| Office/Clerical | 42 | 38 | 90.5% | 67.7% | 28 | 0 | 0 | Same | 0 |
| Service Maintenance | 64 | 27 | 42.2% | 43.6% | 28 | 1 | 1 | Same | 0 |

PROTECTED GROUP: MINORITIES

| A | B | C | D | E | F | G | H | I | J |
|------------------------------|------------------|-----------------------------|----------------|--|---------------------|--------------------------------|--------------------------------|------------------------------|----------------------|
| EEO JOB GROUP | Total # in Group | Total # Minorities in Group | % in the Group | Availability % (Census Table) MN Statewide | Availability Number | AAP 2010-2012 # Under-Utilized | AAP 2008-2010 # Under-Utilized | Improved, Not Improved, Same | Numerical Difference |
| Officials and Administrators | 25 | 0 | 0.0% | 5.1% | 1 | 1 | 1 | Same | 0 |
| Professionals | 300 | 24 | 8.0% | 8.0% | 24 | 0 | 2 | Improved | -2 |
| Technicians | 42 | 5 | 11.9% | 6.8% | 3 | 0 | 0 | Same | 0 |
| Office/Clerical | 42 | 4 | 9.5% | 8.2% | 3 | 0 | 0 | Same | 0 |
| Service Maintenance | 64 | 3 | 4.7% | 14.3% | 9 | 6 | 9 | Improved | -3 |

PROTECTED GROUP: PEOPLE WITH A DISABILITY

| A | B | C | D | E | F | G | H | I | J |
|------------------------------|------------------|--|----------------|--|---------------------|--------------------------------|--------------------------------|------------------------------|----------------------|
| EEO JOB GROUP | Total # in Group | Total # People w/a Disability in Group | % in the Group | Availability % (Census Table) MN Statewide | Availability Number | AAP 2010-2012 # Under-Utilized | AAP 2008-2010 # Under-Utilized | Improved, Not Improved, Same | Numerical Difference |
| Officials and Administrators | 25 | 3 | 12.0% | 11.31% | 3 | 0 | 0 | Same | 0 |
| Professionals | 300 | 8 | 2.7% | 10.88% | 33 | 25 | 22 | Not Improved | 3 |
| Technicians | 42 | 1 | 2.4% | 11.52% | 5 | 4 | 3 | Not Improved | 1 |
| Office/Clerical | 42 | 3 | 7.1% | 11.56% | 5 | 2 | 3 | Improved | -1 |
| Service Maintenance | 64 | 0 | 0.0% | 11.37% | 7 | 7 | 9 | Improved | -2 |

*The two factor analysis was considered, but the one factor analysis was used and 100% weight was given to external availability.

*MDA's four (4) Para Professional job classifications were placed into the Technicians group because US Census data does not have availability percentages for the Para Professional EEO-4 group.

Goals and Timetables for the MN Department of Agriculture

| EEO Job Group | /Women | | | /Minorities | | | /Disabled | | |
|----------------------------|-----------------------|------|-----------------|-----------------------|------|---------------|-------------------------|------|---------------|
| | Number Under-Utilized | Goal | Timetable | Number Under-Utilized | Goal | Timetable | Number Under - Utilized | Goal | Timetable |
| Officials & Administrators | 4 | 2 | 2010 – 2012 AAP | 1 | 1 | 2010-2012 AAP | 0 | 0 | 2010-2012 AAP |
| Professionals | 39 | 12 | 2010 – 2012 AAP | 0 | 0 | 2010-2012 AAP | 25 | 5 | 2010-2012 AAP |
| Technicians | 8 | 2 | 2010 – 2012 AAP | 0 | 0 | 2010-2012 AAP | 4 | 1 | 2010-2012 AAP |
| Office/Clerical | 0 | 0 | 2010 – 2012 AAP | 0 | 0 | 2010-2012 AAP | 2 | 1 | 2010-2012 AAP |
| Service Maintenance | 1 | 1 | 2010 – 2012 AAP | 6 | 2 | 2010-2012 AAP | 7 | 2 | 2010-2012 AAP |

