

Board Approved Policy:

Equal Opportunity /Affirmative Action/ Fair Housing (EO/AA/FH) Policy

Approved: January 25, 2006

The Public Housing Agency of the City of Saint Paul (PHA) recognizes the essential right of all persons to be treated equally and with dignity and respect. The PHA will not discriminate against or condone harassment because of race, creed, religion, color, gender, sexual or affectional orientation, national or ethnic origin or ancestry, age, the presence or perception of any physical, mental or sensory disability, use of a trained guide dog or service animal, marital status, citizenship status, familial status or status with regard to public assistance. The PHA will strive to ensure that all of its employment, housing and business practices are free from discrimination based on these protected status factors.

Through this policy statement the PHA affirms its commitment to provide equal opportunity and fairness to all employees, applicants for employment, residents, Section 8 Housing Choice Voucher Program (HCV) participants, applicants for public housing and Section 8 HCV, vendors and contractors in accordance with all applicable EO/AA/FH laws, directives and regulations of federal, state and local governing bodies and related agencies.

Employees and Applicants for Employment. The PHA acknowledges the right of all employees and applicants for employment to be treated fairly and equally, based on merit and ability, and free from discrimination including, but not limited to, the following employment practices:

recruitment	hiring
training	compensation
promotion	demotion
transfer	layoff
disciplinary action	termination
rates of pay	other forms of compensation

The PHA's commitment to a diversified work force is exemplified by the active recruitment of all individuals including women, minorities, persons with disabilities and residents of public housing. In addition, the PHA evaluates the performance of its management and supervisory personnel on their efforts in achieving its EO/AA objectives, and this factor is included in their performance appraisals. Any PHA employee who does not comply with PHA's EO/AA/FH Policy and the Discrimination and Harassment Policy and Procedures will be subject to disciplinary action.

Residents and Applicants for Public Housing. The PHA acknowledges the right of all PHA residents, Section 8 HCV participants, applicants for public housing and Section 8 HCV to be treated fairly and equally and free from discrimination including, but not limited to, the following housing practices:

right to apply	application process
waiting list placement	referrals to housing/rental programs
lease agreements	treatment

corrective actions
the appeals process

lease terminations

Business Vendors, Contractors and Bidders. The PHA acknowledges the right of all businesses vendors, contractors and bidders, business owners, managers and employees, to be treated fairly and equally, based on merit and ability, and free from discrimination based on the protected status factors listed above including, but not limited to, the following business practices:

bidding process
terms of contracts
procurement process

award of contracts
treatment of business owners and employees
dispute resolution

Affirmative Action. The PHA takes affirmative action, consistent with sound policies and applicable law, to ensure that business enterprises owned and controlled by minorities (MBE), women (WBE), and/or persons with disabilities (DBE) are afforded a maximum feasible opportunity to do business with the PHA. The PHA maintains the following goals for contract awards or purchases:

Modernization funds	20% MBE	10% W/DBE
Operating funds	10% MBE	5% W/DBE
Development funds	10% MBE	5% W/DBE

The PHA's commitment to equal opportunity and affirmative action in its business contracts is exemplified by the following requirements for all business contracts:

- PHA contractors, suppliers and vendors will not discriminate against their employees, applicants for employment and any business organization.
- A nondiscrimination clause be written into all formal contracts
- Rules and regulations related to affirmative action are to be incorporated as required by federal law and the implementing regulations
- Any contractor not complying with all applicable equal employment opportunity/affirmative action laws, directives and regulations of the federal, state and local governing bodies or agencies thereof, will be subject to appropriate legal sanctions.
- A PHA contractor's failure to make good faith efforts toward achieving stated work force and/or subcontracting goals on previous PHA contracts may be considered in determining whether the contractor is a responsible contractor/bidder on future contracts.
- If the PHA becomes aware of violations of the regulations of the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor; Executive Order 11246, Equal Employment Opportunity; or the Civil Rights Act of 1964; a report will be made to HUD and the local OFCCP.

