

State of Minnesota

Public Facilities Authority

July 1, 2020 – June 30, 2022 Affirmative Action Plan

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To request an alternative format of this document, please contact DEED.ODEO@state.mn.us.

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Statement of Commitment

Minnesota Administrative Rules, part 3905.0400, subpart 1, item C

This statement reaffirms that Public Facilities Authority (hereafter “the 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, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- 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 females, racial/ethnic minorities, 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.

Executive Director:  Date Signed: 01/08/2021

Organizational Profile

The Minnesota Public Facilities Authority (PFA) is a multi-agency authority that provides financing and technical assistance to help communities build public infrastructure that protects public health and the environment and promotes economic growth. The authority makes low-interest loans and grants available to finance infrastructure that might otherwise be unaffordable to communities if they had to borrow money for the projects at market rates. Since inception in 1987, the PFA has financed \$4.7 billion in public infrastructure projects in communities throughout Minnesota.

The PFA is governed by a board consisting of six state commissioners representing the departments of Employment and Economic Development, Management and Budget, Pollution Control Agency, Health, Agriculture and Transportation. The commissioner of the Department of Employment and Economic Development (DEED) serves as the chair and chief executive officer of the authority. The position of vice-chair rotates annually among the members.

Board Meetings

The PFA Board meets three to four times per year on an as-needed basis. All PFA meetings are open to the public and are held at the PFA offices at 332 Minnesota Street, Suite W820 in St. Paul. PFA Board meeting agendas will be posted online approximately three to five days prior to each Board meeting.

Some members of the PFA may participate in meetings electronically. In accordance with Minnesota Statutes, Section 13D.015. subd. 4, if a Board Member calls in, the PFA shall, to the extent practical, allow a person to monitor the meeting electronically from a remote location. Please contact administrative staff, Jennie.Brown@state.mn.us for more information.

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item B

A. Executive Director

Responsibilities

The Executive Director is responsible for establishing an Affirmative Action Program, including goals, timetables, and compliance with all federal and state laws and regulations. Semiannually, the Executive Director reports the agency's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB. The MMB Commissioner is responsible for reporting all agencies progress to the Governor and the Legislature

Duties

The duties of the Executive Director include, but are not limited to:

- Partner with the agency's Affirmative Action Officer or designee to fulfill equal opportunity responsibilities.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the agency's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with to all PFA employees.
- Make decisions and changes in policies, procedures or physical accommodations as needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and agency's mission.
- Notify all contractors and sub-contractors with the department of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all agency directors, managers, and supervisors include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

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

Name of individual(s) responsible

Name: Jeff Freeman

Email: Jeff.Freeman@state.mn.us

Title: Executive Director, PFA

Phone: 651-259-7465

B. Affirmative Action Officer

Responsibilities

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

Duties

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

- Develop and administer the agency's Affirmative Action Plan.
- Develop and set agency-wide affirmative action hiring goals.
- Monitor agency compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to employees in the agency.
- Inform the Executive Director on progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the agency, MMB, and the Governor's Office.
- Determine the need for affirmative action training within the agency and coordinate the development the training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the agency.
- Support and participate in the recruitment individuals of protected groups for employment, promotion, and training opportunities.
- Manage the agency's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Executive Director for final decision.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected group.

- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Agency Diversity Recruitment program.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer is accountable to the Commissioner for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administrator of ADA Title I and II, administrator of Diversity and Inclusion, and other equal opportunity related administrators. In addition, the AAO ensures that aggregated data and trends of complaints of discrimination in hiring are provided and shared with the DEED’s Human Resources Director on a quarterly basis.

Name of individual(s) responsible

Name: Heather Stein

Email: Heather.Stein@state.mn.us

Title: Interim Director of Diversity and Equal Opportunity

Phone: 651-259-7097

C. Human Resources Director or Designee(s)

Responsibilities

The Human Resources Director or Designee is responsible for ensuring equitable and uniform administration of all personnel policies, in conjunction with the agency ADA Coordinator, to ensure timely responses to all Americans with Disabilities Act (ADA) requests for reasonable accommodations to remove barriers to equal employment opportunity with the agency. HR Director or Designee is responsible for assisting managers and supervisors in human resources management activities.

Staff within Human Resources who work on affirmative action and diversity issues are accountable to the HR Director or Designee.

Duties

The duties of HR Directors include, but are not limited to:

- Maintain effective working relationships with agency affirmative action officers and designees.

- Provide leadership to HR staff and others to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance in the development and use of selection criteria to ensure they are objective, uniform, and job related.
- Assist in recruitment and retention of protected groups and notify managers and supervisors of existing disparities.
- Ensure an Affirmative Action Pre-hire Review process is implemented and followed by hiring managers and supervisors by in collaboration with the Affirmative Action Officer.
- Initiate and report on progress made with program objectives contained in the Affirmative Action Plan.
- Ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Assist supervisors, managers, and the Affirmative Action Officer in recruitment of protected group members through career and job fairs and other efforts, as well as in selection and retention of protected group members.
- Assist supervisors, managers, affirmative action officers, and human resources staff in the creation of supported worker positions. These positions help reduce agency costs by diverting supportive employment duties from higher skilled workers to supported worker positions. This can improve employee morale and retention of individuals with disabilities in integrated employment.
- Request assistance from MMB to support diversity recruitment efforts, as well as the retention of protected group members in hard-to-fill or executive level positions.
- Include responsibility statements for affirmative action/equal employment opportunity in position descriptions and annual performance objectives.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

HR staff are accountable to the HR Directors or Designees.

Name of individual(s) responsible

Name: Sheila Reger

Email: Sheila.Reger@state.mn.us

Title: Human Resource Director

Phone: 651—259-7099

D. Americans with Disabilities Act (Title I and II) Coordinator

Responsibilities

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

Duties:

The duties of the ADA Title I Coordinator include, but are not limited to:

- Provide guidance, coordination, and direction to agency management on the ADA. The agency develops and implements policies, procedures, and practices to ensure agency employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to agency management and staff on compliance and best practices for hiring and retaining individuals with disabilities, as well as the provision of reasonable accommodations to employees and job applicants.
- Track and facilitate requests for reasonable accommodations for job applicants including Connect 700 program applicants, and employees, as well as members of the public accessing agency services outside of federal program areas, and report reasonable accommodations annually to MMB.
- Share pertinent case law rules and regulation updates with the Office of Diversity and Equal Opportunity and Human Resource Directors on ADA issues.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.
- Submit reasonable accommodation reimbursement under the guidelines of the state-wide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process, perform essential functions of the job, and/or enjoy equal benefits and privileges.

The ADA coordinator in consultation with the employee and supervisor, and other individuals who may need to be involved must:

- Discuss the purpose and essential functions of the job and if necessary, complete a step-by-step job analysis;
- Determine the precise job-related limitations;

- Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I and II Coordinator is accountable to the Director of the Office of Diversity and Equal Opportunity.