Analysis:

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|-----------------|----------------------|------|-----------------------|---------------|------------------------------|
| Officials & Administrators | Women | 4 | 2 | Potential retirements | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Officials and Administrators job group by four women. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements. We do not anticipate being able meet the actual number of underutilized women, however we will make a good faith effort to recruit and hire two women. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|-----------------|----------------------|------|-----------------------|---------------|------------------------------|
| Officials & Administrators | Minorities | 1 | 1 | Potential retirements | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Officials and Administrators job group by one minority. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements. We will make a good faith effort to recruit and hire the number underutilized. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|--|--------------------------|----------------------|------|-----------------------|------------------|------------------------------|
| Officials & Administrators | People with a Disability | 0 | 0 | Potential retirements | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is not underutilized in the Officials and Administrators job group for people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements. We will strive to continue to meet or exceed our current numbers.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|--|-----------------|----------------------|------|---|------------------|------------------------------|
| Professionals | Women | 39 | 12 | Retirement, resignations and new growth | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Professional job group by 39 women. Based on our analysis of the conditions in the agency, we expect this job group to change due to retirements, resignations and possible growth. The professionals EEO Job Group is the largest job group in the agency and the area most likely to experience significant change. We do not anticipate enough change in the agency to meet the actual number of underutilized women in the professional job group, however we will make a good faith effort to recruit and hire 12 women. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|--|-----------------|----------------------|------|---|------------------|------------------------------|
| Professionals | Minorities | 0 | 0 | Retirement, resignations and new growth | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is not underutilized in the Professional job group for minorities. Based on our analysis of the conditions in the agency, we expect this job group to change due to retirements, resignations and possible growth. We will strive to continue to meet or exceed our current numbers.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|--------------------------|----------------------|------|---|------------------|------------------------------|
| Professionals | People with a Disability | 25 | 05 | Retirement, resignations and new growth | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Professional job group by 25 people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change due to retirements, resignations and possible growth. The professionals EEO Job Group is the largest job group in the agency and the area most likely to experience significant change. We do not anticipate enough growth in the agency to meet the actual number of underutilized people with a disability in the professional job group, however we will make a good faith effort to recruit and hire five people with a disability. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|-------------|-----------------|----------------------|------|--|------------------|------------------------------|
| Technicians | Women | 8 | 2 | Retirement and possible decline in job group | 2010-2012 AAP | See AAP, Recruitment Section |

According to the utilization analysis, our agency's workforce is **underutilized** in the Technicians job group by eight women. Based on our analysis of the conditions in the agency, we do not expect this job group to grow in the next two years. If anything, there is the possibility of this job group declining due to potential retirements and jobs lost due to decreases in program funding. We do not anticipate being able to meet the actual number of underutilized women in the technician's job group, however we will make a good faith effort to recruit and hire two women. We will use the recruitment plan cited in our Affirmative Action Plan.

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|-------------|-----------------|----------------------|------|--|------------------|------------------------------|
| Technicians | Minorities | 0 | 0 | Retirement and possible decline in job group | 2010-2012 AAP | See AAP, Recruitment Section |

According to the utilization analysis, our agency's workforce is **not underutilized** in the Technicians job group for minorities. Based on our analysis of the conditions in the agency, we do not expect this job group to grow in the next two years. If anything, there is the possibility of this job group declining due to potential retirements and jobs lost due to decreases in program funding. We will strive to continue to meet or exceed our current numbers.