The PHA will commit the necessary time and resources to strive to achieve the goals of equal employment opportunity and affirmative action. The PHA has established an Equal Opportunity and Diversity Department (EOD). EOD develops and manages the equal employment opportunity and affirmative action (EO/AA) program. EOD responsibilities include monitoring all employment activities, reviewing and approving all hiring and employment actions, and investigating and resolving complaints of discrimination and harassment, preparing and developing the PHA's Affirmative Action Plan (AAP), reporting the effectiveness of the AAP, as required by federal, state and local agencies.

The PHA's Executive Director will receive and review reports on the progress of the EO/AA program and will provide an annual report to the Board of Commissioners.

Contact Information. Any PHA employee or applicant for employment who believes he/she has been discriminated against, should contact EOD at 651-292-6176, or Human Resources at 651-292-6110.

Any PHA resident who believes he/she has been discriminated against, should contact their Housing Manager. If the Housing Manager is the cause of the complaint, residents should contact the Principal Manager, who is the supervisor for all Housing Management staff. Principal Managers can be reached at 651-298-4263 for hi-rises, and 651-298-4929 for family units.

Any applicant for public housing who believes he/she has been discriminated against, should contact the Rental Administrator at 651-298-5111.

Any Section 8 HCV participant or applicant for Section 8 HCV programs who believes he/she has been discriminated against, should contact the Section 8 Programs Manager, who can be reached at 651-298-5079 or the Assistant Section 8 Programs Manager, who can be reached at 651-298-5080.

Any vendor, contractor or bidder, who believes he/she has been discriminated against, should contact the PHA Maintenance Contracts Manager at 651-292-6092.

Board Approved Policy:

Discrimination And Harassment Prevention Policy

Approved: January 25, 2006

Purpose

This policy sets forth the Public Housing Agency of the City of Saint Paul's (PHA) commitment to maintaining a workplace and residential housing environment free from all forms of discrimination and harassment, including discriminatory harassment and sexual harassment. This policy applies to all PHA facilities, operations and programs; to all PHA staff; all residents of public housing and participants in the Section 8 housing choice voucher program; and all persons using or providing PHA services. When the PHA becomes aware of an incident of discrimination or harassment, it will take appropriate action.

Discrimination Prohibited

This policy prohibits discrimination against any employee or resident based on race, creed, religion, color, gender, sexual or affectional orientation, national or ethnic origin or ancestry, age, the presence or perception of any physical, mental or sensory disability, use of a trained guide dog or service animal, marital status, citizenship status, familial status or status with regard to public assistance.

Discrimination is the unequal and illegal treatment or denial of normal privileges to persons because of the person's protected status according to one of the factors listed above. Decisions affecting an individual generally may not be made on the basis of one of these factors. Decisions should be made on the basis of neutral and objective criteria by which an individual may be evaluated in terms of his/her accomplishments and performance without regard to irrelevant factors such as age, gender or race. In addition, this policy prohibits all harassment against any employee or resident because of the protected status factors listed above.

Prohibited discrimination includes, but is not limited to, discrimination in recruitment, hiring, training, discipline, evaluation, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, other employment conditions; and discrimination in the handling of applications for housing, placement on waiting lists, rental terms or conditions, service, treatment, terminations and appeals.

Discriminatory Harassment Prohibited

The PHA is committed to maintaining a work and residential environment free from inappropriate, disrespectful, intimidating and coercive conduct, and to preventing and eliminating all forms of harassment. This policy prohibits harassment based on the protected status factors listed above. (Harassment based on gender is specifically addressed below under "Sexual Harassment Prohibited.") Discriminatory harassment is conduct based on a protected status factor that has the purpose or effect of unreasonably interfering with an individual's work conditions or performance; a resident's housing conditions, opportunities or abilities to uphold the lease agreement; or creating an intimidating, hostile or offensive environment. Discriminatory harassment includes abusive or harassing behavior - non-verbal, verbal or physical -, which demeans, intimidates, threatens, or injures an employee or resident because of that person's personal characteristics or beliefs, including membership in a protected status category. Such harassment also includes any malicious act that causes harm to any person's physical or mental

well-being. When the PHA becomes aware of an incident of discriminatory harassment, it will take corrective steps to terminate the harassment. The PHA is committed to stopping harassment even if it does not rise to the level of a legal violation.

