



# Minnesota Pollution Control Agency

**2014 - 2016**

## **AFFIRMATIVE ACTION PLAN**

520 Lafayette Road North | St. Paul, Minnesota 55155-4194

This document can be made available in other formats by calling 651-757-2034, toll-free at 800-657-3864 or use your preferred telecommunications relay service. Requests can also be emailed to [Info.pca@state.mn.us](mailto:Info.pca@state.mn.us).

**MINNESOTA POLLUTION CONTROL AGENCY AFFIRMATIVE ACTION PLAN 2014 - 2016**  
**Table of Contents**

I. EXECUTIVE SUMMARY.....3

II. STATEMENT OF COMMITMENT.....4

III. INDIVIDUALS RESPONSIBLE FOR DIRECTING/IMPLEMENTING THE AFFIRMATIVE ACTION PLAN.....5

    A. Commissioner

    B. Affirmative Action Officer

    C. Americans with Disabilities Act Coordinator

    D. Human Resources Director

    E. Directors, Managers, and Supervisors

    F. All Employees

IV. COMMUNICATION OF THE AFFIRMATIVE ACTION PLAN.....9

    A. Internal Methods of Communication

    B. External Methods of Communication

V. POLICY PROHIBITING DISCRIMINATION AND HARASSMENT.....10

VI. COMPLAINT PROCEDURE FOR PROCESSING COMPLAINTS FOR ALLEGED DISCRIMINATION/HARASSMENT.....12

VII. REASONABLE ACCOMMODATION POLICY.....15

VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES.....18

IX. GOALS AND TIMETABLES.....20

X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES.....23

XI. METHODS OF AUDITING, EVALUATING, AND REPORTING PROGRAM SUCCESS.....25

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

    B. Pre-Review Procedure for Layoff Decisions

    C. Other Methods of Program Evaluation

XII. RECRUITMENT PLAN.....26

XIII. RETENTION PLAN.....27

    A. Supervisor’s New Employee Orientation

    B. Telecommuting and (Flexible) Compressed Time Policy

    C. Employee Development through Work Plans/Training Plans

    D. Analysis of Separation and Layoff Patterns

APPENDIX

    COMPLAINT OF DISCRIMINATION/HARASSMENT FORM.....29

    EMPLOYEE REQUEST FOR ADA REASONABLE ACCOMMODATION FORM.....31

    ORGANIZATIONAL CHART.....33

    LABOR FORCE AVAILABILITY.....34

    UTILIZATION ANALYSIS.....35

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 - 2016**

---

**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>PROTECTED GROUPS</b>			
<b>Job Categories</b>	<b>Women</b>	<b>Racial/Ethnic Minorities</b>	<b>Individuals with Disabilities</b>
Officials/Administrators	x		x
Professionals	x	x	x
Office/Clerical			x
Technicians	x		

Once approved, information about how to obtain or view a copy of this plan will be provided to every employee of the agency. Our intention is that every employee is aware of the Minnesota Pollution Control Agency’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, 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/Human Resources Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 - 2016**

---

**II. STATEMENT OF COMMITMENT**

---

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

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

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

---

Commissioner

---

Date

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

---

**A. Commissioner**

John Linc Stine

**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 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 to 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 Governor and indirectly to the Minnesota Management and Budget Commissioner on matters pertaining to equal opportunity and affirmative action.

**B. Affirmative Action Officer**

Colleen Naughton, Human Resources Director 3 and Katherine Hanson, Human Resources Director 1

**Responsibilities:**

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

**Duties:**

The duties of the Affirmative Action Officer 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;

## **MINNESOTA POLLUTION CONTROL AGENCY AFFIRMATIVE ACTION PLAN 2014 – 2016**

- 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 Pollution Control Division Director, and Deputy Commissioner and indirectly to the Commissioner on matters pertaining to affirmative action and equal opportunity.

### **C. Americans with Disabilities Act Coordinator**

Colleen Naughton, Human Resources Director 3 and Katherine Hanson, Human Resources Director 1

### **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.

## **MINNESOTA POLLUTION CONTROL AGENCY AFFIRMATIVE ACTION PLAN 2014 - 2016**

### **Accountability:**

The Americans with Disabilities Act Coordinator reports directly to Pollution Control Division Director and Deputy Commissioner.