Name of individual(s) responsible

Name: Karen Lilledahl

Email: karen.lilledahl@state.mn.us

Title: ADA Coordinator/WIOA EO Compliance Manager

Phone: 651-259-7089

E. Diversity Recruitment Coordinator

Responsibilities

The Diversity Recruitment Coordinator is responsible for the creation and coordination of the Diversity Recruitment Plan outlined in this document.

Duties

The duties of the Diversity Recruitment Coordinator include, but are not limited to:

- Identify high-need recruitment job areas within the agency.
- Communicate the strategic recruitment plan to HR, the executive team, management, and staff.
- Assist the Affirmative Action Officer in conducting periodic audits of recruitment activity to measure the effectiveness of efforts and activities toward attaining strategic diversity goals and objectives.
- Maintain relationships with agency executive teams, HR, and management to make decisions about the diversity recruitment needs of the department.
- Maintain relationships with community stakeholders, colleges and universities, and workforce centers to continue effective diversity recruitment strategies.
- Maintain active participation in the state-wide recruiters’ group.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability

The Diversity Recruitment Coordinator is accountable to the ODEO Director.

Name of individual(s) responsible

Name: Frida Alvarez

Email: Frida.Alvarez@state.mn.us

Title: Diversity Recruiter & Equal Opportunity Officer

Phone: 651-259-7094

F. Senior Managers and Facility Executive Team Leaders

Responsibilities

Agency senior managers and executive team leaders are responsible for implementing all aspects of the agency Affirmative Action Plan and the agency's commitment to affirmative action and equal opportunity.

Duties

The duties of senior managers and facility executive team leaders include, but are not limited to:

- Identify problem areas and eliminate barriers that prevent equal employment opportunity within the agency.
- Communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the Affirmative Action Officer in periodic audits of hiring and promotion patterns to remove obstacles to attaining affirmative action goals and objectives.
- Hold regular discussions with supervisors and employees to ensure the agency's equal employment opportunity policies are being followed.
- Inform and evaluate managers and supervisors on their equal employment opportunity efforts and results, in addition to other job performance criteria.
- Comply with the statewide and agency anti-discrimination and anti-harassment policies.

Accountability

Senior managers and executive team leaders are accountable directly to the appropriate Executive Director or the Deputy Commissioner.

G. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of race, creed, color, sex (including pregnancy and pregnancy related conditions), national origin (including English proficiency), age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions affiliations, or status with regard to public assistance. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the agency's complaint procedure.

Duties:

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

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.
- Refrain from any actions that would adversely affect a colleague on the basis of their race, creed, color, sex (including pregnancy and pregnancy related conditions), national origin (including English proficiency), age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions affiliations, or status with regard to public assistance.
- Comply with the state-wide and agency anti-discrimination and anti-harassment policies.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the agency's Executive Director. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

Minnesota Administrative Rules, part 3905.0400, subpart 1, item D and Minnesota Administrative Rules, part 3905.0400, subpart 1, item E

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

Internal Methods of Communication

- **Internal memorandum.** Agency leadership or the Affirmative Action Officer will send an internal memo to agency employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action, will be sent from the agency's leadership or the Affirmative Action Officer, to all staff on an annual basis.
- **Intranet.** The agency's Affirmative Action Plan is available to all employees on the agency's internal website at S:\Groups\PFA\AAA_STAFF\Affirmative Action Plan and in print to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the Agency's Affirmative Action Plan is available to employees at the following address:

1st National Bank Building
332 Minnesota Street, Suite W820 Saint Paul, MN 55101
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

External Methods of Communication

- **Public website.** The agency's Affirmative Action Plan is available on [the agency's public website](#). Printed copies are available to anyone who requests it. As requested, the agency will make the plan available in alternative formats.
- **Equal opportunity employer language.** The agency's website homepage, letterhead, publications, and all job postings, includes the statement "Public Facilities Authority is an equal opportunity employer." The agency will also ensure a representative ratio of diversity is on all marketing materials.
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. 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.
- A physical copy of the Agency's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

1st National Bank Building
332 Minnesota Street, Suite W820 Saint Paul, MN 55101

Policies, Procedures, and Notice

A. PFA Harassment and Discrimination Prohibited Policy

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Contact: [Heather Stein](#), 651.259.7097; 651.297.5343 (fax)

INTRODUCTION

This chapter provides policy and procedures for dealing with discrimination, discriminatory harassment, and retaliation at the Minnesota Public Facilities Authority (PFA). The purpose of this policy is to ensure work environments and services are free from discrimination and harassment based on protected class. All PFA job applicants, employees, or customers can file a complaint of discrimination under this policy.

The Department of Employment and Economic Development's (DEED's) Office of Diversity and Equal Opportunity (ODEO) offers training on preventing and responding to all forms of discrimination and harassment, including sexual harassment, in the workplace. All PFA employees must attend this training once every five years.

Additional information may be requested from ODEO.

POLICY

Any form of harassment or discrimination based on protected class is strictly prohibited. Harassment or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a complaint with the Office of Diversity and Equal Opportunity using the complaint process outlined below. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

For issues related to sexual harassment, please refer to [Prohibition of Sexual Harassment](#) and [HR/LR Policy #1329: Sexual Harassment Prohibited](#). For issues not related to sexual harassment or harassment or discrimination based on protected class, please see [HR/LR Policy #1432 Respectful Workplace](#).

SCOPE

This policy applies to all employees of, and third parties who have business interactions with the Minnesota Public Facilities Authority (PFA).

These prohibitions include any public service environment and extend to any location, activity, or event associated with PFA or its employees in their capacities as representatives of the State of Minnesota.

DEFINITIONS

Complainant

An individual who reports protected class harassment, discrimination, or retaliation.

Protected Class Harassment or Harassment Based on Protected Class

Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class harassment/discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment/discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

Protected Class

Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin (including limited English proficiency)
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Status with regard to public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information
- *See [Prohibition of Sexual Harassment](#) and [HR/LR Policy #1329: Sexual Harassment Prohibited](#) for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Public Service Environment

A location where public service is being provided.

Third Party

Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Member of a community board
- Consultants
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected Class Definitions

Age

The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Color

The general appearance of one's skin or skin pigmentation.

Creed

A system of belief, principles, or opinions; including religious and spiritual observances, practices, and sincerely held beliefs. A creed does not have to include a deity. (For example, courts have held vegetarianism to be a creed.)

Disability

A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Familial Status

The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Gender

A social construct that includes both gender identity and gender expression. Gender is not a result of physical or biological differences (see *Sex*). Gender is distinct from sexual orientation (see *Sexual Orientation*). Gender is not binary. The most common genders include female (cis), male (cis), and transgender. This is ***not*** an exhaustive list.