Examples Of Discriminatory Harassment

Examples of discriminatory harassment prohibited by this policy include, but are not limited to the following acts when based on an individual's protected status:

- Physical assault, or direct or implied threats of physical harm
- Direct or implied threats of interfering with a person's employment, economic interests or housing opportunities
- Racial or ethnic slurs or comments
- Displaying anti-racial or homophobic material or symbols in plain sight; i.e. swastikas or a noose
- Persuading an individual not to apply for certain jobs, positions or duties
- Excluding or limiting access of an individual to PHA services, resources, facilities or events
- Physical damage or destruction of the property of the victim or of another person.

Sexual Harassment Prohibited

This policy explicitly incorporates and prohibits sexual harassment as a form of gender discrimination. Sexual harassment encompasses any sexual attention that is unwanted. It may be conduct toward an individual of the opposite sex or the same sex. Unwelcome sexual advances, requests for sexual favors, and other non-verbal, verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or housing;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or housing decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, housing conditions or opportunities, or creating an intimidating, hostile or offensive environment.

Determinations of sexual harassment are made by considering all facts and circumstances surrounding the allegations, including the perceptions of the parties, witnesses and others who have information about the presence or absence of the alleged conduct.

Examples Of Sexual Harassment

Examples of Sexual Harassment prohibited by this policy include, but are not limited to the following acts:

- Physical assault
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, or housing status
- Direct propositions of a sexual nature
- Subtle pressure for sexual activity
- Persistent, unwanted attempts to change a professional relationship to a sexual one
- Comments or remarks of a sexual nature, including:
 - Sexually explicit statements, questions, jokes, or anecdotes;
 - Remarks of a sexual nature about a person's clothing or body;

- Remarks about sexual activity, experiences, orientation, or speculations about previous sexual experience
- Unnecessary touching, patting, hugging, kissing, or repeated brushing against a person's body
- Display of sexually oriented material where others can see it
- Repeated leering or staring.

Sexual Violence

This policy explicitly incorporates and prohibits sexual violence. Sexual violence is a physical act of a sexual nature or purpose that includes aggression, coercion, assault, rape, unwanted or forced sexual activity and/or lewd exposure to private parts in a public place. Sex with a drugged or intoxicated person constitutes rape. When the PHA becomes aware of any incident of sexual violence it will take prompt corrective action and may also notify the St. Paul Police Department.

Disciplinary Action

Any employee who participates in a discriminatory or harassing act shall be subject to disciplinary action, up to and including termination of employment. Any resident who participates in a discriminatory or harassing act shall be subject to action under the lease for a lease violation.

Consensual Relationships

This policy requires all employees to maintain professional relationships with persons and residents they supervise or manage. Consensual sexual or romantic relationships that might be appropriate in other circumstances are not appropriate when they occur between a supervisor, manager or other staff, and a person over whom he or she has a professional or supervisory or management responsibility. Such relationships, while consensual, still may create a conflict of interest and an environment charged with potential abuse of trust and power in order to maintain or promote the relationship. In addition, circumstances may change previously welcome conduct into unwelcome conduct, giving rise to a potential sexual harassment allegation. (See also the PHA's Conflict of Interest Policy.)

Retaliation Prohibited

This policy prohibits retaliation or reprisal of any kind against any PHA employee or resident for:

- Opposing discrimination or harassment prohibited by this policy
- Filing a complaint of discrimination or harassment, or
- Participating in any way in any investigation under this policy

Such retaliatory action shall be regarded as a separate complaint, distinct from the initial allegation of discrimination or harassment. Any party who files a complaint of retaliation will not be penalized in any current or future terms or conditions of employment or housing status.