### **D. Colleen Naughton, Human Resources Director**

#### **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;
- 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 Pollution Control Division Director and 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:

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 - 2016**

- 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;
- 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, familial 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**

---

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 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 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.

## **V. POLICY PROHIBITING DISCRIMINATION AND HARASSMENT**

---

Workplace harassment under any circumstances is prohibited. Employees are expected to behave respectfully toward all other employees. The Minnesota Pollution Control Agency (MPCA) prohibits harassment of its employees based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, familial status or age.

This prohibition with respect to harassment includes both overt acts of harassment and those acts that create a negative work environment. Any employee subjected to such harassment may report a complaint internally with the agency's Affirmative Action Officer designee. If the employee chooses, s/he may file a complaint externally with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, or through other legal channels. These agencies have time limits for filing complaints, so individuals should contact the agencies for more information. In extenuating circumstances, the employee should contact the State Affirmative Action Program Coordinator at Minnesota Management & Budget for information regarding the filing of a complaint. Any unintentional or deliberate violation of this policy by an employee will be cause for appropriate disciplinary action.

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

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

### **Definitions**

Discriminatory harassment is any behavior based on protected class status which is not welcome, which is personally offensive, which, therefore, may 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 that: "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

## **MINNESOTA POLLUTION CONTROL AGENCY AFFIRMATIVE ACTION PLAN 2014 – 2016**

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

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

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

Complaints of discrimination or harassment can be filed using the internal discrimination complaint procedure included in this affirmative action plan.

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

---

**Background**

This procedure is designed to manage complaints which are not generally able to be resolved under a collective bargaining agreement, plan or other method. Complaints must be filed within 365 days from the event which precipitated the complaint. Employees also have the right to file a complaint with the Minnesota Department of Human Rights and/or the U.S. Equal Employment Opportunity Commission (EEOC) regardless of whether a complaint under this procedure is filed.

1. The disposition of the complaint will be provided to the complaint in writing within 60 days of receiving the complaint. If circumstances prevent final resolution in 60 days, the complainant will be so notified and the disposition will be communicated to the complainant when it is final.
2. Complaints related to discrimination as defined and described in the Affirmative Action Plan will be referred to the Affirmative Action Officer. Complaints not related to discrimination will be managed according to the appropriate collective bargaining agreement or policy.
3. Any retaliatory action of any kind taken by an employee of the MPCA against any other employee as a result of that person filing a complaint under these procedures, cooperating in an investigation, or otherwise participating in any action under these procedures is prohibited and will be regarded as a separate and distinct matter subject to disciplinary action.

Retaliatory action or reprisal includes but is not limited to any form of intimidation, retaliation or harassment. Examples of actions which may be considered retaliation include but are not limited to: refusal to hire an individual; departure from any customary employment practice; transfer or assignment of the individual to a lesser position in terms of wages, hours, job classification, job security or other employment status; or informing another employer that the individual has filed a charge, testified, assisted, or participated in an investigation, proceeding or hearing; associated with a person or group who is disabled, who is of a different race, color, creed, religion, sexual orientation, national origin, sex, marital status, familial status, age, or status with regard to public assistance, who is a member of a Local Human Rights Commission.

4. This complaint procedure will not be construed as limiting, in any way, an employee's right to file a complaint with the Minnesota Department of Human Rights, the Federal Equal Employment Opportunity Commission, or an appropriate court.
5. For purposes of this Affirmative Action Plan and these complaint procedures the Human Resources Director, Colleen Naughton, serves as the Affirmative Action Officer for the MPCA.

\*ELIGIBLES are applicants for employment who meet the minimum qualifications for the position or whose names are on a roster of applicants tracked to a requisition with the State of Minnesota.