Gender expression refers to the external presentation or appearance and physical manifestation of one's gender identity expressed personal choice of clothing, hairstyle, voice, behavior, body shape, etc. It also extends to pronouns she/her(s); he/him/his; they/them/theirs; etc. An individual's gender and pronouns should not be assumed based on someone's appearance. It is a best practice to respectfully ask an individual what their pronouns are.

Gender identity refers to one's internal, deeply felt sense of being female, male, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity that they define for themselves and that they can change. One's gender identity can be the same or different from their sex assigned at birth.

Cisgender (or cis) is used to refer to the alignment of gender identity with sex assigned at birth. If one's sex assigned at birth was female and the person identifies as female, then she is cisgender, or a cisgender female, or cis.

Transgender is an umbrella term for people whose gender identity or gender expression differs from the sex they were assigned at birth. A person assigned female at birth who identifies as

male is a transgender man. A person assigned male at birth who identifies is a transgender woman.

Genetic Information

Includes information about an individual's or their family members' genetic tests, 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 their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Membership or Activity in a Local Human Rights Commission

Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

Marital Status

Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

National Origin

The place of birth of an individual or any of the individual's lineal ancestors. National origin discrimination includes protections based on limited English proficiency.

Race

A social construct that considers a human population distinct based on their common history, nationality, or geographic distribution. Race can also be based on descent (racial classification of parents) and one or more physical characteristics.

Status with regard to Public Assistance

The condition of being a recipient of federal, state, or local assistance--including medical assistance--or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

Retaliation

Occurs when adverse actions are imposed against individuals who have reported allegations of discrimination or harassment or have participated in an investigation. For employees, an adverse action is a tangible employment action that causes a significant change in employment status, such as demotion, termination, failure to promote, or reassignment with significantly negative changes in responsibilities. For a customer, an example of retaliation could be refusal to provide services or accommodations. Mere inconveniences or business-driven alterations of job responsibilities are not necessarily adverse actions.

Religion

A commitment or devotion to a religious faith or observance. Religion includes all aspects of religious observance, practice, and belief. PFA is obligated to reasonably accommodate the religious observances or practices of both its employees and applicants, unless doing so would cause an undue hardship on the nature of its business.

Sex

Sex, or sex assigned at birth, is the assignment and classification of people as female, male, intersex, or another sex category. Sex is assigned to each of us at birth based on a variety of physical and biological characteristics including chromosomes, hormones, anatomy, genitals, reproductive organs, and secondary sex characteristics. Sex discrimination also includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

Sexual Harassment

Sexual harassment under this policy is any conduct or communication of a sexual nature that is unwelcome. This includes unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature. [Prohibition of Sexual Harassment Policy](#)

Sexual Orientation

Sexual orientation is about who you are attracted to and who you feel drawn to have relationships with romantically, emotionally, and sexually. Sexual Orientations include heterosexual (straight), homosexual (lesbian/gay), bisexual, queer, or asexual – this is not an exhaustive list. Sexual orientation is different from gender and gender identity. (See Gender.)

RESPONSIBILITIES

Application of this policy is the responsibility of each PFA manager, supervisor, and employee.

Employee and Third-Party Responsibilities

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs using the internal complaint process at the end of this policy.

HR Personnel, Manager, and Supervisor Responsibility

HR personnel, managers, and supervisors must:

- Model appropriate behavior
- Treat all reports of protected class harassment/discrimination seriously
- Immediately report all allegations or incidents of protected class harassment/discrimination to DEED's ODEO

- Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists

**Any supervisor or manager who witnesses or receives a written or oral complaint of alleged discrimination, harassment, or acts of retaliation that occur in PFA employment or provision of services shall promptly report it to DEED's Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.*

COMPLAINTS

PFA will take seriously all reports of protected class harassment/discrimination or retaliation and will take prompt and appropriate action.

If an investigation is warranted, employees may be asked to participate in the investigation. Participation in an investigation is voluntary. However, anyone who participates is expected to provide truthful, accurate information. If someone chooses not to participate, the ODEO will still make investigative findings. In other words, refusal to participate in an investigation will not prevent the completion of the investigation.

Confidentiality

During the course of an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law or business necessity. Information gathered during the course of an investigation will only be shared with those who have a business need to know in order to reach a resolution. The investigative file remains with DEED's ODEO. The file is confidential and kept separate from an employee's personnel file. The investigative file can only be accessed as permitted by the Minnesota Government Data Practices Act (M.S. 13).

Policy Violations

PFA will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge. Each situation will be evaluated on individual circumstances and severity.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and PFA. PFA may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer PFA to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Retaliation

Retaliation against any person who opposes protected class harassment/discrimination, who reports protected class harassment/discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment/discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in

retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

A complaint should be brought by anyone who believes they are the victim of a retaliatory action by a PFA employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure.

Complaint Process

Complaints must be filed within 365 days after the last occurrence of the alleged discriminatory act. DEED's ODEO has the discretion to accept a complaint older than one year and/or after termination of employment.

Individuals are encouraged to use DEED's ODEO internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), the United States Department of Labor's Civil Rights Center (CRC), or other legal channels.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

These are the steps for filing and processing a complaint:

Step 1: Complainant – Filing a Complaint

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination using [DEED's Electronic Complaint Form](#), whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

- The [Office of Diversity and Equal Opportunity](#)
 - [Heather Stein](#), Interim ODEO Director, 651.259.7097
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- Any DEED supervisor, manager, or director
- Any HR personnel
- The Commissioner, any Deputy Commissioner, or Assistant Commissioner

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion at 651.201.8000.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide the following information, which may include, but is not limited to:

- The name, department, and position of the person(s) allegedly causing the harassment/discrimination;
- A description of the incident(s), including the date(s), location(s), and the identity of any witnesses;

- The name(s) of other individuals who may have been subject to similar harassment/discrimination;
- What, if any, steps have been taken to stop the harassment/discrimination; and
- Any other information the complainant believes to be relevant.

Step 2: ODEO – Determining Jurisdiction

ODEO will determine, within 10 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination or discriminatory harassment against the individual because of their protected class and if the complaint is timely and proper for resolution through this complaint procedure. If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3.

If it is determined that the complaint is **not** related to discrimination or discriminatory harassment based on a protected class, but rather, behavior that may violate the Respectful Workplace policy, ODEO will refer it to DEED’s Human Resources Office or other appropriate personnel.

If the complainant is suffering irreparable harm in the absence of immediate action, the ODEO director, the Human Resources director, a division director, or the Commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

Step 3: ODEO – Mediation and/or Investigation

ODEO will determine if the complaint is appropriate for mediation or another form of alternative dispute resolution. If so, ODEO will offer both parties the opportunity to mediate. Mediation is a voluntary alternative dispute resolution process and both parties must agree to mediate the complaint.

