

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 3531

**DATE:** February 27, 2002

**Version:** First Engrossment

**Authors:** Biernat

**Subject:** State Affirmative Action Program

**Analyst:** Mark Shepard, 651-296-5051

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

---

### Overview

This bill makes changes in the affirmative action program that applies to executive branch state employees.

#### Section

-17117 **Definitions.** Defines 17 terms used in the laws governing the affirmative action program that applies to state employees.

18 **Equal employment opportunity and affirmative action program.** Makes a number of changes in this program, including:

- striking references to agency affirmative action plans (leaving in law the reference to the plan developed by the commissioner of employee relations);

- a requirement for an analysis of applicant pools and selection processes to determine the impact on protected group members;

- a description of the "reasonable recruiting area" (used as a basis for affirmative action goals) as the geographical area from which the agency usually seeks or reasonably could seek workers;

- for purposes of promotions and transfers within the organization, a description of "trainable" as state employees who could, with appropriate training which the state is able to provide or sponsor, become promotable or transferable within 12 months.

19 **Equal employment opportunity and affirmative action program.** Requires the commissioner of DOER to prepare an executive branch affirmative action plan each even-numbered year. Requires goals to be updated annually. Provides that agency heads are accountable for administering their agency's equal employment opportunity and affirmative action programs. Provides that the duties of an agency affirmative action officer include, but are not limited to, internal audits, recruiting, retention, outreach, and workforce planning initiatives. Requires the

affirmative action officer to be an active participant in development and implementation of the workforce management plan.

Requires each agency to designate an ADA coordinator, who must coordinate with the council on disability, regarding reasonable accommodation plans and other issues.

Requires each agency to have a workforce management plan to address underutilization identified by the affirmative action plan. Among other topics, the plan must include:

- an analysis of anticipated vacancies for at least the next 24 months, and detailed recruitment, retention, and training plans to address the underutilization;

- a complaint process for applicants and employees;

- measures for providing in hiring and promotion of qualified persons with disabilities;

States that the commissioner of DOER has primary responsibility for the affirmative action plan, and that the agency is responsible for the workforce management plan.

Rewrites law governing failure to meet hiring goals, by repealing the concept of a "missed opportunity", and providing that agency that fails to demonstrate a good faith effort to recruit protected group members must justify this according to DOER criteria.

Requires the DOER commissioner to use adverse impact analysis at least annually to ensure agency accountability and program integrity, and provides circumstances under which the commissioner determines that agencies are out of compliance.

Requires agencies to monitor applicants, placements, promotions and terminations by race, sex, and disability status, by job category or group. Also requires agencies to collect applicant demographic data as outlined in the Uniform Guidelines on Employee Selection.