Retaliation may take the form of verbal or written comments; intimidation; denial of reasonable and standard requests; denial of job assignments or promotions; or other forms of verbal or non-verbal communication. If an employee perceives any form of retaliation for complaining about discrimination or harassment, or for participation in a complaint investigation, the employee should notify his/her supervisor, Human Resources and/or the Equal Opportunity and Diversity Department (EOD) immediately. If a resident perceives any form of retaliation for complaining about discrimination or harassment, or for participation in a complaint investigation, the resident should notify his/her Housing Manager or the Principal Manager.

If an initial discrimination or harassment complaint includes a threat of retaliation, or if the complainant has good reason to fear retaliation, Equal Opportunity and Diversity staff handling the complaint, in conjunction with the appropriate Director and the Human Resources Department, shall take appropriate action to eliminate or minimize the potential for retaliation.

Any employee found to have retaliated against another employee shall be found to have violated this policy and be subject to disciplinary action, up to and including termination of employment. Any resident who participates in a retaliatory action shall be subject to a lease violation action.

Time Limitations For Reporting Discrimination

The PHA vigorously enforces its prohibitions against discrimination and harassment. The PHA encourages any employee or resident who believes he/she has been subjected to discrimination or harassment to immediately report that conduct to his/her supervisor, housing manager, the Resident Services Director, or director or the Equal Opportunity and Diversity Department (EOD) as soon as possible. However, all complaints should be reported not later than one hundred eighty (180) days from the date of the discriminatory or harassing event. This deadline is to ensure accurate information and recollection from parties and witnesses. This deadline may be waived based on special circumstances or a continuing pattern of discrimination or harassment, as determined by the EOD Director. Absent special circumstances, complaints reported after that deadline will not be investigated.

Supervisor Reporting Requirement

PHA liability is potentially created whenever any supervisor or housing manager is notified or aware of possible discrimination or harassment. All supervisors and housing managers must immediately report to EOD all instances of possible discrimination or harassment, of which they are aware, whether resolved or not.

Enforcement Of Prohibitions

The internal Discrimination and Harassment Complaint Procedures established are utilized to investigate and remedy violations. While observing the principles of due process, determinations of policy violations are subject to disciplinary sanctions, which may include, but are not limited to, mandatory training and education, oral and/or written reprimand, removal of supervisory responsibilities, demotion, transfer or reassignment, termination of employment or other corrective actions as appropriate. The appropriate department director determines all disciplinary sanctions.

It Is The Direct Responsibility Of All Directors, Supervisors And Housing Managers

To:

- Ensure that all employees, permanent or temporary, and residents are made aware of this policy, the types of conduct prohibited by it, and the avenues available for resolution of violations
- Monitor their respective working and housing areas for violations of this policy
- Listen to allegations of policy violations brought to their attention
- Follow reporting requirements stated above
- Either intercede for complaint resolution or refer the complainant and/or respondent to EOD for assistance, advice, or investigation
- Eliminate or minimize the potential for retaliation as defined by this policy

PHA Community Responsibility

A discrimination-free environment is the responsibility of every member of the PHA. The PHA can take corrective action only when it becomes aware of problems. The PHA encourages persons who believe they have experienced or witnessed discrimination or harassment to report such incidents promptly to their immediate supervisor, housing manager, department director or EOD.

Malicious Or Frivolous Allegations

This policy prohibits any individual from knowingly filing a false report of discrimination or harassment or from filing a complaint solely for a malicious or frivolous purpose. If it is determined that a complaint is malicious or frivolous in nature, the complainant may be subject to disciplinary action or, if a resident, to a lease violation action.

Education Promoted

In support of this policy, the PHA promotes preventive educational measures to create greater awareness of discriminatory and harassing practices, including discriminatory and sexual harassment. Training is available from EOD.

Free Speech Not Prohibited

Nothing in this policy should be construed to prevent or discourage the free exchange and expression of diverse ideas and information, including the right to dissent or protest. The PHA encourages such discussions and expressions when conducted in a respectful manner.

Questions

Questions regarding this policy should be directed to EOD at 651-292-6176, or Human Resources at 651-292-6110.