If mediation fails or if ODEO determines that mediation is not appropriate, ODEO will conduct an impartial investigation. Investigations may include interviews with all parties involved, including the complainant, respondent, and witnesses; and a review of all pertinent records or documents relating to the complaint.

ODEO will make every effort to complete an investigation and provide a written notice of completion within 60 days of determining jurisdiction, or within timelines established by collective bargaining agreements. ODEO will notify the complainant if circumstances prevent completion of the investigation within established timelines.

Upon completion of the investigation, ODEO will prepare a written investigation report determining whether the complaint was substantiated. ODEO will present the written report to the Human Resources director, to the division director, and any other management staff as appropriate.

ODEO will provide written notification to the complainant and to the respondent stating the investigation is finished. ODEO will only provide information about the outcome of the investigation in accordance with the Minnesota Government Data Practices Act.

According to Minnesota Administrative Rules 3905.0500, Requirement for Complaint Procedures, ODEO will notify the Commissioner of Minnesota Management and Budget (MMB) regarding the disposition of the complaint within 30 days of final determination.

Step 4: HR and Appropriate Management Staff – Follow Up

Human resources and the appropriate management staff will review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the allegations in the complaint.

NOTE: Human resources and appropriate management, not ODEO, is responsible for corrective/disciplinary action, follow-up inquiries, and any training that is necessary.

Step 5: Respondent – Optional Appeal

If the disposition of the complaint is not satisfactory to the respondent, they may file a union grievance or appeal the decision to the Commissioner in writing within ten (10) business days following notification of the disposition of the complaint. The Commissioner or their designee will review the appeal and give a written decision to the respondent within a reasonable period. The Commissioner's decision is final.

RESOURCES

Discrimination or harassment because of, based on, or directed at an individual's protected class characteristic may be a violation of one or more of the following:

- [Minnesota Management & Budget's Equal Opportunity page](#)
- [Title VII of the Civil Rights Act of 1964, as amended](#)
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- [Pregnancy Discrimination Act](#)
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CONTACT

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Department of Employment & Economic Development
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Fax 651.297.5343
Email: DEED.ODEO@state.mn.us

This information is available in alternate formats by calling 651.259.7094.

Last Updated: December 2018

Forms and Supplements

Acknowledgment Form (below) – This form may be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, PPM #417, Harassment and Discrimination Prohibited, including the policy’s complaint procedure. I understand that harassment and discrimination based on protected class, and retaliation, are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, or any “third party” as defined by the policy, I will be subject to disciplinary action, up to and including discharge. I understand that if I believe that I have been subjected to harassing, discriminatory or retaliatory conduct as defined by the policy by any State employee, or by any “third party” as defined by the policy, I am encouraged to report that behavior. I understand that I can make a report to any of my agency’s managers or supervisors, the agency’s affirmative action officer, the agency’s human resources office, or agency management, up to and including the agency head. I understand that if my report concerns an agency head, I may contact Minnesota Management and Budget.

Signed: _____ Date: _____

Employee Name: _____

B. PFA Sexual Harassment Prohibited Policy

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RESPONSIBILITIES

INVESTIGATION AND DISCIPLINE

CONTACT

Contact: [Heather Stein](#), 651.259.7097; 651.297.5343 (fax)

INTRODUCTION

This chapter provides policy and procedures for dealing with sexual harassment at the Minnesota Public Facilities Authority (PFA). The purpose of this policy is to ensure respectful work environments and services free of sexual harassment of any kind.

The policy covers any person, whether a paid PFA employee, applicant for employment, intern, consultant, customer of PFA services, or contractor under management of PFA.

The Department of Employment and Economic Development's (DEED's) Office of Diversity and Equal Opportunity (ODEO) offers training to all PFA employees on preventing and responding to all forms of discrimination, including sexual harassment, in the workplace. All PFA employees must attend this training once every five years.

Additional information may be requested from the DEED Office of Diversity and Equal Opportunity (ODEO).

POLICY

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint. These prohibitions extend to any location, activity, or event associated with PFA or its employees in their capacity as state representatives.

Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

SCOPE

This policy applies to all employees of, and third parties who have business interactions with the Minnesota Public Facilities Authority (PFA).

These prohibitions include any public service environment and extend to any location, activity, or event associated with PFA or its employees in their capacities as representatives of the State of Minnesota.

DEFINITIONS

Complainant

An individual who complains about sexual harassment or retaliation.

Public Service Environment

A location that is not the workplace where public service is being provided.

Sexual Harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third Party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to: applicants for state employment, vendors, contractors, volunteers, customers, business partners, members of a community board, consultants, unpaid interns, other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government.

PROHIBITION OF SEXUAL HARASSMENT

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, suggestions about one's body or sexual activity, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, publications, or graphic commentaries. Electronic display or transmission of sexually explicit, obscene, or demeaning material. Suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact or sexual advances, such as rape, sexual assault, molestation, or attempts to commit these assaults; sexually motivated physical contact such as unwelcome touching, patting, pinching, or brushing of or by the body;
4. Requests for sexual favors, preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Intimidation, coercion, negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct;
7. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
8. Any other verbal, non-verbal, or physical conduct or communication that is both unwelcome and of a sexual nature.

RESPONSIBILITIES

Application of this policy is the responsibility of each PFA manager, supervisor, and employee.

Employee and Third-Party Responsibilities

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs.

Supervisor Responsibility

Supervisors are responsible for the following:

- Modeling appropriate behavior;

- Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
- Responding to a complaint or issue that arises when a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that an issue exists;
- Immediately reporting all allegations or incidents of sexual harassment to the Office of Diversity and Equal Opportunity so that prompt and appropriate action can be taken;
- Complying with PFA's complaint and investigation procedures and PFA's Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

**Any supervisor or manager who witnesses or receives a written or oral complaint of alleged sexual harassment or acts of retaliation that occur in PFA employment or provision of services shall promptly report it to the DEED Office of Diversity and Equal Opportunity, Director of Human Resources, the Deputy Commissioner, or the Commissioner. A failure to report such information is considered a violation of this policy.*

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

ODEO and HR Responsibilities (At DEED)

The DEED Office of Diversity and Equal Opportunity, along with the Human Resources are responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with PFA's complaint and investigation procedures and PFA's Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment;
- Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
- Keeping the agency apprised of changes and developments in the law.

COMPLAINTS

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. ODEO, HR, and supervisors will follow PFA's investigation procedures.

If an investigation is warranted, employees may be asked to participate in the investigation. Participation in an investigation is voluntary. However, anyone who participate is expected to provide truthful, accurate information. If someone chooses not to participate, the ODEO will still make investigative findings. In other words, refusal to participate in an investigation will not prevent the completion of the investigation.

ODEO has the discretion to accept a complaint after termination of employment.