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|-------------|--------------------------|----------------------|------|--|------------------|------------------------------|
| Technicians | People with a Disability | 4 | 1 | Retirement and possible decline in job group | 2010-2012 AAP | See AAP, Recruitment Section |

According to the utilization analysis, our agency's workforce is **underutilized** in the Technicians job group by four people with a disability. Based on our analysis of the conditions in the agency, we do not expect this job group to grow in the next two years. If anything, there is the possibility of this job group declining due to potential retirements and jobs lost due to decreases in program funding. We do not anticipate being able to meet the actual number of underutilized people with a disability in the technician's job group, however we will make a good faith effort to recruit and hire one person with a disability. We will use the recruitment plan cited in our Affirmative Action Plan.

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|-----------------|----------------------|------|----------------------------------|---------------|------------------------------|
| Office/Clerical | Women | 0 | 0 | Potential retirements and change | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is not underutilized in the Office/Clerical job group for women. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements and staff movement to other job groups. We will strive to continue to meet our goals.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|--|-----------------|----------------------|------|----------------------------------|---------------|------------------------------|
| Office/Clerical | Minorities | 0 | 0 | Potential retirements and change | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is not underutilized in the Office/Clerical job group for minorities. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements and staff movement to other job groups. We will strive to continue to meet our goals.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|--|--------------------------|----------------------|------|----------------------------------|---------------|------------------------------|
| Office/Clerical | People with a disability | 2 | 1 | Potential retirements and change | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized by two people in the Office/Clerical job group for people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change due to potential retirements and staff movement to other job groups. We do not anticipate being able to meet the actual number of underutilized people with a disability in the Office/Clerical job group, however we will make a good faith effort to recruit and hire one person with a disability. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|-----------------|----------------------|------|---|---------------|------------------------------|
| Service Maintenance | Women | 1 | 1 | Changing workforce, possible decline in job group | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Service Maintenance job group by one woman. Based on our analysis of the conditions in the agency, we expect this job group to change, most specifically in the Ag Tech job classification. A majority of our workforce in the Service Maintenance job group is temporary or intermittent so the workforce is constantly changing and revolving. We have experienced a significant loss in this work group since the last AA Plan and anticipate a further decline due to decreases in program funding. We do anticipate being able meet our goal of underutilized women and we will make a good faith effort to recruit and hire women in this job group. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|-----------------|----------------------|------|---|---------------|------------------------------|
| Service Maintenance | Minorities | 6 | 2 | Changing workforce, possible decline in job group | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Service Maintenance job group by six minorities. Based on our analysis of the conditions in the agency, we expect this job group to change, most specifically in the Ag Tech job classification. A majority of our workforce in the Service Maintenance job group is temporary or intermittent so the workforce is constantly changing and revolving. We have experienced a significant loss in this work group since the last AA Plan and anticipate a further decline due to decreases in program funding. In addition, a number of the Ag Tech positions are located in very rural areas of Minnesota, where the workforce may not be very diverse. We do not anticipate being able meet our goal of underutilized minorities, but we will make a good faith effort to recruit and hire two minorities in this job group. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

| Job Group | Protected Group | Number Underutilized | Goal | Agency Considerations | Timetable | Methods |
|---|--------------------------|----------------------|------|---|---------------|------------------------------|
| Service Maintenance | People with a Disability | 7 | 2 | Changing workforce, possible decline in job group | 2010-2012 AAP | See AAP, Recruitment Section |
| <p>According to the utilization analysis, our agency's workforce is underutilized in the Service Maintenance job group by seven people with a disability. Based on our analysis of the conditions in the agency, we expect this job group to change, most specifically in the Ag Tech job classification. A majority of our workforce in the Service Maintenance job group is temporary or intermittent so the workforce is constantly changing and revolving. We have experienced a significant loss in this work group since the last AA Plan and anticipate a further decline due to decreases in program funding. We do not anticipate being able meet our goal of underutilized people with a disability, but we will make a good faith effort to recruit and hire two people with a disability in this job group. We will use the recruitment plan cited in our Affirmative Action Plan.</p> | | | | | | |

Program and Program Objectives

After evaluation of our 2008 to 2010 goals in comparison to the 2010 to 2012 goals, we have determined the following:

- Although we did not meet all of our goals for recruiting and hiring women, we did improve by:
 - Decreasing the underutilization of women in the Officials and Administrators job group.
 - Increasing the number of women in the Professionals and Technicians job groups and decreasing the underutilization.
 - There was no change to the Service Maintenance job group.
 - There continues to be no underutilization for the Office/Clerical and Service Maintenance job groups.