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

**Procedure**

<u>Who takes the step</u>	<u>Step</u>	<u>Action</u>
Person Offended	1	If you are comfortable doing so, advise the other person that his or her behavior is objectionable and ask that it stop. If unable to contact the offending party, or if after asking the offending party to stop, the behavior continues, you may initiate a more formal complaint.
Person Offended (Complainant)	2	Seek out one of the following people: your supervisor, your manager, your division director, the offending party's supervisor, the Affirmative Action Officer, or a Human Resource Consultant with whom you feel comfortable. Report the objectionable behavior to that person.
Person Offended (Complainant)	3	Attempt to maintain a written record of all dates of, times of, and witnesses to the objectionable behavior.
<u>Who takes the step</u>	<u>Step</u>	<u>Action</u>
First Person Contacted	4	Listen to complaint; inform complainant that you will take the appropriate steps to ensure that the issue is addressed promptly and that the Affirmative Action Officer will be immediately informed.
First Person Contacted	5	Discuss the issue/complaint with the Affirmative Action Officer (AAO)/ Human Resource Manager immediately; if you must leave a message, indicate that it is urgent.
Affirmative Action Officer/HR Manager	6	Consult with the appropriate members of leadership. Determine if an investigation is recommended. Inform the complainant of the decision regarding an investigation.
Affirmative Action Officer/HR Manager	7	Conduct investigation.
Affirmative Action Officer/HR Manager	8	Notify complainant of any substantial delays in the investigation.
Affirmative Action Officer/HR Manager	9	Upon completion of the investigation convene a meeting of the offending party's supervisor, manager, and/or division director (or designee). Facilitate a decision on the recommended course of action.
Affirmative Action Officer/HR Manager	10	Inform complainant that investigation has been completed and, to the extent possible under the Minnesota Data Practices Act, that action has been taken. Also, inform complainant of his/her right to file an appeal with the MPCA Commissioner or to file a complaint with the Minnesota Human Rights Department, with the U.S. Equal Employment Opportunity Commission or with the appropriate court.
<u>Who takes the step</u>	<u>Step</u>	<u>Action</u>
Affirmative Action Officer/HR Manager	11	File disposition of complaint with MMB within 30 days of determination. <a href="http://www.mmb.state.mn.us/">http://www.mmb.state.mn.us/</a>

The MPCA will make every effort to ensure compliance with the language regarding harassment and discrimination in the appropriate labor contract.

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

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 to the Minnesota Government Data Practices Act.

All data collected may at some point become evidence in civil or criminal legal proceedings pursuant to state or federal statutes. An investigation may include, but is not limited to, the following types of data:

- A. Interviews or written interrogatories with all parties involved in the complaint, e.g., complainants, respondents, and their respective witnesses; officials having pertinent records or files, etc.
- B. All records pertaining to the case, i.e., written, recorded, filmed, or in any other form

The Affirmative Action Officer designee shall maintain records of all complaints and any pertinent information or data for three (3) years after the case is closed.

## **VII. REASONABLE ACCOMMODATION POLICY**

---

### **Policy**

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

An individual with a disability is defined for purposes of this policy as: a person who has a physical or mental impairment that substantially or materially limits one or more major life activities; has a record of such impairment; is regarded as having such impairment.

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

Examples of accommodations may include acquiring or modifying equipment or devices; modifying examinations and training materials; making facilities readily accessible; job restructuring; modifying work schedules; providing qualified readers or interpreters; and reassignment to a vacant position.

Reasonable accommodation applies to three aspects of employment:

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

ADA Coordinators for the MPCA: Colleen Naughton, Human Resources Director 3, (651) 757-2598 and Katherine Hanson, Human Resources Director 1, (651-757-2410).

### **Procedure - Current Employees and Employees Seeking Accommodation**

1. The agency will inform all employees that this accommodation policy can be made available in accessible formats.
2. Employees shall inform their supervisors or the ADA Coordinator of the need for an accommodation.
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. Any medical documentation must be collected and maintained on separate forms and in separate, locked files. No one will be told or have access to medical information unless the disability might require emergency treatment.