Confidentiality

During the course of an investigation, all documentation associated with the complaint will be considered confidential, except where disclosure is required by law or a business necessity. Information gathered during the course of an investigation will only be shared with those who have a business need to know in order to reach a resolution. The investigative file remains with ODEO. The file is confidential and kept separate from an employee's personnel file. The investigative file can only be accessed as permitted by the Minnesota Government Data Practices Act.

Policy Violations

PFA will take prompt and appropriate corrective action when there is a violation of this policy. Each situation will be evaluated on individual circumstances and severity.

Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Retaliation

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting sexual harassment or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

A complaint should be brought by anyone who believes they are the victim of a retaliatory action by a PFA employee as the result of filing a complaint, cooperating in an investigation, or otherwise participating in any action under the complaint procedure. Coercion, reprisal, or intimidation against the complainant or those serving as a witness is prohibited. Any alleged coercion or reprisal will be investigated as an additional complaint or charge of harassment.

Regardless of the outcome of the investigation, PFA will take no adverse action or retaliatory action against a complainant because they filed a complaint or reported conducted that they considered to be a violation of PFA's policy prohibiting harassment.

Complaint Process

Complaints must be filed within 365 days after the last occurrence of the alleged discriminatory act. ODEO has the discretion to accept a complaint older than one year and/or after termination of employment.

Individuals are encouraged to use PFA's internal complaint procedure (through DEED), but any also choose to file a complaint externally with the Equal Employment Opportunity Commissioner (EEOC),

the Minnesota Department of Human Rights (MDHR), the United States Department of Labor's Civil Rights Center (CRC), or other legal channels.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

These are the steps for filing and processing a complaint:

Step 1: Complainant – Filing a Complaint

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination using [DEED's Electronic Complaint Form](#), whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

- The [Office of Diversity and Equal Opportunity](#)
 - [Heather Stein](#), Interim ODEO Director, 651.259.7097
 - [Kimberly Malone](#), Chief Investigator/Equal Opportunity Consultant, 651.259.7684
 - [Karen Lilledahl](#), Equal Opportunity Officer/ADA Coordinator, 651.259.7089
- Any PFA supervisor, manager, or director
- Any HR personnel
- The Commissioner, any Deputy Commissioner, or Assistant Commissioner

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion at 651.201.8000.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide the following information, which may include, but is not limited to:

- The name, department, and position of the person(s) allegedly causing the harassment/discrimination;
- A description of the incident(s), including the date(s), location(s), and the identity of any witnesses;
- The name(s) of other individuals who may have been subject to similar harassment/discrimination;
- What, if any, steps have been taken to stop the harassment/discrimination; and
- Any other information the complainant believes to be relevant.

Step 2: ODEO – Determining Jurisdiction

ODEO will determine, within 10 days of receiving the complaint, whether ODEO has jurisdiction by determining if the complaint alleges discrimination or discriminatory harassment against the individual because of their protected class and if the complaint is timely and proper for resolution through this complaint procedure. If it is determined that the complaint is in fact a discrimination complaint, continue to Step 3.

If it is determined that the complaint is **not** related to discrimination or discriminatory harassment based on a protected class, but rather, behavior that may violate the Respectful Workplace policy, ODEO will refer it to the Human Resources Office or other appropriate personnel.

If the complainant is suffering irreparable harm in the absence of immediate action, the ODEO director, the Human Resources director, a division director, or the Commissioner may take whatever action is deemed appropriate to remedy the situation while the complaint is being investigated.

Step 3: ODEO – Mediation and/or Investigation

ODEO will determine if the complaint is appropriate for mediation or another form of alternative dispute resolution. If so, ODEO will offer both parties the opportunity to mediate. Mediation is a voluntary alternative dispute resolution process and both parties must agree to mediate the complaint.

If mediation fails or if ODEO determines that mediation is not appropriate, ODEO will conduct an impartial investigation. Investigations may include interviews with all parties involved, including the complainant, respondent, and witnesses; and a review of all pertinent records or documents relating to the complaint.

ODEO will make every effort to complete an investigation and provide a written notice of completion within 60 days of determining jurisdiction, or within timelines established by collective bargaining agreements. ODEO will notify the complainant if circumstances prevent completion of the investigation within established timelines.

Upon completion of the investigation, ODEO will prepare a written investigation report determining whether the complaint was substantiated. ODEO will present the written report to the Human Resources director, to the division director, and any other management staff as appropriate.

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According to Minnesota Administrative Rules 3905.0500, Requirement for Complaint Procedures, ODEO will notify the Commissioner of Minnesota Management and Budget (MMB) regarding the disposition of the complaint within 30 days of final determination.

Step 4: HR and Appropriate Management Staff – Follow Up

Human resources and the appropriate management staff will review the investigation report and, if deemed necessary, take proper corrective action up to and including discharge when the investigative findings give merit to the allegations in the complaint.

NOTE: Human resources and appropriate management, not ODEO, is responsible for corrective/disciplinary action, follow-up inquires, and any training that is necessary.

Step 5: Respondent – Optional Appeal

If the disposition of the complaint is not satisfactory to the respondent, they may file a union grievance or appeal the decision to the Commissioner in writing within ten (10) business days following notification of the disposition of the complaint. The Commissioner or their designee will review the appeal and give a written decision to the respondent within a reasonable period. The Commissioner's decision is final.

RESOURCES

Discrimination or harassment because of, based on, or directed at an individual's protected class characteristic may be a violation of one or more of the following:

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Last updated: January 2018

C. Complaint Process

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Complaints must be filed within 365 days after the last occurrence of the alleged discriminatory act. DEED's ODEO has the discretion to accept a complaint older than one year and/or after termination of employment.

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Last updated: January 2018

D. DEED/PFA Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form Template



Complaint Form

If you believe you have experienced discrimination, sexual harassment, retaliation for filing a complaint or for your participation in an investigation, or treated in a way that violates the Respectful Workplace Policy, you are encouraged to file a complaint. Send completed forms to DEED.ODEO@state.mn.us.

Relevant policy information is listed on the last page of this form.

Complainant (Personal Information about You)

Complainant's Name: _____
 Preferred Email: _____
 Preferred Phone: _____
 Work Address (including City and Zip): _____
 Job Title: _____
 Division/Agency: _____
 Manager: _____

Respondent (Person Against Whom You are Filing the Complaint)

Respondent's Name: _____
 Preferred Email: _____
 Preferred Phone: _____
 Work Address (including City and Zip): _____
 Job Title: _____
 Division/Agency: _____
 Manager: _____

Revised 09/2018

Information on Witnesses Who You Believe Can Support Your Complaint

Witness Name	Witness Job Title	Work Location	Witness Work Phone

Additional witnesses may be listed on a separate sheet attached to this form.

