



# **Affirmative Action Plan**

August 2016 – August 2018

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**I. EXECUTIVE SUMMARY**

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

**Table 1: UNDERUTILIZATION ANALYSIS OF PROTECTED GROUPS**

<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals With Disabilities</b>
Officials/Administrators		X	
Professionals	X	X	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 agency. Our intention is that every employee to is aware of the Minnesota Department of Agriculture’s commitments to affirmative action and equal employment opportunity. The plan will also be posted on the agency’s website and maintained in the Human Resources Office.

This Affirmative Action Plan meets the requirements as set forth by Minnesota Management and Budget (MMB), 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 or Designee	Date Signed
Human Resources Director or Designee	Date Signed
Commissioner or Agency Head	Date Signed

**Signed Original is on File**

**II. STATEMENT OF COMMITMENT**

This statement reaffirms the Minnesota Department of Agriculture is committed to Minnesota’s statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

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

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- 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, or membership or activity in a local human rights commission.
- This agency is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This agency 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.
- This agency will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this agency will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

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

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Commissioner or Agency Head

Date Signed

**Signed Original is on File**

### III. **INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN**

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#### **A. Commissioner or Agency Head**

**David J. Frederickson, 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 shall include, but are not limited to the following:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the agency's Affirmative Action Plan in his or her position description;
- Take action, if needed, on 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 all agency directors, managers, and supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their 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 or Designee**

**Sherry Thomas, Human Resources Consultant 1**

##### **Responsibilities:**

The Affirmative Action Officer or designee is responsible for implementation of the policy's contained in the agency's affirmative action plan, and oversight of the agency's compliance with equal opportunity and affirmative action laws.

**Duties:**

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

- Prepare and oversee the Affirmative Action Plan, including development and setting of agency-wide goals;
- Monitor the compliance and fulfill all affirmative action reporting requirements;
- Inform the agency's 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 an agency-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 infusing affirmative action and equal opportunity into the agency's considerations, policies, and practices;
- Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities;
- Stay current on changes to equal opportunity and affirmative action laws and interpretation of the 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 agency liaison with Minnesota Management and Budget's Office of Equal Opportunity and Diversity and enforcement agencies.

**Accountability:**

The Affirmative Action Officer is accountable directly to the Human Resource's Director and indirectly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

**C. Americans with Disabilities Act Coordinator or Designee**

**Anthony Becker, Safety Administrator**



**Responsibilities:**

The Americans with Disabilities Act Coordinator or designee is responsible for the oversight of the agency'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 shall include, but not limited to the following:

- Provide guidance, coordination, and direction to agency management with regard to the Americans with Disabilities Act in the development and implementation of the agency'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 agency's services, and reports reasonable accommodations annually to Minnesota Management and Budget.

**Accountability:**

The Americans with Disabilities Act Coordinator reports directly to the Human Resource's Director.

**D. Human Resources Director or Designee**

**Mandy Papenguth, Human Resources Director 3**

**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 agency.

**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;

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- 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;
- Ensure pre-hire review process is implemented and 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 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.

#### **Accountability:**

The Human Resources Director is directly accountable to the Deputy 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 agency'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 agency's affirmative action policy to assigned staff;

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- Carry out supervisory responsibilities in accordance with the equal employment opportunity and affirmative action policies embodied 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;
- 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 agency's Commissioner.

## **F. All Employees**

#### **Responsibilities:**

All employees are responsible for conducting themselves in accordance with the agency's equal opportunity and Affirmative Action Plan and policies.

#### **Duties:**

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

- Exhibit an attitude of respect, courtesy, and cooperation towards fellow employees and the public; 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, disability, marital status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

#### **Accountability:**

Employees are accountable to their designated supervisor and indirectly to the agency's Commissioner.

#### **IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN**

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

##### **A. Internal Methods of Communication**

- A memorandum detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the agency's leadership or alternatively, the Affirmative Action Officer, to all staff on an annual basis.
- The agency's Affirmative Action Plan is available to all employees on the agency's internal website at <http://www.mda.state.mn.us/uddernet/index.htm> or in print copy to anyone who requests it. As requested, the agency 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 agency's Affirmative Action Plan is available on the agency's external website at <http://www.mda.state.mn.us/> or in print copy to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- The agency's website homepage, letterhead, publications, and all job postings, will include the statement "an equal opportunity employer."
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.

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#### **V. STATEWIDE POLICY PROHIBITING DISCRIMINATION AND HARASSEMENT**

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It is the policy of the of the State of Minnesota 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, 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.

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Any employee subjected to such harassment should file a complaint internally with the agency's Affirmative Action Officer or designee. If the employee chooses, a complaint can be filed 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 State Affirmative Action Program Coordinator in the Office of Equal Opportunity and Diversity 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 or 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 or designee is also responsible for:

- Notifying all employees and applicants of this policy; and
- 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 effect 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:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment;
- 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

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- 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:

- Among peers or coworkers;
- Between managers and subordinates; or
- Between employees and members of the public.

Employees who experience discrimination or harassment should bring the matter to the attention of the Minnesota Department of Agriculture's Affirmative Action Officer or designee. In fulfilling our obligation to maintain a positive and productive work environment, the Affirmative Action Officer or 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.

Any employee or applicant who believes that they have experienced discrimination or harassment 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 may file a complaint of discrimination.