## **MINNESOTA POLLUTION CONTROL AGENCY AFFIRMATIVE ACTION PLAN 2014 – 2016**

4. When a qualified individual with a disability has requested an accommodation, the supervisor or ADA Coordinator will, in consultation with the individual:
  - a. Discuss the purpose and essential functions of the particular job involved. Complete a step-by-step job analysis if necessary.
  - b. Determine the precise job-related limitation.
  - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
  - d. Select and implement the accommodation that is the most appropriate for both the individual and the agency. While an individual's preference will be given consideration, the MPCA is free to choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
5. The ADA Coordinator will work with the employee to obtain technical assistance, as needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the business, the employee and the ADA Coordinator will work together to determine whether reassignment may be an appropriate accommodation.

### **Procedure-Job Applicants**

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

### **Undue Hardship**

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

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

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



**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

**Appeals**

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

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

## VIII. EVACUATION PROCEDURES FOR INDIVIDUALS WITH DISABILITIES

---

A copy of the agency's weather and emergency evacuation plans can be found at:

<http://intranet/index.php/programs/85-servicestraining/safety/238-safety-plans-and-policies>

Knowledge and preparation by both individuals needing assistance and those who do not is instrumental in reducing the impact of emergencies. When developing a plan, safety needs should be determined on a case-by-case basis because it varies with each individual and building.

Everyone has a responsibility to develop their own personal emergency evacuation plan, this includes individuals with disabilities or individuals who will need assistance during an evacuation. The Americans with Disabilities Act (ADA) Coordinator develops and maintains a plan in consultation with the appropriate building personnel and the Safety Director.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance is needed they should contact the agency's ADA Coordinator to request the type of assistance they may need. Directors, managers, and supervisors, in coordination with the ADA Coordinator and Safety Director, are responsible for ensuring that Attendants have been assigned to assist persons with disabilities in his/her unit.

Americans with Disabilities Act Coordinator: (651) 757-2598 or (651) 757-2410

Safety Director: (651) 757-2650

### Evacuation Options:

Individuals with disabilities have four basic evacuation options.

- Horizontal evacuation: Using building exits to the outside ground level or going into unaffected wings of the facility;
- Stairway evacuation: Using steps to reach ground level exits from building;
- *Shelter in-place: Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in-place, they should dial 9-9-1-1 immediately and report their location, which will be relayed to on-site responders. Sheltering in-place is more often appropriate in sprinkler-protected facilities where an area of refuge is not nearby or available, provided the fire is not in your immediate vicinity;*
- Area of rescue assistance: Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders.

All employees should consider each of the above-listed evacuation options to personalize evacuation methods depending upon which facility the employee is located in, their actual location within the facility, and the limitations of each individual employee.

## **MINNESOTA POLLUTION CONTROL AGENCY AFFIRMATIVE ACTION PLAN 2014 – 2016**

### **Evacuation Procedures for Individuals with Mobility, Hearing, and Visual Disabilities:**

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities; individuals who use wheelchairs or other personal mobility devices “PMDs”:** Should be accompanied to a horizontal evacuation location, stairway egress route, shelter in-place location, or area of rescue assistance by a volunteer Attendant. The Area Monitor will coordinate with individual supervisors/managers and mobility-impaired persons to ensure the selection/continuity of two volunteers to serve as Attendants for each mobility-impaired worker in an assigned area. The Area Monitor will also ensure Attendants relocate mobility-impaired persons to the appropriate area (horizontal evacuation location, stairway egress route, shelter in-place location, or area of rescue assistance).
- **Mobility disabilities; individuals who do not use wheelchairs or other PMDs:** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue for assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The agency’s buildings are equipped with fire alarm horns that sound the alarm. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of the situation. Area Monitors will ensure staff awareness within their area, and will help staff relocate or evacuate to designated areas.
- **Visual disabilities:** The agency’s buildings are equipped with fire alarm horns that sound the alarm. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The Area Monitor will offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

### **Severe Weather Evacuation Options:**

Individuals with disabilities or who are in need of assistance during a severe weather emergency will:

- **Shelter in-place:** Relocated to the nearest interior windowless conference room. Area Monitors and/or Attendants will offer assistance, and if accepted, guide the individual with a visual disability to the nearest severe weather shelter.

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

---

**IX. GOALS AND TIMETABLES**

---

Through utilization analysis the agency has determined which EEO job groups are underutilized for women, minorities, and people with disabilities.