Union Grievance

Have you filed a union grievance? Yes No
 If yes, what union are you a member of? _____
 If yes, what is the status or outcome of the grievance? _____

External Complaint

Have you filed this complaint with any other governmental agency (Equal Employment Opportunity Commission, Minnesota Department of Human Rights, etc.)? Yes No
 If yes, what agency? _____
 If yes, what is the status of the complaint? _____

The Complaint

Date(s) of Complaint

Date harassment/discrimination began or occurred:

Most recent date of harassment/discrimination (if different from above):

Basis of Complaint

Check all that apply:

- I experienced unwelcome conduct of a sexual nature. (*Sexual Harassment Prohibited Policy**)
- I experienced discrimination or discriminatory harassment* based on my (*check all that apply*):
- | | |
|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Sex |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Limited English Proficiency | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Gender Expression |
| <input type="checkbox"/> Creed | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Public Assistance Status |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Membership or Activity in a Local Human Rights Commission |

I experienced harassment or disrespectful behavior, but it is not based on any of the protected characteristics listed above. (*Statewide Respectful Workplace Policy**)

I experienced retaliation for filing a complaint or participating in an investigation.

**For more information about the policies under which complaints may be filed, see last page.*

Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy, the Sexual Harassment Prohibited Policy, or the Respectful Workplace Policy. List dates, locations, names, and titles of people involved. Explain why you believe the conduct was based on the items checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant (emails, notes, texts, etc.).

Verification

This complaint is being filed based on my honest belief that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy, the Sexual Harassment Prohibited Policy, or the Respectful Workplace Policy. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

Complainant's signature: Date Signed:

Complaint Received by: Date Signed:

Complaint Policy Information

Harassment and Discrimination Prohibited Policy

DEED's [Harassment and Discrimination Prohibited Policy](#) strictly prohibits any form of harassment or discrimination based on protected class. No one will be denied the opportunity to participate in any DEED program, activity, or service, or in any employment activity based on race, color, religion, national origin (including limited English proficiency), sex (including pregnancy, and pregnancy related conditions, gender identity and expression), age, disability, genetic information, creed, sexual orientation, marital status, familial status, status with regard to public assistance, or membership in a local human rights commission.

Sexual Harassment Prohibited Policy

DEED's [Sexual Harassment Prohibited Policy](#) strictly prohibits sexual harassment in any form of any employee or third party that takes place within the workplace or public service environment, or that affects the workplace or public service environment. These prohibitions extend to any location, activity, or event associated with DEED or its employees in their capacities as representatives of the State of Minnesota.

Respectful Workplace Policy

The State of Minnesota is committed to providing a positive environment in which all staff, members of the public and others doing business with the state are treated with professionalism and respect. Issues of harassing behavior not based on the protected classes listed above are prohibited under the statewide [Respectful Workplace Policy](#).

Non-Retaliation Notice

Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy, the Sexual Harassment Prohibited Policy, or the Respectful Workplace Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

Privacy Notice

DEED is asking you to provide information in this complaint form which includes private and/or confidential information under the Minnesota Government Data Practices Act. DEED is asking for this private/confidential information so that it can investigate and respond to allegations of harassment, discrimination, or disrespectful behavior. You are not legally required to provide this information. However, if you do not provide sufficient information, DEED may not be able to properly investigate your complaint. The information you provide will be used by DEED employees whose job assignments reasonably require access to the information.

Questions

If you have any questions about the complaint process, please contact the Office of Diversity and Equal Opportunity at 651-259-7684.

This material is available in alternative formats for individuals with disabilities by calling 651-259-7094.

E. DEED ADA Reasonable Accommodation Policy – PPM 404

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Contact: [Karen Lilledahl](#), 651.259.7089 (Voice); 651.297.5343 (fax)

POLICY

The Minnesota Public Facilities Authority (PFA) is committed to the fair and equal employment of people with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified employees and applicants face barriers to employment without the accommodation process.

It is the policy of PFA to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship or direct threat. In accordance with the Minnesota Human Rights Act and the Americans with Disabilities Act (ADA), accommodations are 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 for equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

DEFINITIONS

Applicant

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

Americans with Disabilities Act (ADA) Coordinator

PFA is required to appoint an ADA coordinator to direct and coordinate agency compliance with the ADA. PFA's ADA Coordinator is located in the Department of Employment and Economic Development's Office of Diversity and Equal Opportunity (ODEO).

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 will be based on an individualized assessment. 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.

Essential Functions

Tasks that are basic, necessary, or fundamental to the job. A function can be essential if the job exists specifically to perform the function(s); there are a limited number of employees who could perform the function(s); or the function(s) are specialized and the individual is hired based on the employee's expertise.

Health Care Professional

A person who is licensed to practice in a field of health care that includes the diagnoses and assessment of the particular disability or disabilities in question. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

Interactive Process

A two-way interactive discussion that employers and employees use to determine an effective reasonable accommodation that will allow the person with a disability to perform the essential functions of a particular job.

Major Life Activity

Basic activities people in the general population can perform with little or no difficulty. Examples include, but are not limited to, walking, seeing, hearing, caring for one's self, performing manual tasks, speaking, sleeping, breathing, concentrating, learning, and working. Also included in major life activities are the operation of major bodily functions, including the immune system; normal cell growth, digestive, bowel, neurological, circulatory, and reproductive functions.

Individual with a Disability

For purposes of this policy, someone 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 an 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.

Reasonable Accommodation

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

Reasonable accommodation applies to three aspects of employment: 1) to assure equal opportunity in the employment process; 2) to enable a qualified individual with a disability to perform the essential functions of a job; and 3) to enable an employee with a disability to equally enjoy all benefits and privileges of employment.

An individual's preference will be given consideration; however, PFA may choose an equally effective accommodation that is less expensive or easier to obtain.

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

The following examples are NOT accommodations:

- Elimination of essential job functions;
- Creation of a new job;
- Lower production standards; or
- Supplying personal-use items such as glasses or hearing aids.

Undue Hardship

A specific reasonable accommodation that would require significant difficulty or expense. Undue hardship is determined on a case-by-case basis. PFA is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

REQUESTING REASONABLE ACCOMMODATIONS

In order to qualify for a reasonable accommodation an individual must be qualified and have a disability as defined by the ADA or the Minnesota Human Rights Act. The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.

The reasonable accommodation procedure is an interactive process and requires participation by both the individual with a disability, the supervisor, and the ADA Coordinator. It may require periodic reviews to determine the continued effectiveness of the accommodations implemented.

An 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 the individual asks or states that they need PFA 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.

Supervisors and managers have the authority to approve accommodation requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$250 or standard office equipment of any value that would be purchased for any employee who did not request an accommodation.