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

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## **VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT**

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The Minnesota Department of Agriculture has established the following discrimination/harassment complaint procedure to be used by all employees and applicants. 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 or designee for information and for access to data and records for the purpose of enabling the Affirmative Action Officer or designee to carry out responsibilities under this complaint procedure.

### **Who May File:**

Any employees or applicants who believes that they have been discriminated against or harassed 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.

### **Complaint Procedure:**

The internal complaint procedure provides a method for resolving complaints involving violations of this agency's policy prohibiting discrimination and harassment within the agency. Employees and applicants 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 or designee may contact the Office of Diversity and Equal Opportunity if more information is needed about filing a complaint.

### **Filing Procedures:**

1. The employee or applicant completes the "Complaint of Discrimination/Harassment Form" provided by the Affirmative Action Officer or designee. Employees are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve discrimination or harassment. The Affirmative Action Officer or designee will, if requested, provide assistance in filling out the form.
2. The Affirmative Action Officer or 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 or designee shall also discuss other options for resolution, such as the workplace mediation.

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- 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.
  - If the complaint is related to discrimination, the Affirmative Action Officer or designee will, within ten (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 or designee shall then investigate the complaint. At the conclusion of the investigation, the Affirmative Action Officer or designee shall notify the complainants and respondents that the investigation is completed. The Affirmative Action Officer or designee shall then review the findings of the investigation.
    - If there is sufficient evidence to substantiate the complaint, appropriate action will be taken.
    - 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 complaint is filed. The complainants will be notified should extenuating circumstances prevent completion of the investigation within sixty (60) days.
  5. Disposition of the complaint will be filed with the Commissioner of the Minnesota Management and Budget within thirty (30) days after the 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:
    - Interviews or written interrogatories with all parties involved in the complaint, i.e., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.; and
    - All records pertaining to the case i.e., written, recorded, filmed, or in any other form.
  8. The Affirmative Action Officer or designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.



## **VII. REASONABLE ACCOMODATION POLICY**

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

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and

A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

### **Applicant**

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

### **Americans with Disabilities Act (ADA) Coordinator**

Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

### **Direct Threat**

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

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

### **Essential Functions**

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

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

### **Interactive Process**

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

### **Individual with a Disability**

An individual who:

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

### **Qualified Individual with a Disability**

An individual who:

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

### **Major Life Activities**

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

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

### **Medical Documentation**

Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious.

Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider \(word version\)](#)

### **Reasonable Accommodation**

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

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

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

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

### **Reassignment**

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

### **Support Person**

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

### **Undue Hardship**

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

### **General Standards and Expectations**

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

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

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

#### ***How to request a reasonable accommodation***

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

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

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

### ***Timing of the request***

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

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

### ***Form of the request***

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

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

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

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

Employee/Applicant request forms can be found at: [Employee/Applicant Request for Accommodation Form \(word version\)](#)

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

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

### ***The interactive process entails***

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or

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

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

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

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

The agency ADA Coordinator shall be consulted when:

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

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

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

### Commissioner

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

### ADA Coordinator

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

### Supervisors and Managers

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

- Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and
- Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

### ***Analysis for processing requests***

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

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

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

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

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further

medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

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

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider \(word version\)](#).

The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information Form \(word version\)](#).

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

### ***Confidentiality requirements***

#### Medical Information

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



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

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

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

#### Accommodation Information

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

#### General Information

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

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

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

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

***Funding for reasonable accommodations***

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

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

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

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

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

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

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

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

***Consideration of undue hardship***

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

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

***Determining direct threat***

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

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

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

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

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

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

***Information tracking and records retention***

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

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

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**VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES**

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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 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.

## **Severe Weather Procedures**

### **Action to take at work (during business hours):**

Notice of weather-related threats (tornadoes, thunderstorms) will usually be initiated by the National Weather Service (NWS). The NWS is monitored by the City of St Paul / Ramsey County Emergency Coordination Center. The City of St Paul / Ramsey County will activate sirens across the area for tornado warnings and severe thunderstorms that have winds in excess of a certain mph. In the event that the severe weather sirens are activated, a Building Emergency Coordinator will issue relocation orders through the front desk building Public Address (PA) System.

### **When the relocation order is given, the Floor Wardens 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 employees with mobility impairments to meet in their pre-determined area and relocate to their pre-assigned safe area.

### **Once relocated, the Floor Warden 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 MN Management and Budget (MMB) on the radio prior to shift start times and will also be posted on the MMB home page. In addition, an outgoing message will be placed on the MDA Employee Mainline (651) 201-6000 for those staff that wish to call in to determine the status of building closures. 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.

A copy of the MDA's Building Emergency Procedures can be found under the policies section of the MDA Employee Intranet site at:

<http://www.mda.state.mn.us/uddernet/boxb/safetyhealth/FreemanEmergencyProcedures.pdf>.

For questions feel free to contact the MDA Safety Administrator, Anthony Becker at 651-201-6640 or [anthony.becker@state.mn.us](mailto:anthony.becker@state.mn.us).

**IX. GOALS AND TIMETABLES**

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

**Table 2. Underutilization Analysis and Hiring Goals for 2016-2018**

The second, third, and fourth columns of this chart show the number of underutilized individuals of each group in each category at this agency. The fifth, sixth, and seventh columns show the agency’s hiring goals for each group in each category.