**EEO Job Groups:**

The MPCA has employees in the following EEO Job groups: Officials and Administrators, Professionals, Technicians, and Office / Clerical. The definitions of these job groups and the methods of utilization analysis are as follows:

1. Officials/Administrators

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. A major feeder group to Officials and Administrators is the Professional job group; for this reason the agency population of Professionals was one factor in the utilization analysis. The second factor was the Minnesota Statewide Labor Force Availability.

The main MPCA office is in St. Paul and accounts for three-fourths of the agency population. There are seven regional offices ranging in size from seven to 70 employees; all offices recruit statewide and attract candidates from both regional and statewide areas; the statewide Labor Force Availability is the best source of comparison data for the agency population.

2. Professionals

Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

This is the largest job group for the MPCA. The MPCA has identified sub-categories within this category for specialized jobs. These sub-categories include: Engineers, and Scientists / Hydrologists, goals have been established for both of these sub-categories based on census data for specific occupations. MPCA professional jobs that are not included in one of these three specialized categories fall in the broad sub-category of "General Professional."

There is no major internal feeder group for this job group. A one factor utilization analysis was conducted using the Minnesota Statewide Labor Force availability.

3. Technicians

Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This is a small job group in the agency. Student Workers are included in this job group. A one factor utilization analysis was conducted using the Minnesota Statewide Labor Force availability.

4. Office/Clerical

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and paperwork required in an office. A one factor utilization analysis was conducted using the Minnesota Statewide Labor Force availability.

# MINNESOTA POLLUTION CONTROL AGENCY

## AFFIRMATIVE ACTION PLAN 2014 – 2016

### Utilization and availability

#### 1. Minorities

The agency population of minorities has increased in the following job categories:

- Officials and Managers
- Technicians
- Office/Clerical

In the job category Professionals, the total number of employees in the subgroups Engineers and Scientist/Hydrologist remained the same as in 2012. The *total* number of employees in these two subgroups increased, however, resulting in a decreased percentage of minorities in the subgroups. The total number of minorities in the larger general group of Professionals decreased and the number of employees in this general group increased, again resulting in a decreased percentage of minorities compared with 2012.

While the number of minority employees increased in the three referenced job categories, the decreased number of minority Professional employees is concerning. Fortunately, a major development has emerged in the agency to realign the representation of minority employees with their availability in the population. Human Resources Affirmative Action staff are partnering with agency staff working in the area of Environmental Justice to strengthen the relationship between citizens of low income, inner city neighborhoods and the MPCA. This partnership resulted in a summer program employing inner city low income youth. The program has the support of Commissioner Stine and is considered the first step in building a recruitment program with the minority community.

#### 2. Women

The agency percentage of women in the following job categories has increased:

- Officials and Managers
- Professionals

The representation of women in the job category of Officials and Managers increased 9%. This increased participation was partially attributed to promotions from the Professional job group. The agency will continue to provide leadership development and training opportunities for women.

While the percentage of women increased in the Professional job category, their availability also increased (according to the most recent census information). The agency will continue to promote the hiring of women in the Professional job category.

The representation of women in the Technicians job category decreased. This is the smallest and most variable job category because it includes the agency's student worker population. Student worker appointments are temporary in nature; therefore, the representation of women is variable. Recognizing that student workers are a potential feeder group to the Professional job category, however, the agency will continue to promote the hiring of women as student workers.

The percentage of women in the job category of Office/Clerical has decreased. The agency population is still well above the availability in the census population and, therefore, the agency is fully utilized in women in this job category.

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

**3. People with Disabilities**

The percentage of people with disabilities in the following agency job categories has increased:

- Officials and Managers
- Technicians

The percentage of people with disabilities in the following agency job categories has decreased:

- Professionals
- Office/Clerical

The agency continues to employ people with disabilities in the Supported Workers program.

**Goals**

The MPCA establishes hiring goals for every EEO job group in which members of protected classes are underutilized. The purpose of establishing such goals is to correct underutilization and, ideally, each hiring goal should equal the underutilization number. Correcting the underutilization over a two year period may not be realistic, however, and the hiring goals are less than the underutilization for some groups. The MPCA has considered such factors as anticipated vacancies and the ability to recruit qualified protected group members in setting the goals.