- Although we did not meet all of our goals for recruiting and hiring minorities, we did improve by:
 - Meeting our goals for minorities in the Professional job group. There is no longer an underutilization in this job group.
 - Decreasing the underutilization of minorities in the Service Maintenance job group.
 - There continues to be no underutilization for the Technicians and Office/Clerical job groups.
 - There was no change to the Official and Administrators job group. This job group has decreased in size since the last plan so no change would be expected.

- The number of underutilized people with a disability did not change significantly:
 - There continues to be no underutilization for the Officials and Administrators job group.
 - There was a decrease in the underutilization of the Office/Clerical job group.
 - There is a slight underutilization in the Technicians job group.
 - The underutilization for the Professional job group increased. This problem appears to be two-fold. There was a decrease in the number of persons with a disability working for the department even though there was an increase in the number of people hired into the professional job group.
 - There was a decrease in the underutilization of the Service Maintenance job group. This group is often temporary or intermittent in nature and the workforce is constantly changing. It is likely that these numbers will fluctuate every two years as the Affirmative Action Plan is updated.
 - Work has been done with the State Recruiter for people with disabilities over the past couple of years. Although there were no successful placements, a working

relationship has been established in the hopes of successful placements in the future.

As the Department experiences an increased turn-over with the “baby boomers” retiring, there may be an opportunity to expand our recruitment efforts to promote the hiring of a qualified, talented, and diverse workforce. During Fiscal Year 2011, the Department may experience a higher than estimated number of employees retiring due to early retirement legislation that was recently passed.

The Department of Agriculture will strive to reach the goals outlined in this plan by:

- Expanding our efforts by meeting and discussing with supervisors and managers the various recruitment options available for vacant positions.
- Recommending additional recruitment methods to supervisors and managers.
- Attending career fairs, but in particular career fairs at universities that have agricultural and biological sciences majors (i.e. the North Dakota State University Agriculture Career Fair).
- Providing job applicants with a document that explains to them all of the benefits that are available when working for the State of Minnesota.
- The utilization of the section “What is Great About this Job” for positions advertised on Minnesota Management and Budget’s website.
- Continuing to work with the State’s recruiter for people with a disability and exploring other community organizations who work with disabled persons.
- Striving to retain qualified, talented employees through effective communication and conflict management.
- Ensuring that external job postings contain a statement that emphasizes the Department’s commitment to diversity.
- Providing a flexible and supportive work environment by offering options such as telecommuting, alternative work schedules, and the Employee Assistance Program.
- Placing an emphasis on learning and development by providing training, offering varying job assignments and educational opportunities.

- Effectively recognizing employees through performance reviews, service awards and when available, achievement awards.

Methods of Auditing, Evaluating, Reporting Program Success

The Human Resources Division completes the Monitoring the Hiring Process (MHP) form for each vacancy where there is an underutilization for a protected group in an Equal Employment Opportunity (EEO) Job Category. However, the Department's temporary Ag Techs and Plant Industry Inspector 1's (for positions within the Plant Protection Division) are not included in our underutilization analysis. These positions are not "typical" temporary appointments for the following reasons; employment is often for a short period of time (3-4 months), there are typically work breaks during the term of employment, the positions are located in many different areas of the state, including some areas with a small number of populace to recruit from and requiring arduous physical requirements such as hiking alone in rough, wooded terrain. In addition, employees must live in the area in which they work which can make selection of candidates challenging.