**Underutilization - # of Individuals** **Hiring Goals for 2016-2018**

<i>Job Categories</i>	<i>Women</i>	<i>Racial/Ethnic Minorities</i>	<i>Individuals With Disabilities</i>	<i>Women</i>	<i>Racial/Ethnic Minorities</i>	<i>Individuals With Disabilities</i>
Officials/Administrators	0	2	0		1	
Professionals	15	36	12	8	10	3
Office/Clerical	0	2	0		1	
Technicians	3	4	2	2	2	1
Service Maintenance	0	9	2		3	1

**Availability:**

The agency determined the recruitment area to be Minneapolis/St. Paul metropolitan area for each job category listed in the table. In conducting its underutilization analysis, the agency used the two factor analysis. The agency determined it was best to use this type of analysis because a majority of our positions are located in the metropolitan area.

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.

**Information Considered:**

The agency reviewed the following reports to determine the hiring goals for the agency:

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- Appointment Summary by EEO-4 Category.
- Annual Appointment Hiring Counts by Agency for Fiscal Years 2015 and 2016.
- 2010 Labor Force Availability.
- Eligible for Retirement Analysis.

### **Women:**

At the agency, the population of women has improved in the following job category: Officials/Administrators and has not improved in the following job categories: Professionals and Technicians. The agency is not underutilized for women in the Office/Clerical and Service Maintenance job categories.

There is typically little turnover in the Officials and Administrators job group, however the agency did have a number of promotions and movements which had a positive outcome and the agency is no long underutilized in this area. There is limited turnover expected in this area.

The Professionals job group is the largest job group in the agency and typically has the largest amount of turn-over. The agency had 16 women separate from employment in the past two fiscal years, however no separation pattern was found. It is important to note that there were 26 males who separated in the same time frame.

For the 2016 – 2018 plan, the agency will continue to strive to improve the underutilization of women in the Professional group. Based on an analysis of the conditions in the agency, we do expect this job group to continue to change. This job group typically changes due to resignations and retirements. It is difficult to predict additional change because some of the divisions within the agency are experiencing growth, while others due to budget constraints, will not be filling vacancies.

For the 2016 – 2018 plan, the Paraprofessionals are being counted into the Technicians job group. This is because the State of Minnesota has an EEO-4 category of Paraprofessional, but the U.S. Census does not have availability percentages for the group. There was no improvement in this area in the past two fiscal years. The agency does not anticipate a significant increase or decrease in the number of people employed in this job category and anticipates most turn-over in the form of resignations or retirement. The agency will strive to meet or exceed its goals.

The Service Maintenance job group was not underutilized in the 2014 – 2016 plan and remains that way. This job group is constantly changing and this is often due to the limited number of work hours available, the type of work duties, and the seasonality of the work. Although the group is constantly changing, the agency will strive to continue to meet or exceed its goals for women.

The Office/Clerical job group was not underutilized in the 2014 – 2016 plan and remains that way. The agency will strive to continue to meet or exceed its goals.

**Minorities:**

At the agency, the population of minorities has improved in the following job category: Service Maintenance and has not improved in the following job categories: Officials/Administrators, Professionals, Office/Clerical and Technicians.

In the Officials and Administrators job group the agency does not have a lot of turnover or new positions. Due to this, it can be difficult to meet goals.

For the 2016 – 2018 plan, the agency will continue to strive to improve the underutilization of minorities in the Officials and Administrators group. Based on an analysis of the conditions in the agency, we do not expect this job group to change much in the next two years. There is a slight potential for retirements and if those were to occur, the agency would strive to hire minorities into this area following the recruitment plan

The Professionals job group is the largest job group in the agency and there is steady turn-over. The goal set in the 2014 – 2016 plan was not met and our underutilization has grown, although there does not appear to be any identifiable reason as to why. The agency had four minorities separate in two years and 37 non-minority.

For the 2014 – 2016 plan, the agency will strive to improve the underutilization of minorities in the Professional group. Based on an analysis of the conditions in the agency, we do expect this job group to continue to change. This job group typically changes due to resignations and retirements. It is difficult to predict additional change because some of the divisions within the agency are experiencing growth, while others due to budget constraints, will not be filling behind vacancies

The Office/Clerical job group was not underutilized in the 2014 – 2016 plan, but now is. This area has seen some turnover in the past two years due to retirements but some of these vacant positions have not been filled. The agency will strive to meet or exceed its goals.

For the 2014 – 2016 plan, the Paraprofessionals are being counted into the Technicians job group. This is because the State of Minnesota has an EEO-4 category of Paraprofessional, but the U.S. Census does not have availability percentages for the group. This job group remains relatively steady with little change.



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There continues to be an underutilization in Technicians job group. The agency does not anticipate a significant increase or decrease in the number of people employed in this job category and anticipates most turn-over in the form of resignations or retirements. The agency will strive to hire more minorities into the group.

The Service Maintenance job group remains underutilized for minorities in the 2014 – 2016 plan, but has had some improvement. This job group, made up of mostly Agricultural Technicians, is constantly changing and this is often due to the limited number of work hours available, physical demands, and the employment conditions (often short term, temporary). Positions located in rural areas have a limited number of applicants. The agency will strive to hire more minorities.

#### **Individuals with Disabilities:**

At the agency, the population of individuals with disabilities has improved in the following job categories: Officials/Administrators, Professionals, Office/Clerical and Service Maintenance and has not improved in the following job category: Technicians.