**Timetable**

This is the target date set for reaching identified goals in any EEO Job Group for which there is underutilization. Timetables established in this plan are based on the fiscal years represented by the Plan.

The following utilization information and hiring goals for the MPCA apply to Fiscal Years 2014-2016:

EEO Job Group	PROTECTED CLASS								
	Women			Minorities			People with a Disability		
	Underutilized	Goal	Time Table	Underutilized	Goal	Time Table	Underutilized	Goal	Time Table
Officials and Administrators	Yes	1	2016	No		2016	Yes	1	2016
Professionals:							Yes	4	2016
- Engineers	No			No					
- Scientist / Hydrologist	No			No					
- General	Yes	10	2016	Yes	10	2016			
Technicians (include paraprofessionals)	Yes	3	2016	No			No		2016
Office / Clerical	No			No			Yes	1	2016

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

---

**X. AFFIRMATIVE ACTION PROGRAM OBJECTIVES**

---

**Objective: Employ high school students in a summer program partnering with the City of St. Paul Right Track Program.**

Responsibility: AAOs

Target Date: Summer of 2015, Summer of 2016

Action Steps: 1. Establish positions within MPCA divisions.  
2. Partner with the Right Track Program to select students.

Evaluations: Assess benefits with MPCA supervisors and Right Track students.

**Objective: Engage in dialogue with both the Human Resources Management Team and the Environmental Justice Steering Committee to support and expand affirmative action initiatives.**

Responsibility: AAOs

Target Date: June 1, 2015 and June 1, 2016

Action Steps: 1. Develop summer program

Evaluations: Documented expansion of 2014 program.

**Objective: Participate in the State of Minnesota’s Alliance for Cooperation and Collaboration in Employment and State Service (ACCESS).**

Responsibility: AAOs

Target Date: July 1, 2014 – June 30, 2016

Action Steps: 1. Agency representative will attend monthly meetings.  
2. Agency will incorporate ACCESS initiatives into agency practices as appropriate.  
3. Agency will participate in ACCESS work groups as feasible.  
4. Agency will publicize diversity events and training that are co-sponsored by ACCESS.

Evaluations: Increased awareness of diversity issues, training and actions.

**Objective: Continue to employ disabled workers in the Supported Workers program.**

Responsibility: Records Management Unit

Target date: Ongoing

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 – 2016**

**Objective: Increase employee awareness of Affirmative Action and diversity.**

Responsibility: AAOs

Target Date: July 1, 2014– June 30, 2016

Action Steps: 

1. Provide the MPCA Commissioner and Deputy Commissioner with a report on the utilization of Protected Group members in the agency employee population on a quarterly basis.
2. Provide supervisor training that incorporates affirmative action responsibilities.

Evaluations: Increased participation in diversity initiatives.

**Objective: Incorporate Affirmative Action in agency training.**

Responsibility: AAOs

Target Date: July 1, 2014 – June 30, 2016

Action Steps: 

1. Present Affirmative Action plan to managers.
2. Present Affirmative Action in New Employee Orientation training.
3. Require all employees to complete Sexual Harassment Prevention Online Learning Program.
4. Present Respectful Workplace training as a strategy to improve employee relationships within work groups, as needed.

Evaluations: Increased awareness in affirmative action.



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

---

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

Whenever a vacancy is to be filled, the Human Resources office will determine if underutilization of protected group members currently exists, or is anticipated to exist. If it does, the following will apply:

1. The Human Resource Office will provide instruction regarding the hiring process and the legal aspects of the process.
2. The Human Resource Office will provide expanded candidate lists when necessary.
3. Supervisors or managers who intend to make an offer of employment to a candidate, who is not a member of an underutilized group, must provide a detailed written explanation to the Affirmative Action Officer.
4. The internal transfer of Agency employees and all provisions in collective bargaining agreements based on the "seniority in appointment" clause supersedes this process.

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

Whenever a layoff is to occur, the Affirmative Action Officer will determine if underutilization of protected group members currently exists, or based on projected activity, is anticipated for the goal unit in which the layoff occurs.