Discrimination And Harassment Complaint Procedures

Purpose

The Public Housing Agency of the City of Saint Paul (PHA) is committed to providing a work environment free from discrimination and harassment. The PHA has established a Discrimination and Harassment Policy (Policy), that prohibits discrimination and harassment because of race, creed, religion, color, gender, sexual or affectional orientation, national origin or ancestry, age, disability, marital status, the presence or perception of any physical, mental or sensory disability, use of a trained guide dog or service animal, citizenship status or status with regard to public assistance. The following procedures provide for the resolution of complaints alleging violations of this Policy.

Throughout this document, the term “Complainant” refers to any employee, applicant, vendor or contractor who requests a consultation alleging a violation of the Policy. The term “Respondent” refers to a person (or persons) accused of a Policy violation. The Respondent may be an employee, resident or third person, such as a vendor or contractor. The term “Parties” refers to the Complainant(s) and Respondent(s) together.

For Residents

All complaints by PHA residents should be made to their Housing Manager. If the Housing Manager is the cause of the complaint, residents should contact the Principal Manager, who is the supervisor for all Housing Management staff. Principal Managers can be reached at 651-292-4263 for hi-rises, and 651-298-4929 for family units. Complaints by Section 8 residents should be made to the Section 8 Programs Manager, who can be reached at 651-298-5079 or the Assistant Section 8 Programs Manager, who can be reached at 651-298-5080. The balance of these procedures do not apply to complaints by residents.

For Employees, Applicants for Employment, Vendors and Contractors

These procedures are also available to any person who, at the time the alleged offense occurred, was a PHA employee, applicant for employment, vendor or contractor. A PHA employee, applicant for employment, vendor or contractor who believes they have been discriminated against or harassed in violation of the Policy may complete and submit a consultation request form to the Equal Opportunity and Diversity (EOD) Director or the Human Resources (HR) Director. See Reporting Process below. These procedures ensure that, according to principles of due process, a fair and impartial review of each consultation request will be conducted in order to establish whether a Policy violation has occurred. The EOD Director and the HR Director are responsible for the implementation and administration of these procedures. EOD can be reached by telephone at 651-292-6176, and the HR Director can be reached at 651-292-6110.

Confidentiality

The PHA is committed to providing an environment in which persons aggrieved may step forward with claims of discrimination and harassment safely, with dignity, and without fear of reprisal. While every effort will be made to maintain confidentiality for the complainant and respondent, the PHA must act to eliminate any discrimination and harassment. The PHA cannot promise absolute confidentiality. Neither EOD nor HR will disclose information obtained in connection with any investigation unless a legitimate business reason or legal requirement supports disclosure.

Reporting Process

A PHA employee, applicant for employment, vendor or contractor who believes they have been a victim of discrimination or harassment should report the incident to their immediate supervisor, department director, EOD or HR as soon as possible. When reporting an incident to EOD and/or HR, the Complainant should complete and submit a Request for Consultation form as soon as possible. All requests for consultation must be filed with EOD and/or HR within the time limits stated in the Policy.

The supervisor or director should contact EOD and/or HR as soon as possible for notification, consultation and/or referral.

Reviews, Informal Resolutions, and Complaint Investigations

All reviews, informal resolutions and investigations will be conducted promptly and, absent extenuating circumstances, should be concluded within twenty (20) working days. Should the need for additional time arise, the EOD and/or HR Director will notify the Parties and relevant department director(s). If the complainant and the subject of the complaint are in different departments, then both department directors will be notified.

EOD and HR will review the request for consultation and determine the extent of HR's involvement during the interview process. EOD and/or HR will interview the Complainant; explain EOD's and/or HR's role, the investigation process (if necessary) and confidentiality and its limitations. If an investigation is required, the Complainant will be provided with a summary of the allegations to be investigated.