The agency does not have an underutilization for persons with a disability in the Officials and Administrators job group. Based on an analysis of the conditions in the agency, we do not expect this job group to change much in the next two years. There is a slight potential for retirements and if those were to occur, the agency will strive to hire persons with disabilities into this job group following the recruitment plan.

The Professionals job group is the largest job group in the agency and there is steady turn-over. The goal set in the 2014 – 2016 plan was met and we did improve, however we are still underutilized for persons with a disability.

For the 2016 – 2018 plan, the agency will strive to improve the underutilization of persons with disabilities in the Professional group. Based on an analysis of the conditions in the agency, we do expect this job group to continue to change. This job group typically changes due to resignations and retirements. It is difficult to predict additional change because some of the divisions within the agency are experiencing growth, while others due to budget constraints, will not be filling behind vacancies

For the 2014 – 2016 plan, the Paraprofessionals are being counted into the Technicians job group. This is because the State of Minnesota has an EEO-4 category of Paraprofessional, but the U.S. Census does not have availability percentages for the group. This job group remains relatively steady with little change.

There continues to be an underutilization in the Technicians job group. The agency does not anticipate a significant increase or decrease in the number of people employed in this job category and anticipates most turn-over in the form of resignations or retirements. The agency will strive to hire more persons with disabilities into the group.

The Office/Clerical job group was not underutilized in the 2014 – 2016 plan and remains that way. The agency will strive to continue to meet or exceed its goals

The Service Maintenance job group remains underutilized for persons with disabilities in the 2014 – 2016 plan, but has had some improvement. This job group, made up of mostly Agricultural Technicians, is constantly changing and this is often due to the limited number of work hours available, physical demands, and the employment conditions (often short term, temporary). Positions located in rural areas have a limited number of applicants. The agency will strive to hire more persons with disabilities into the job group.

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## X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES

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In pursuing the agency's commitment to affirmative action, the agency will take the following actions during the 2016 – 2018 plan years:

Objective #1: To increase the overall hiring of women, but in particular the Professionals and Technicians job categories.

**Action Steps:**

- Provide information to supervisors and managers on the underutilization of protected group members and the agency's commitment to meeting affirmative action goals.
- Discuss recruitment strategies with MMB's Equal Opportunity, Diversity & Inclusion (EODI) Team as well as MMB's recruitment personnel.
- Research, discuss and recommend additional recruitment methods to supervisors and managers.
- Post all job announcements on the Workforce Community Email Listserv which is comprised of over 500 diversity contacts.
- Encourage employees to promote the State of Minnesota and the Department of Agriculture as an employer.
- Increase the use of preferred qualifications in job announcements. This will aide in selecting the best qualified candidate for the position and assists in justifying why minimally qualified candidates were not selected.
- Utilize the "Why Work for Us" section on the Minnesota Careers website. This is a great tool to tell applicants why they would want to work for the Department of Agriculture. This section can also be used to highlight the employment benefits

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of working for the State (i.e. paid holidays, vacation & sick leave, health insurance, etc.).

- Update and modify (as needed) promotional materials for career fairs and attend at a minimum four career fairs per fiscal year with at least one fair focused on diversity and one on veterans.
- Supervisors and managers will work with the Affirmative Action Officer to discuss candidate selection prior to any job offer being made. This will help ensure the best qualified candidate is selected based upon the knowledge, skills and abilities required for the position.
- Attend the State Recruiters and ACCESS Partnership meetings and serve on project work groups.

#### ***Evaluation:***

A similar objective was set in the 2014 – 2016 plan and we were able to complete most of the action steps outlined in it. We were successful in removing the underutilization of women in the Officials/Administrators job category. However we were unable to meet our goal of hiring more women to decrease the underutilization in the Professionals job category. Some obstacles that may have contributed to this was turn-over within the Human Resources Division which created less staff and less time for HR to work with supervisors and managers on minimum and preferred qualifications in job announcements. This also led to process improvements being delayed and less time for Human Resources to work with supervisors and managers on various aspects of the hiring and selection process.

- During this period, information was provided to supervisors and managers on the underutilization of protected group members and the agency's commitment to meeting affirmative action goals. Various recruitment options were discussed and recommended to hiring supervisors and managers.
- The "Why Work for Us" section on the Minnesota Careers website was utilized.
- During the 2014 – 2016 plan years we attended seven career fairs and developed recruitment materials. Additional outreach was also done by MDA staff.
- Jobs were posted on the Workforce Community Email Listserv.
- Recruitment strategies were discussed with MMB and ACCESS staff.
- Job announcements were reviewed to ensure minimum and preferred qualifications were directly related to the position.
- The Affirmative Action Officer worked with the HR Staffing Representatives and hiring supervisors and managers prior to job offers being made to ensure the hiring process was completed correctly.
- HR staff and/or the Affirmative Action Officer attended recruitment and ACCESS meeting and served on various project work groups.

Objective #2: To increase the overall hiring of minorities.