### **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 quarterly; reports to leadership
- Routinely reviews the accessibility of online systems, websites, and ensures that reasonable accommodations can be easily requested
- Discusses progress with agency leadership quarterly and makes recommendations for improvement.

## **XII. RECRUITMENT PLAN**

---

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

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

### **A. Advertising Sources**

The MPCA announces vacancies on the [MN.gov/careers](http://MN.gov/careers) website. In addition, the agency announces vacancies using websites and list serves targeting the environmental community, i.e., NextStep and SEEK.

### **B. Job and Community Fairs**

The MPCA participates in the Career Fairs for Veterans and members of diverse groups.

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

The MPCA has participated in the University of Minnesota Environmental Internship and Career Fair, the St. Cloud State Diversity Job and Internship Fair, the Minnesota State Universities Job and Internship Fair, Minnesota's Private Colleges Job and Internship Fair, and the University of Minnesota Job and Internship Fair.

### **D. Recruitment for Persons with Disabilities**

1. Many vacancies are announced on Minnesota Works.net, which is sponsored by the Minnesota Department of Employment and Economic Development (DEED). DEED offers employment services to people with disabilities.
2. Supported Employment (M.S. 43A.191, Subd. 2(d)). This agency supports the employment of individuals with disabilities and employs several members of this program in an agency imaging project.
3. Our agency will review physical and sensory requirements on position descriptions and job postings and ensure they are job-related and consistent with business necessity. Every effort will be made to use inclusive language in describing the physical and sensory requirements of a job.
4. 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 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.
5. 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.
6. 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.
7. 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.

**MINNESOTA POLLUTION CONTROL AGENCY  
AFFIRMATIVE ACTION PLAN 2014 - 2016**

**E. Relationship Building and Outreach**

Human Resources Affirmative Action staff will continue to partner with agency Environmental Justice staff to strengthen the relationship between citizens of low income, inner city neighborhoods and the MPCA.

---

**XIII. RETENTION PLAN**

---

**Person Responsible for Agency's Retention Program Initiatives**

Colleen Naughton, MPCA Human Resources Director

**Methods of Retention**

**A. Supervisor's New Employee Orientation**

A comprehensive process is outlined for supervisors involved in the hiring process, with step-by-step instructions on how to proceed in orienting and training new employees. This is key to the retention of good employees.

**B. Telecommuting and (Flexible) Compressed Time Policy**

As a method of retaining all employees, this agency offers telecommuting and compressed time schedules. Upon supervisory approval, employees may telecommute or work flexible schedules, which are in keeping with the agency's guidelines of eight, nine-hour days, one, eight-hour day and one day off per pay period.

**C. Employee Development through Work Plans/Training Plans**

The policy of the MPCA is to link agency priorities to the work of staff and to facilitate communication between supervisors and staff about the accomplishment of agency priorities through the use of a work planning and performance appraisal. One of the purposes of work planning is to identify, discuss and agree on each employee's development needs and goals. By doing so, personal strengths can be capitalized and plans to address development needs can be mutually created. This process provides a continuous opportunity for dialogue and feedback between the supervisor and employee to ensure open communication and elimination of misunderstanding. Communication enhances the relationship between the supervisor and employee and encourages personal development which is key to an employee's job satisfaction.

**D. Analysis of Separation and Layoff Patterns**

There were 23 resignations from the MPCA (2.5% of the population) the most recent fiscal year. The number of minority or disabled employees in protected groups who separated from the agency was not proportionately higher than the representation of protected groups in the total employee population. The percentage of professional females who resigned was proportionately greater than their representation in the professional group. The agency plans to continue to monitor separations of members of protected groups to determine whether any pattern exists. Data will be analyzed and reviewed, as appropriate, with management.