Procedure for Current Employees

1. Employees must inform either their Supervisor or the ADA Coordinator that there is a need for an accommodation. A [Reasonable Accommodation Request Form](#) should be completed by the employee and given to the ADA Coordinator.
2. The ADA Coordinator will, in consultation with the individual and supervisor:
 - a. Discuss the purpose and essential functions of the particular job involved. It may be necessary to complete a step-by-step job analysis.
 - b. Determine the precise job-related limitation(s).
 - c. Identify the potential accommodation that is the most appropriate for both the individual and PFA. While an individual's preference will be given consideration, PFA may choose among equally effective accommodations and may choose the one that is less expensive or easier to provide.
3. If the ADA Coordinator believes medical documentation is necessary to identify the individual's functional limitations, the effect of the impairment on the job duties, or other job-related limitations, the ADA Coordinator will provide a medical release of information to the employee to sign. The ADA Coordinator will then send a letter to the individual's provider seeking information specific to the reasonable accommodation request.
4. If the request is approved, the supervisor will be sent the Reasonable Accommodation Agreement by the ADA Coordinator. It must be signed by the employee and the supervisor. Supervisors must return the signed document to the ADA Coordinator.
5. DEED's ADA Coordinator is the agency's decision maker for reasonable accommodation requests outside of the supervisors' and managers' authority.
6. If the request is denied by the ADA Coordinator the employee will receive, in writing, the explanation for denial. The employee may follow the appeal process identified below.
7. If an accommodation cannot overcome the existing barriers or if the accommodation would cause an undue hardship on the operation of the agency, the ADA Coordinator and employee will work together with HR to determine whether reassignment to a vacant position may be an appropriate accommodation. Reassignment is considered only when no other accommodation is available.

PFA may look at transfer, mobility, appointment, noncompetitive, and competitive

opportunities. PFA is not required to create a new job or to bump another employee from a job in order to provide a reassignment as a reasonable accommodation.

NOTE: A [Reasonable Accommodation Request Form](#) must be completed for all accommodation requests and submitted to the ADA Coordinator for processing. All medical information pertaining to reasonable accommodation is kept in the confidential medical file maintained by the DEED Office of Diversity and Equal Opportunity (ODEO).

Procedure for Job Applicants

1. A job applicant will inform the hiring supervisor, the Human Resources staff, or the ADA Coordinator of the need for an accommodation in order to participate in any aspect of the hiring process.
2. The request will be reviewed, and a determination will be made as to the need for accommodation and, if so, select and implement an effective accommodation.
3. Either the hiring supervisor, the Human Resources staff, or the ADA Coordinator takes the necessary steps to see that the accommodation is provided in a timely manner. If the accommodation is denied, inform the applicant within five (5) working days of the decision.

NOTE: All tangible accommodations purchased by PFA are the property of the State of Minnesota. PFA will be responsible for maintenance of any equipment.

POLICY FOR FUNDING ACCOMMODATIONS

Funding must be approved by PFA for accommodations that do not cause an undue hardship. Hiring units or their divisions are required to assume the cost of accommodations.

PROCEDURE FOR DETERMINING UNDUPLICATE

An interactive process must occur prior to the agency making a determination of undue hardship. Determination includes granting the reasonable accommodation in relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency. Prior to denying a reasonable accommodation request due to lack of financial resources, the ADA Coordinator will consult with the State ADA Coordinator at MMB.

CONFIDENTIALITY

Medical Information

The ADA Coordinator will keep all medical information or documentation obtained in connection with the reasonable accommodation process confidential. Physical copies of medical information are stored in a locked cabinet or office when not in use or unattended and maintained by ODEO. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator or appropriate ODEO staff.

The ADA Coordinator may only disclose medical information obtained in connection with the accommodation process to supervisors, managers, or agency HR staff who have a business need to

know. Information that can be disclosed is limited and includes the employee's necessary work restrictions and the necessary accommodations. First aid and safety personnel are notified of the limitations if the employee may require emergency treatment or assistance in an emergency evacuation. Information may also be shared with government officials such as the state ADA Coordinator or government officials assigned to advise or investigate agency compliance with the ADA.

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 ADA Coordinator.

If the supervisor receives any medical information, pertaining to a reasonable accommodation, it should be forwarded to the ADA Coordinator. Supervisors must only have the Reasonable Accommodation Agreement in their supervisory files.

APPEALING DENIALS

Employees or applicants and supervisors or managers who are dissatisfied with the decisions pertaining an accommodation request may file a written appeal with PFA's Commissioner. The PFA Commissioner or his/her designee will review the information and make the final decision on appeal requests within 10 days of receiving the request for appeal.

Further actions can be processed through other governmental agencies such as the Minnesota Department of Human Rights and the U.S. Equal Employment Opportunity Commission. For more information on the appeal process and for answers to any questions about reasonable accommodation, contact the ADA Coordinator.

ADA COORDINATOR

[Karen Lilledahl](#) - ADA Coordinator
651.259.7089

Department of Employment & Economic Development
1st National Bank Building
332 Minnesota Street, Suite E200
St. Paul, Minnesota 55101-1351
Fax 651.297.5343
Email: DEED.ODEO@state.mn.us

This information is available in alternate formats by calling 651.259.7089.

Last updated: December 2018

F. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Public Facilities Authority will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Public Facilities Authority does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: Public Facilities Authority will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Public Facilities Authority's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Public Facilities Authority will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Public Facilities Authority offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Public Facilities Authority, should contact the office of Diversity and Equal Opportunity for Karen Lilledahl, ADA Coordinator, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Public Facilities Authority to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Public Facilities Authority is not accessible to persons with disabilities should be directed to Karen Lilledahl, ADA Coordinator.

Public Facilities Authority will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

G. Public Facilities Authority Grievance Procedure Under Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Public Facilities Authority. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Karen Lilledahl

DEED ADA Coordinator and WIOA Manager

332 Minnesota Street STE E200 Saint Paul, MN 55101

Within 15 calendar days after receipt of the complaint, Karen Lilledahl or their designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions.

Within 15 calendar days of the meeting or communication, Karen Lilledahl or their designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Public Facilities Authority and offer options for substantive resolution of the complaint.

If the response by Karen Lilledahl or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Executive Director or their designee.

Within 15 calendar days after receipt of the appeal, the Agency Executive Director or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Agency Executive Director or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Karen Lilledahl or their designee, appeals to the Agency Executive Director or their designee, and responses from these two offices will be retained by the PFA for at least three years.