**Action Steps:**

- Provide information to supervisors and managers on the underutilization of protected group members and the agency's commitment to meeting affirmative action goals.
- Discuss recruitment strategies with MMB's Equal Opportunity, Diversity & Inclusion (EODI) Team as well as MMB's recruitment personnel.
- Research, discuss and recommend additional recruitment methods to supervisors and managers.
- Post all job announcements on the Workforce Community Email Listserv which is comprised of over 500 diversity contacts.
- Encourage employees to promote the State of Minnesota and the Department of Agriculture as an employer.
- Increase the use of preferred qualifications in job announcements. This will aide in selecting the best qualified candidate for the position and assists in justifying why minimally qualified candidates were not selected.
- Utilize the "Why Work for Us" section on the Minnesota Careers website. This is a great tool to tell applicants why they would want to work for the Department of Agriculture. This section can also be used to highlight the employment benefits of working for the State (i.e. paid holidays, vacation & sick leave, health insurance, etc.).
- Update and modify (as needed) promotional materials for career fairs and attend at a minimum four career fairs per fiscal year with at least one fair focused on diversity and one on veterans.
- Supervisors and managers will work with the Affirmative Action Officer to discuss candidate selection prior to any job offer being made. This will help ensure the best qualified candidate is selected based upon the knowledge, skills and abilities required for the position.
- Attend the State Recruiters and ACCESS Partnership meetings and serve on project work groups.
- Increase the use of Diversity Resources available through the MMB website (i.e. diversity councils, MnSCU database).

**Evaluation:**

We were able to meet our goal of hiring three racial/ethnic minorities for the 2014-2016 plan years for the Service Maintenance job category, however there is still an underutilization to work towards removing. While we successfully completed a number of the action steps we need to continue to try and decrease the underutilization of racial/ethnic minorities in all job categories. Obstacles to meeting goals may have been in part caused by staffing levels within Human Resources. Lower staffing levels lead to less time for process improvement, less time to meet with supervisors and managers and less time for training and outreach.

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- During this period, information was provided to supervisors and managers on the underutilization of protected group members and the agency's commitment to meeting affirmative action goals. Various recruitment options were discussed and recommended to hiring supervisors and managers.
- The "Why Work for Us" section on the Minnesota Careers website was utilized.
- During the 2014 – 2016 plan years we attended seven career fairs and developed recruitment materials. Additional outreach was also done by MDA staff.
- Jobs were posted on the Workforce Community Email Listserv.
- Recruitment strategies were discussed with MMB and ACCESS staff.
- Job announcements were reviewed to ensure minimum and preferred qualifications were directly related to the position.
- The Affirmative Action Officer worked with the HR Staffing Representatives and hiring supervisors and managers prior to job offers being made to ensure the hiring process was completed correctly.
- HR staff and/or the Affirmative Action Officer attended recruitment and ACCESS meeting and served on various project work groups.

**Objective #3:** To increase the overall hiring of individuals with disabilities.

#### ***Action Steps:***

- Provide information to supervisors and managers on the underutilization of protected group members and the agency's commitment to meeting affirmative action goals.
- Discuss recruitment strategies with MMB's Equal Opportunity, Diversity & Inclusion (EODI) Team as well as MMB's recruitment personnel.
- Research, discuss and recommend additional recruitment methods to supervisors and managers.
- Post all job announcements on the Workforce Community Email Listserv which is comprised of over 500 diversity contacts.
- Encourage employees to promote the State of Minnesota and the Department of Agriculture as an employer.
- Increase the use of preferred qualifications in job announcements. This will aide in selecting the best qualified candidate for the position and assists in justifying why minimally qualified candidates were not selected.
- Utilize the "Why Work for Us" section on the Minnesota Careers website. This is a great tool to tell applicants why they would want to work for the Department of Agriculture. This section can also be used to highlight the employment benefits of working for the State (i.e. paid holidays, vacation & sick leave, health insurance, etc.).

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- Update and modify (as needed) promotional materials for career fairs and attend at a minimum four career fairs per fiscal year with at least one fair focused on diversity and one on veterans.
- Supervisors and managers will work with the Affirmative Action Officer to discuss candidate selection prior to any job offer being made. This will help ensure the best qualified candidate is selected based upon the knowledge, skills and abilities required for the position.
- Attend the State Recruiters and ACCESS Partnership meetings and serve on project work groups.

Also see, XII. Recruitment Plan, D. Recruitment for Individuals with Disabilities.

#### ***Evaluation:***

The agency was successful in decreasing the overall underutilization of individuals with disabilities from the 2014 – 2016 plan, however there is still an underutilization in all areas with the exception of the Office/Clerical job category. The success of this may be in part due to Executive Order 14-14 creating a greater awareness of employing individuals with disabilities. In addition during the 2014 - 2016 plan years we sent a notice to employees asking them to review and update (if applicable) their disability status in Self Service. One obstacle may have included applicants and employees not self-identifying their disability status. Other obstacles may have been a lack of time due to staffing levels which led to less time spent working with supervisors/managers on the hiring and selection process as well as a lack of time for process improvement within Human Resources.

- During this period, information was provided to supervisors and managers on the underutilization of protected group members and the agency's commitment to meeting affirmative action goals. Various recruitment options were discussed and recommended to hiring supervisors and managers.
- The "Why Work for Us" section on the Minnesota Careers website was utilized.
- During the 2014 – 2016 plan years we attended seven career fairs and developed recruitment materials. Additional outreach was also done by MDA staff.
- Jobs were posted on the Workforce Community Email Listserv.
- Recruitment strategies were discussed with MMB and ACCESS staff.
- Job announcements were reviewed to ensure minimum and preferred qualifications were directly related to the position.
- The Affirmative Action Officer worked with the HR Staffing Representatives and hiring supervisors and managers prior to job offers being made to ensure the hiring process was completed correctly.
- HR staff and/or the Affirmative Action Officer attended recruitment and ACCESS meeting and served on various project work groups.