---

**APPENDIX**

---

**Complaint of Discrimination/Harassment Form.....2 pages**

**Employee Request for ADA Reasonable Accommodation Form.....2 pages**

**Organizational Chart.....1 page**

**Labor Force Availability.....2 pages**

**Utilization Analysis.....6 pages**

# COMPLAINT OF HARRASSMENT/DISCRIMINATION

Minnesota Pollution Control Agency  
 520 Lafayette Road North  
 St. Paul, Minnesota 55155-4194  
 651-757-2034

**Please Read Before Completion of Form**

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

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

The Complaint	
Basis of Complaint ("X" all that apply):	
<input type="checkbox"/> Race	<input type="checkbox"/> Color
<input type="checkbox"/> Disability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Sex	<input type="checkbox"/> Creed
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Status with Regard to Public Assistance
<input type="checkbox"/> Age	<input type="checkbox"/> Religion
<input type="checkbox"/> National Origin	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Familial Status	
Date most recent act of harassment/discrimination took place:	If you filed this complaint with another agency, give the name of that agency:
Describe how you believe that you have been harassed/discriminated against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.	
Information on Witnesses Who Can Support Your Case	
Name	Work Address
Work Telephone	
1.	( )
2.	( )
3.	( )

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

--

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

Complainant Signature	Date
-----------------------	------

Affirmative Action Officer Signature	Date
--------------------------------------	------



---

**EMPLOYEE REQUEST FOR ADA REASONABLE ACCOMMODATION FORM**

---

**State of Minnesota – Minnesota Pollution Control Agency  
Employee/Applicant Request for Americans with Disabilities Act (“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.

<b>Employee/Applicant Name:</b>	<b>Job Title:</b>
<b>Work Location:</b>	<b>Phone Number:</b>

**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.

**A. 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?

YES    NO

- a. If yes, please explain.

**B. 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?

**Reasonable Accommodation Request Form, Page 2**

- 2. What, if any, employment benefits are you having difficulty accessing?**
  
- 3. What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?**
  
- 4. If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?**

**Information Pertaining to Medical Documentation:** In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

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

**Employee/Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



---

## ORGANIZATIONAL CHART

---

<http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/agency-structure/mpca-organization.html>

## 2010 LABOR FORCE AVAILABILITY

2010 MINNEAPOLIS-ST. PAUL METROPOLITAN STATISTICAL AREA (MSA) LABOR FORCE AVAILABILITY			
Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	42.9%	9.5%	7%
Professionals	53.7%	12.5%	7%
Protected Services: Sworn	22.2%	16.1%	7%
Protected Services: Non-sworn	59.1%	11.9%	7%
Office/Clerical	61.3%	13.4%	7%
Technicians	51.0%	14.0%	7%
Skilled Craft	6.5%	12.2%	7%
Service Maintenance	43.9%	26.6%	7%

2010 MINNESOTA STATEWIDE LABOR FORCE AVAILABILITY			
Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	40.2% <b>2 factor</b>	7.6% <b>2 factor</b>	7% <b>2 factor</b>
Professionals	<b>55.7%</b> general	<b>10.6%</b> general	<b>7%</b>
Protected Services: Sworn	21.5%	13.2%	7%
Protected Services: Non-sworn	60.1%	10%	7%
<b>Office/Clerical</b>	<b>63.4%</b>	<b>10.5%</b>	<b>7%</b>
<b>Technicians</b>	<b>57.2%</b>	<b>10.6%</b>	<b>7%</b>
Skilled Craft	6.3%	8.8%	7%
Service Maintenance	44.4%	19.5%	7%

2010 NATIONAL LABOR FORCE AVAILABILITY			
Job Categories	Women	Racial/Ethnic Minorities	Individuals With Disabilities
Officials/Administrators	40.4%	21.7%	7%
Professionals	55.4%	24.7%	7%
Protected Services: Sworn	19.4%	35.4%	7%
Protected Services: Non-sworn	52.9%	28.2%	7%
Office/Clerical	64.1%	30%	7%
Technicians	56.2%	29%	7%
Skilled Craft	5.5%	30.7%	7%
Service Maintenance	42.8%	43.5%	7%

Source: American Fact Finder, operated by the U.S. Census Bureau.

Labor Statistics for women and minorities compiled from the American Community Survey (2006-2010), released in March of 2013. Statistics for individuals with disabilities and veterans are taken from OFCCP (Office of Federal Contract Compliance Programs) and are based upon data derived from the American Community Surveys (2006-2010).

---

## **UTILIZATION ANALYSIS**

---

The MPCA's utilization analysis is on file in the Human Resources Division.