H. Americans with Disabilities Act (“ADA”) Title II (non-employee) Reasonable Accommodation/Modification in Public Services, Programs or Activities Request Form

[HR/LR Policy and Procedure #1358, Americans with Disabilities Act \(ADA\) Title II](#)

A fillable form is available at [Employee/Applicant Request for ADA Reasonable Accommodation Form](#)

Request for Reasonable Accommodation Form

m MINNESOTA

_____(Agency)
Americans with Disabilities Act (“ADA”) Title II (non-employee)
Reasonable Accommodation/Modification in Public Services, Programs or Activities
Request Form

The _____(Agency) is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). The ADA Coordinator/Designee will review each request on an individualized, case-by-case, basis to determine whether an accommodation or modification can be made. **Please do NOT send copies of medical records. The Agency is not authorized to have medical records and is not qualified to interpret medical records.**

General Information
 Date of Request: _____

Person needing accommodation/modification
 Name: _____
 Address: _____
 Email: _____ Phone: _____

Person making request (if different from person needing accommodation/modification)
 Name: _____
 Email: _____ Phone: _____
 Relationship to person needing accommodation/modification: _____

Accommodation Information
 Date accommodation/modification is needed: _____
 Address and/or room of accommodation/modification: _____
 Type of accommodation/modification requested (please be specific):

How would you like to be notified of the status of your request?
 Phone Email Writing Other (specify): _____

If someone else has completed this form on your behalf and you want that person to be notified of the status of your request, please initial here: _____

Updated 08/21/2019

All requests for accommodation/modification will be evaluated individually and a response to your request will be provided within one week of receipt.

Check this box to sign this request form electronically:
 By checking this box, I agree my electronic signature is the legal equivalent of my signature.

Signature of Requestor: _____ Date: _____

OFFICE USE ONLY
RESPONSE TO REQUEST FOR ACCOMMODATION/MODIFICATION

Date request received: _____

The request for accommodation/modification is **GRANTED**. Below is a description of the accommodation/modification:

The request for accommodation/modification is **DENIED** because:

The requester does not meet the essential eligibility requirements or qualifications for the program, service, or activity, without regard to disability.
 The requested accommodation/modification would impose an undue burden on the agency, and/or
 The requested accommodation/modification would fundamentally alter the nature of the service, program, or activity.

Requester notified on: (date) _____ via: _____

Additional notes:

ADA Coordinator:
 Name: _____
 Signature: _____ Date: _____

Updated 08/21/2019

I. Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

Employees are strongly urged to review the emergency evacuation procedures at their location to become oriented with the emergency exiting plan. Any employees requiring special assistance in the event of an evacuation from their building should contact Brenda Tuma, Safety Administrator, in the Human Resources Office at 651-259-7104 or Karen Lilledahl, ADA Coordinator, in the Office of Diversity and Equal Opportunity at 651-259-7089.

From [DEED Policy 208 – Emergencies](#)

Supervisors

- Know and follow all emergency procedures. Ensure that all employees are familiar with where to access the [DEED Policy 208 – Emergencies](#), and are familiar with and follow the emergency procedures specific to their work location. Inform new employees of emergency procedures, and where to access them.
- Develop evacuation plans with staff that have disabilities and need/want assistance. The Office of Diversity and Equal Opportunity and the DEED Safety Administrator will provide assistance in developing plans according to individual needs and preferences of available options. Some options include the use of a buddy system and/or reporting to a designated "area of rescue" to wait for fire department or other emergency personnel. The only information an individual must provide is the type of assistance needed; it is not necessary to indicate the nature of the disability.
- Notify DEED's Safety Administrator of any employee requiring special assistance in emergency situations. With the Safety Administrator's assistance, ensure that required emergency procedures are implemented for these situations.
- Ensure that all employees are notified of a decision to dismiss after a building evacuation.
- Remind employee's to keep their emergency contact information provided through [Employee Self-Service](#) up-to-date. Contact the Human Resources Office at 651-259-7125, if an employee emergency arises that requires emergency contact notification.
- Ensure that annual evacuation and severe weather drills are practiced at your location. DEED Safety Administrator sends an email reminder, which includes guidance for conducting drills annually each year prior to Fire Prevention Month (October). Contact DEED Safety Administrator for questions or assistance with conducting a drill.
- Follow-up on reports of hazardous conditions.

Supervisors are to review the evacuation procedures with staff in order that they understand the evacuation plan and procedures. Supervisors are also required to inform staff how to request additional assistance or an accommodation if needed. Brenda Tuma, DEED's Safety Administrator, is currently the agency's contact person if an employee needs additional assistance. Ms. Tuma works one-on-one with the staff member.

First National Bank Building

Individuals with Mobility Disabilities:

Area of Rescue Assistance: In the First National Bank Building, rescue areas have been established so that individuals with mobility disabilities can safely exit the building with assistance from fire personnel. Each rescue area is equipped with a dedicated emergency radio. Specific emergency instructions for all other DEED offices can be found in each of those offices and should be posted in a conspicuous place.

Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with assistance. To avoid slow downs in the stairwell, evacuees should pass the individual with the mobility disability on the opposite side of the stairwell. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.

Individuals with Hearing Disabilities:

The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights.

Individuals with Visual Disabilities:

The agency's buildings are equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will likely be familiar with their immediate surroundings and frequently traveled routes, but since the emergency evacuation route may be different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The safety monitors assigned to each floor will ensure that individuals with visual disabilities are offered assistance, appoint an employee to guide the individual with a visual disability through the evacuation route.

Note: Floor monitors are assigned on each floor to sweep their area to ensure no one is left behind. If the area becomes too unsafe for floor monitors to complete their sweep, they are trained to immediately notify an evacuation team member who is equipped with a two-way radio, and will communicate the information to central command, so that emergency personnel can be immediately notified.

Individuals in need of assistance to evacuate:

If an individual with a disability is interested in setting up an evacuation plan, they may contact: Brenda Tuma, Safety Administrator, at 651-259-7104 or Brenda.Tuma@state.mn.us; or Karen Lilledahl, ADA Coordinator, at 651-259-7089 or Karen.Lilledahl@state.mn.us

Name: Brenda Tuma

Email: Brenda.tuma@state.mn.us

Title: Safety Administrator

Phone: 651-259-7089

Evacuation Options:

Individuals with disabilities have four basics, possibly five, evacuation options:

- **Horizontal evacuation:** Using building exits to the outside ground level or going into unaffected wings of multi-building complexes;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire-resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds;
- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders; and/or
- **For agencies equipped with an evacuation chair:** Evacuation chairs or a light-weight solution to descending stairways can be used and generally require single user operation. If an agency is equipped with an evacuation chair, best practice indicates that all employees are trained and have practiced evacuating using an evacuation chair.

Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices (“PMDs”)):** Individuals using wheelchairs should be accompanied to an area of rescue assistance by an employee or shelter in place when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The agency's buildings are equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals with who are deaf

and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.

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

Severe Weather Evacuation Options:

Individuals in need of assistance during an evacuation have three evacuation options based on their location in their building:

- **Horizontal evacuation:** If located on the ground or basement floor, severe weather shelter areas are located throughout each floor;
- **Elevator evacuation:** If there are no safe areas above the ground floor, the elevator may be used to evacuate to the ground or basement levels; and/or
- **Shelter in Place:** Seeking shelter in a designated severe weather shelter and remaining there until the all clear is used.