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

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

The agency will evaluate its selection process to determine if its requirements unnecessarily screen out a disproportionate number of women, minorities, or individuals with disabilities. The agency will use the monitoring the hiring process form to track the number of women, minorities, and individuals with disabilities in each stage of the selection process. 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. Directors, managers, and supervisors will be asked to document their hiring decisions and human resources and the Affirmative Action Officer will review for bias.

Any time the agency cannot justify a hire, the agency takes a missed opportunity. The Affirmative Action Officer will be asked to authorize the missed opportunity. The agency will report the number of affirmative and non-affirmative hires as well as missed opportunities to Minnesota Management and Budget on a quarterly basis.

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 agency's commitment to equal opportunity and the affirmative action program and its implementation.

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

The Affirmative Action Officer, in conjunction with the agency's human resources office, shall be responsible for reviewing all pending layoffs to determine their effect on the agency's affirmative action goals and timetables.

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

### **C. Other Methods of Program Evaluation**

The agency submits the following compliance reports to Minnesota Management and Budget as part of the efforts to evaluate the agency'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 agency 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 agency leadership on a periodic basis and makes recommendations for improvement.

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## **XII. RECRUITMENT PLAN**

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The objective of this recruitment plan is to ensure the agency'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 the 2014-2016 plan year totaled \$4,522.60.

Below are various recruitment methods or strategies utilized by the agency during the past year.

### **A. Advertising Sources**

The department utilized the following sources for recruitment:

- The State of Minnesota's career website
- Workforce Community Email List



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- Council on Asian-Pacific Minnesotans
- Monster.com
- Minnesotaworks.net
- DEED
- Greystone Advertising
- Various College and University resources
- Trade/Technical School posting
- Employee suggestions
- Regional government contacts
- Workforce Center
- Industry contacts/Professional Organizations (i.e. National Plant Board, American Association of Seed Control Officials, MN Feed & Grain Association, MN Groundwater Association, American Institute of Professional Geologists, Women's Environmental Network, Science Societies Career Center)
- Diversity focused internet sites
- Newspapers
- Internet Job Boards
- Sharing Environmental Education Knowledge (SEEK)
- Environscience.org
- Eco Jobs
- Ag Careers
- Career Fairs
- State Fair

The agency has not been tracking the success rate of these advertising sources, but will continue to utilize various sources as deemed appropriate. With the State of Minnesota's new career website up and running, it is our understanding that Minnesota Management and Budget will be able to track where applicants hear about positions. We will utilize this information in future plans. Because we have not been able to track the effectiveness of our advertising sources, we will continue to utilize the sources that maximize a diverse, strong applicant pool.

The agency has the following recruitment plans for the upcoming plan years:

- Discuss recruitment strategies with MMB's Equal Opportunity, Diversity & Inclusion (EODI) Team as well as MMB's recruitment personnel.
- Research, discuss and recommend additional recruitment methods to supervisors and managers.
- Post all positions on the Workforce Community Email list which is comprised of over 500 diversity contacts.
- Encourage employees to promote the State of Minnesota and the Department of Agriculture as an employer of choice.

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- Update and modify (as needed) promotional materials for career fairs and attend at a minimum four career fairs per fiscal year with at least one fair focused on diversity and one on veterans.
- Through relationship building and outreach, increase interest in others to work for the Minnesota Department of Agriculture.

We attended the following job and community fairs:

- Veteran's Career Fair, 07/15/2015, \$200.00
- Career Connection Career Fair & Education Event, 09/24/15, \$25.00. This was a career fair for people with disabilities and was located in Rochester, MN.

The Veteran's Career Fair has been well received and we will continue to attend it on an annual basis. The Career Connection Fair and Education Event was also well attended, however the candidates were seeking employment opportunities within the Rochester area which the MDA has limited positions in. We will seek out and attend career fairs for people with disabilities in the metro area where many of our positions are located.

## **B. College and University Recruitment Events**

We attended the following college and university recruitment events:

- U of M St. Paul Campus Job & Internship Fair, 09/23/2014, cost \$25.00
- UW River Falls Career Fair, 02/26/2015, cost \$314.00
- U of M St. Paul Campus Job & Internship Fair, 09/30/2015, cost \$25.00
- North Dakota State University Career Fair, 09/22/2015, \$300.00
- UW River Falls Career Fair, 10/14/2015, \$250.00

The agency attended five college recruitment events in the last two fiscal years. These colleges have an agricultural focus and the events were well attended and received. We will continue to seek opportunities to attend various college and university recruitments events.

## **C. Recruitment for Individuals with Disabilities**

To improve the recruitment of individuals with disabilities, the agency will:

- Review job postings for physical and sensory requirements and follow the Guidelines for Inclusive Job Postings.
  - All job postings will be reviewed for physical and sensory requirements to determine if the requirements are job-related and consistent with business necessity.
  - The agency will edit language pertaining to physical and sensory requirements and change this language to reflect more inclusive language for job qualifications.
- Self-Identification
  - At the time of application and once a year, our agency will communicate to our employees that we collect summary data related to the number of

## Agriculture

### AFFIRMATIVE ACTION PLAN 2016-2018

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.