The MHP form must identify the underutilized protected group members for the vacancy, the recruitment methods used, the recruitment costs, who was involved in the recruitment process, the total number of people in the applicant pool, number of qualified protected group members in the applicant pool, and whether or not the appointment is affirmative or non-affirmative. If the appointment is non-affirmative, the appointment is either justified (requiring further documentation), or not-justified, thus leading to a missed opportunity. The MHP form must be signed off on by a member of the Human Resources Division as well as the Affirmative Action Officer designee.

Each reporting period, which is the last business day in March, June, September and December, (Rule 3905.0700 subpart 1), the Affirmative Action Officer designee submits a Quarterly Report to Minnesota Management and Budget on the agency's efforts to meet affirmative action goals and the resulting progress. The report details and totals all Unlimited, Classified hires filled through the Multi-Source process (list) and the Non-Competitive, Qualifying (non-list) hires in a job group where a disparity exists. The hires are separated into the following areas: affirmative appointments, non-affirmative appointments, justified appointments and non-justified appointments.

Layoffs:

All layoffs are reviewed to determine their impact on the Department's affirmative action goals and timetables. The review will look into the impact of bumping, claiming and permanent layoffs in the hopes of mitigating any negative effects on the agency's Affirmative Action Plan.

Pre-Employment Review Process:

| Step | Responsibility | Action |
|-------------|---|---|
| 1 | Supervisor/Manager | Determines that a vacancy exists and gains approval to fill. |
| 2 | AAO Designee/Human Resource staff | Reviews position description and supporting documentation. |
| 3 | AAO Designee/ Human Resource staff | Reviews selection criteria, interview questions and interview rating scale. |
| 4 | AAO Designee/Human Resource staff/Supervisor/Manager | Discusses and determines recruitment methods to be used. |
| 5 | Affirmative Action Officer Designee/ Human Resource staff | Ensures that the selection process was not discriminatory and that the hiring decision was based on job-related, non-discriminatory considerations. |
| 6 | AAO Designee/Human Resource staff | Completes the Monitoring the Hiring Process forms and quarterly reports. |

Supported Employment Worker:

The Minnesota Department of Agriculture will review vacant positions and assess the current workload and needs of the office, to determine if Job tasks might be performed by a supported employment worker(s). If appropriate, a list of supported worker candidates will be requested from Minnesota Management and Budget. The Minnesota Department of Agriculture will work with the State ADA/Disability Coordinator to recruit and hire individuals for supported employment if such a position is created.

Weather Emergencies and Evacuation

Action to take at work (during business hours):

Notice of weather-related threats; e.g., tornadoes, severe storms or blizzards, will usually be initiated by the National Weather Service (NWS). Both the NWS and local radio broadcasts are monitored by Capitol Complex Security and the Building Emergency Coordinators. In the event the building becomes endangered by a storm, the Building Emergency Coordinator will issue relocation orders through the front desk security guards via the building PA system.

When the relocation order is given, the Division Monitors will:

- Direct employees and any visitors to move away from windows and move to the assigned safe areas on first floor. If no safe area has been assigned, move to the center of the building.
- Remind individuals assigned as Evacuation Assistants and mobility impaired employees to meet in their pre-determined area and relocate to their pre-assigned safe area.

Once relocated, the Division Monitor will:

- Conduct a head count, *if requested by the Building Emergency Coordinator*, and resolve the whereabouts of all employees assigned to your division and report the status of your division to the Building Emergency Coordinator.
- Keep employees informed on the status of the emergency.
- Announce the "All Clear", when authorized by the Building Emergency Coordinator.

Action to take at home (during Non-business hours):

In the case of severe weather emergencies, all employees are asked to monitor local radio and television stations. The closure of state offices will be announced by Minnesota Management and Budget on the radio prior to shift start times. In addition, the information will also be posted on Minnesota Management and Budget's website home page. Closure after the start of the shift will be announced by the Building Emergency Coordinator or Capitol Security. Supervisors should ensure that their hearing impaired employees are made aware of the closure of state offices (e.g., ensure that employees

have made arrangements with their Evacuation Assistants, supervisors, relatives or friends to be contacted through the use of the Minnesota Relay Service or some other means).