- Supported Worker
  - When our agency posts a position, we will review the position for tasks that can be completed by a supported worker. We will work with VRS or the MMB State ADA Coordinator to assist us in our efforts.
- 700-Hour Program
  - Where possible, our agency will utilize the 700-hour program which allows our agency to hire an individual with a disability and provide them training. At the end of this period, our agency can hire the individual.
- Go Accessible! Campaign
  - Our agency 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.
- Reasonable Accommodation
  - 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 where needed. Once hired, we will educate employees, supervisors and managers on accommodating employees in the workplace.
- Strategic Partnerships
  - Our agency 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 agency 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.
- Self-Analysis
  - Our agency 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.
- Reporting
  - Our agency 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.

## D. Relationship Building and Outreach

The agency has a strong commitment to relationship building and outreach. Examples include:

- MN State Fair
- Presentations to various farming groups and pollinator groups
- Northern Green Expo
- Foreign trade groups
- Food presentation to the Amish Community outside of Mora, MN
- Food presentation to the Hmong American Farmers Association
- Numerous food and feed safety presentations and conferences
- Informational farmer's market meetings
- MN Organic Conference presentations
- MN Fruit and Vegetable Growers Association Conference
- Food safety informational meeting
- Children's Water Festival, North Mankato, MN. A one day event to heighten awareness and importance of water.  
<http://mrbdc.mnsu.edu/sites/mrbdc.mnsu.edu/files/public/org/bnc/childrenwaterfest.html>
- Metro Children's Water Festival at the State Fair Grounds
- MN Agriculture in the Classroom. The mission is to increase agricultural literacy through K-12 education.
- Careers at MDA presented at the St. Cloud Apollo High School Career fair
- Farm to Table – Food Safety Challenges presented to consumers/seniors. Volunteers of American, Southwest Minneapolis Senior Center
- Field Learning for Teens event at Trout Brook Nature Sanctuary in Saint Paul. Talk given about careers and career paths and an opportunity to have a candid conversation with an experienced adult in the environmental field.
- The MDA has an agricultural microloan pilot program designed for new, underserved borrowers with modest farm capital needs. The program is designed to assist farmers that have modest lending needs and lack the experience and records typically required by other agricultural lenders. To be eligible for the pilot program, potential borrowers must:
  - Be a resident of the State of Minnesota,
  - Be a member of a Protected Group as defined under Minn. Stat. § 43A.02, subd. 33 (minority, woman, disabled) or qualified non-citizen as defined under Minn. Stat. § 256B.06, subd. 4, par. (b) (Refugee, immigrant, asylum, etc.),
  - Utilizing funds towards the production and marketing of specialty crops (direct market fruits & vegetables, cut flowers and herbs, etc.) or eligible livestock, (open range poultry, sheep, goats), and
  - Show an ability to repay the loan.

The agency will continue to form relationships and provide outreach to strengthen ties with all Minnesotans.

### **E. Internships**

The agency utilizes interns. Interns may contact the Human Resource Division and express interest in working in a certain type of program. The Human Resource Division then contacts the appropriate division and asks if they are willing to take on an intern and if so, the two parties are connected. The divisions also notify Human Resources when contacted by with an interested student. The division is given guidance and assistance in the hiring process. These methods seem to work well and will be continued. The agency may also consider announcing positions on the careers website, at colleges/universities, and through word of mouth by agency employees.

### **F. Supported Employment (M.S. 43A.191, Subd. 2(d))**

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

### **G. Additional Recruitment Activities**

The agency hired/sponsored three Right Track Students in Fiscal Year 2016. Two of the students were from Como Park Senior High School and one from Harding Senior High School. These students are currently working in our Commissioner's Office, the Food and Feed Safety Division and the Dairy and Meat Inspection Division.

The agency has also worked with Minneapolis Placement Partnership and with Steven Koontz, Program Specialist with DEED.

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## **XIII. RETENTION PLAN**

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The agency 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(s) Responsible for the Agency's Retention Program/Activities**

Sherry Thomas, Affirmative Action Officer, and Mandy Papenguth, Human Resources Director will be responsible for the oversight of retention programs and activities.

- Sherry Thomas, Human Resources Consultant 1, 651/201-6513, [sherry.thomas@state.mn.us](mailto:sherry.thomas@state.mn.us)
- Mandy Papenguth, Human Resources Director 3, 651/201-6361, [mandy.papenguth@state.mn.us](mailto:mandy.papenguth@state.mn.us)

## **B. Separation and Retention Analysis by Protected Groups**

The agency had a total of 38 separations in Fiscal Year 2015. Of those, 5.3% were layoffs, 60.5% were resignations and 4.2% were retirements. Of the 38 separations, 44.7% were women, 7.9% were minority, and 0 for people with a disability.

The agency had a total of 40 separations in Fiscal Year 2016. Of those, 2.5% were death, 7.5% dismissal/non-certification, 40% resignation, 47.5% retirement and 2.5% term without rights. Of the 40 separations, 35% were women, 5% minority, and 5% for people with a disability.

When combined, Fiscal Year 2015 and 2016 reflected the following break-down by job category:

- Officials/Administrators
  - 80% retirements; 0% were women, 0% were minorities, 25% were persons with disabilities
  - 20% termination without rights; no protected group member(s)
- Professionals
  - 4.76% dismissal or non-certification; 50% were women and 50% were minorities
  - 50% resignations; 52.38% were women, 9.52% were minorities and 0% were persons with disabilities
  - 42.86% were retirements; 16.67% were women, 5.56% were minorities and 0% were persons with disabilities
  - 2.38% were deaths; 100% were women
- Office/Clerical
  - 100% were retirements; 83.33% were women, 0% were minorities and 16.67% were persons with disabilities
- Technicians
  - 60% were resignations; 66.67% were women, 0% minorities, 0% persons with disabilities
  - 40% were retirements; 50% were women, 50% were minorities and 0% were persons with disabilities
- Service Maintenance
  - 5.56% dismissal or non-certification; no protected group member(s)
  - 77.78% resignations; 28.57% were women, 0% were minorities, 0% were persons with disabilities
  - 11.11% retirements; 50% women, 0% were minorities, 0% were persons with disabilities
  - 5.56% layoffs; no protected group members

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### AFFIRMATIVE ACTION PLAN 2016-2018

Based upon this information it does not appear that protected group members are leaving the agency at a higher rate than others.

There were 18 Exit Interviews completed by separating employees in Fiscal Years 2015 and 2016. There were no separation patterns identified, however a common area of dissatisfaction was advancement and promotional opportunities. Other areas of dissatisfaction included training and development opportunities and relationships with others (co-workers, manager, supervisor).

### **C. Methods of Retention of Protected Groups**

The agency will focus on the following retention methods over the next two years:

- The Employee Exit Interview will continue to be offered to voluntarily separating employees. The interviews may be oral or on paper. Summary data will be reviewed once every two years to determine if there are any patterns of separation.
- Create employee engagements surveys.
- The Human Resource Division will work with supervisors and managers who have employees serving a probationary period in an effort to ensure employees are successful in their positions. Recommendations to supervisors and managers may include:
  - Provide additional training and education
  - Set clear expectations, goals and objectives
  - Weekly progress meetings
  - Individual development plans
  - Additional performance reviews
  - Recommend the Employee Assistance Program (EAP) where appropriate
  - Extend the probationary period, if appropriate
- The agency 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 a diverse workforce
  - Provide effective communication and conflict management

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### AFFIRMATIVE ACTION PLAN 2016-2018

- Provide a flexible and supportive work environment by offering options such as telecommuting, alternative work schedules, and when possible part time employment
- Provide training, offer varying job assignments, and educational and promotional opportunities
- Effectively recognize employees through performance reviews, service and achievement awards
- Provide a strong, dependable team environment
- Create opportunities for training and professional development around cultural competence, unconscious bias, disability awareness, etc.
- Conduct an annual service recognition program.
- Ensure accessibility of electronic systems, physical office spaces, and other aspects of the employment experience.
- Ensure all employees are aware of the Employee Assistance Program (EAP) available to them. The program offers employees professional assistance in assessing their problems and needs to restore and strengthen the health and productivity of employees and the workplace. It also provides supervisors an opportunity to discuss difficult employee situations, get support for intervention, and acquire tools to resolve conflicts in the workplace.
- Continue to improve the agency new employee orientation program so employees feel welcomed, valued and engaged.

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.



## APPENDIX

### Complaint of Discrimination/Harassment Form

Minnesota Department of Agriculture  
 625 Robert Street North  
 St. Paul, MN 55155-2538  
 651/201-

**Please Read Before Completion of Form**

Any complaint of discrimination/harassment is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether discrimination/harassment 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 or designee, the complainant, the respondent and appropriate personnel.

Complainant (You)		
Complainant's Name	Job Title	
Work Address	Telephone	
Agency	Division	Manager

Respondent (Individual Who Discriminated Against/Harassed You)		
Respondent's Name	Respondent's Job Title	
Respondent's Work Address	Respondent's Telephone	
Respondent's Agency	Division	Manager

<b>The Complaint</b>		
<b>Basis of Complaint</b> Place an "X" in the box for all that apply:		
<input type="checkbox"/> Race	<input type="checkbox"/> Disability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Sex	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Status with Regard to Public Assistance
<input type="checkbox"/> Age	<input type="checkbox"/> National Origin	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Color	<input type="checkbox"/> Creed	<input type="checkbox"/> Religion
Date most recent act of discrimination/harassment took place:		If you filed this complaint with another agency, give the name of that agency:
Describe how you believe that you have been discriminated/harassed against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.		

<b>Information on Witnesses Who Can Support Your Case</b>		
Witness Names	Witness Work Addresses	Witness Work Telephones

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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 discriminated against/harassed 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.

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Complainant Signature

Date

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Affirmative Action Officer Signature

Date

## Employee/Applicant Request for ADA Reasonable Accommodation Form

### State of Minnesota – Department of Agriculture

#### 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.

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Employee Name

Job Title

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Work Location

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?
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.**

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Employee Signature

Date

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AFFIRMATIVE ACTION PLAN 2016-2018

### **Agency Profile**

<http://www.mda.state.mn.us/about/commissionersoffice.aspx>

### ***Underutilization Analysis Worksheets***

Utilization Analysis is on file.

### **Separation Analysis by Protected Groups Worksheets**

Separation Analysis is on file.

### **Other Relevant Agency Information, Policies, or Documents**

<http://www.mda.state.mn.us/about.aspx>