Procedures for Mobility Impaired Employees

Employees with temporary or permanent mobility impairments, or those who feel they would be unable to evacuate the building in a timely manner due to a personal health condition, may choose to select two Evacuation Assistants to provide aid during an emergency.

Mobility impaired employees and their Evacuation Assistants should form a plan to meet in a specific area of the workplace for all emergencies to eliminate lost time spent looking for each other before actually evacuating the area. Near, but not inside the central stairwells would be a good area to meet.

Once at the predetermined location (central stairwell) the Evacuation Assistant(s) will assist the mobility impaired employee in evacuating the building.

If safe to do so, the Evacuation Assistant will remain with the mobility impaired employee if they are unable to evacuate.

The Evacuation Assistant will then instruct a fellow employee (Floor Warden, Division Monitor, or another Evacuation Assistant) to leave and report to the Building Emergency Coordinator or Building Security Guard the location of the mobility impaired employee and remaining Evacuation Assistant.

These individuals will remain at this location until their rescue is assisted by St. Paul Fire Department personnel. If, due to building conditions, they are unable to remain at this location, they will relocate to an area behind doors (an office or conference room), and will call 9-911 to advise them of their relocation.

If the mobility impaired employee is in another area of the building, or one or both of the Evacuation Assistants is not available to help, the mobility impaired employee will ask for assistance from other individuals evacuating the building.

Reasonable Accommodation Policy

Policy

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

Definitions

Disability:

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

Reasonable Accommodation:

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

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

Reasonable accommodation applies to three aspects of employment:

- a. To assure equal opportunity in the employment process;
- b. To enable a qualified individual with a disability to perform the essential functions of a job; and

- c. To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Procedure - Current Employees and Employees Seeking Promotion

1. The Minnesota Department of Agriculture will inform all employees that this accommodation policy can be made available in accessible formats.
2. The employee shall inform their supervisor or the ADA Coordinator designee of the need for an accommodation.
3. The ADA Coordinator designee may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.
4. When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:
 - a. Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, the Minnesota Department of Agriculture is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator designee will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator designee shall work together to determine whether reassignment may be an appropriate accommodation.

Procedure - Job Applicants

1. The job applicant shall inform the ADA Coordinator designee of the need for an accommodation. The ADA Coordinator designee will discuss the needed accommodation and possible alternatives with the applicant.
2. The ADA Coordinator designee will make a decision regarding the request for accommodation and, if approved, take the necessary steps to see that the accommodation is provided.

Policy for Funding Accommodations

Funding must be approved by the Minnesota Department of Agriculture for accommodations that do not cause an undue hardship (M.S. 43A.191(c)).

Definition

Undue Hardship: An undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the Minnesota Department of Agriculture.

Procedure for Determining Undue Hardship

1. The employee will meet with the ADA Coordinator designee to discuss the requested accommodation.
2. The ADA Coordinator designee will review undue hardships by considering:
 - a. The nature and cost of the accommodation in relation to the size, the financial resources, and the nature and structure of the operation; and
 - b. The impact of the accommodation on the nature or operation of the Minnesota Department of Agriculture.
3. The ADA Coordinator designee will provide a decision to the employee.

Appeals

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

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

Employee Request for Reasonable Accommodation

Employee Name: _____ Job Title: _____

Date of Request: _____ Division: _____

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

1. Please describe the nature of your limitations, what life activity(s) it substantially limits, and how this life activity(s) is substantially limited.

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

3. Type of accommodation you are requesting?

- | | |
|---|---|
| <input type="checkbox"/> Making facilities readily accessible | <input type="checkbox"/> Modification of equipment or devices |
| <input type="checkbox"/> Job restructuring | <input type="checkbox"/> Qualified reader or interpreter |
| <input type="checkbox"/> Part time or modified work schedule | <input type="checkbox"/> Acquisition of equipment or devices |
| <input type="checkbox"/> Modification of a rule, policy or practice | <input type="checkbox"/> Other (specify): |

Please describe in detail the accommodation you are requesting:

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

5. Additional Comments:

_____ Signature of Employee _____ Date

Reasonable Accommodation Agreement

Employee Name: _____ Job Title: _____

Division: _____ Supervisor: _____

Limitation(s) identified:

Date of request for a Reasonable Accommodation:

The nature of the accommodation request:

Accommodation(s) to be made:

Future review date, if any:

| Signatures | Date |
|-------------------|-------------|
| Employee: | |
| Supervisor: | |
| ADA Coordinator: | |

Retention Plan

The Department of Agriculture had a total of 42 separations in Fiscal Year 2009. Of these, 4 (9.5%) were dismissals/non-certifications, 20 (47.6%) were resignations, 9 (21.4%) were retirements, 1 (2.4%) was a death, and 8 (19%) were layoffs.

In Fiscal Year 2010, the Department had a total of 23 separations. Of these, 2 (8.7%) were dismissals/non-certifications; 7 (30.4%) were resignations, 8 (34.8%) were retirements, 1 (4.3%) was a death, and 5 (21.7%) were layoffs.

Sherry Thomas-Berry, AAO Designee, and Sean Tolefree, Human Resources Director, will be responsible for MDA's retention program and activities. Ms. Thomas-Berry can be reached at 651/201-6513 or sherry.thomas-berry@state.mn.us and Mr. Tolefree can be reached at 651/201-6584 or sean.tolefree@state.mn.us.

The MDA is expecting a much higher retirement rate in the next two years due to the continuation of the "baby boomer" generation retiring as well as the pending early retirement incentive. If the economy continues to turn around, it is also anticipated that there may be additional resignations as the job market becomes more competitive.

Employees separating from the MDA are given an opportunity to participate in either an oral or written exit interview. Unfortunately, the Human Resources Division has not received many of the surveys back and has not had any requests for a verbal exit interview. With a limited response to the survey, it is difficult to determine the reasons why employees have chosen to leave the department. The Human Resources Division will continue to offer exit interviews and encourage employees to participate in them.

Employees newly hired at the MDA are required to serve a probationary period. The probationary period is considered an extension of the selection process. In an effort to ensure that employees are successful in their positions and pass their probationary period, the Human Resources Division will make recommendations to supervisors and managers to:

- Provide additional training and education
- Set clear expectations, goals and objectives
- Schedule weekly progress meetings
- Complete individual development plans
- Complete additional performance evaluations
- Recommend Employee Assistance Program (EAP), if appropriate
- Extend probationary period, if appropriate

The MDA will work to retain employees who have passed their probationary period. In an attempt to decrease the dismissal rate, the Human Resources Division will make recommendations to supervisors and managers to:

- Provide additional training and education
- Set clear expectations, goals and objectives
- Schedule progress meetings
- Complete individual development plans
- Complete additional performance evaluations
- Recommend Employee Assistance Program (EAP), if appropriate
- Provide effective communication and conflict management
- Take corrective disciplinary action, as appropriate

In an effort to retain talented employees, the MDA will strive to:

- Set clear expectations for employees.
- Provide feedback to employees.
- Recognize good performance and reinforce positive performance.
- Set clearly defined performance goals and objectives.
- Complete annual performance reviews.
- Provide effective communication and conflict management.
- Provide a flexible and supportive work environment by offering options such as telecommuting, alternative work schedules, and the Employee Assistance Program.
- Provide training, offer varying job assignments and educational opportunities.
- Effectively recognize employees through performance reviews, service awards and when available, achievement awards.
- Provide a strong, dependable team environment.

The Minnesota Department of Agriculture will strive to create an environment that promotes the retention of a diverse workforce. The MDA is committed to Minnesota's affirmative action efforts and equal employment opportunity.