EOD and/or HR may also do the following:

- Reach a determination without an investigation if there is insufficient basis to conclude a Policy violation has occurred, and work with the department director to address conduct that does not violate the Policy, but is considered detrimental to the well being of the unit and the PHA.
- Upon the Complainant's request, meet with the supervisor, department director or the respondent to facilitate a discussion and informal resolution for situations that do not rise to the level of discrimination or harassment, or involve an isolated or minor incident.
- Conduct a comprehensive investigation of allegations of discrimination, sexual harassment, discriminatory harassment and retaliation of such allegations, when those complaints cannot or should not be resolved through review or informal resolution.
- If an investigation is required, notify the Respondent's supervisor and department director of the allegations, that an investigation will be conducted and the confidentiality requirement, and request that the Respondent's supervisor monitor the work unit for any conduct that may be considered retaliatory against the Complainant.
- During an investigation, interview the Parties' immediate supervisors, co-workers and potential witnesses identified by the Parties as having relevant information, and review all relevant documentation provided by the Parties or obtained through its investigation, which may also include a review of the Parties' past performance evaluations.

- Make a determination on whether the facts support the allegations and whether the Policy has been violated.
- Make credibility assessments when necessary.
- Determine if there is reasonable cause to believe that a Policy violation has occurred, and discuss recommendations with the department director and include the recommendations in a written report. A summary of the report will be provided to the relevant department director(s) and the Executive Director.

The department director(s) shall be responsible for implementing all recommendations, corrective and/or disciplinary action.

EOD and HR retain the discretion to modify these procedures as deemed necessary on a case-by-case basis.

Rights And Responsibilities Of The Parties

A Complainant has the right to take complaints outside the PHA, to the city, state and federal agencies (listed below) at any time during the complaint resolution or investigation process.

When the Complainant and Respondent are PHA employees, both Parties may have a union representative or co-worker from their department(s) accompany them to their interview with EOD and/or HR.

During an investigation or an informal resolution, both Parties are expected to comply as follows:

1. Cooperate fully throughout the investigation, and be completely honest in answering questions and providing information.
2. Provide all information and documentation that may be relevant to this matter as soon as possible.
3. Refrain from discussing this investigation with the opposing party or with any person who does not have a legitimate business need to know this information.
4. Refrain from any conduct that may be construed as retaliatory against a Complainant for filing a complaint.

Review of Determination

Parties can request in writing a review of EOD and/or HR's determination internally only upon providing new facts that could not have reasonably been known or discovered at the time the request for consultation was submitted. In that event, EOD and/or HR will review its investigation in light of such new facts and determine whether the outcome of its initial investigation would change. If the outcome would change, an amended report will be submitted. If the outcome would not change, the original report will remain.

Complaints Against Non-PHA Employees Or Residents

The PHA has an obligation to address allegations of discrimination and harassment against PHA employees or residents. When such allegations are against non-PHA employees, such as vendors or contractors, the PHA will make all reasonable efforts to resolve the situation. These efforts may include the following:

- Preventing the Respondent from entering onto PHA property pending an investigation.
- Conducting an investigation to the extent possible.
- Contacting the Respondent's employer and human resource director.

- Arranging for a substitute vendor or contractor pending an investigation.
- Verifying the Respondent's employer has established a discrimination and harassment policy and complaint investigation procedures.
- Verifying the Respondent's employer will follow those procedures, share its findings with the PHA, and cooperate with the PHA in resolving the allegation.

Questions regarding these procedures should be directed to the EOD and/or HR Director.

ADDITIONAL RESOURCES

City of St. Paul Department of Human Rights

240 City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102-1681
Telephone: 651-266-8964

Minnesota Department of Human Rights

190 E. 5th Street, Suite 700
St. Paul, MN 55101
Telephone: 800-657-3704 or 651-296-5663; TTY: 651-296-1283
www.humanrights.state.mn.us/index

U.S. Equal Employment Opportunity Commission

Minneapolis Area Office
330 South Second Ave., Suite 430
Minneapolis, MN 55401
Telephone: 612-335-4040; TTY: 612-335-4045
www.eeoc.gov

U.S. Department of Labor: Employment Standards Administration and Office of Federal Contract Compliance Programs

Minneapolis Area Office
900 2nd Avenue South, Suite 480
Minneapolis, MN 55402-3386
Telephone: 612-370-3177
www.dol.gov/esa/ofccp/

**Request for Discrimination and/or Harassment
Complaint Consultation**
(For Employees, Applicants for Employment, Vendors and Contractors)

Your Name	Date
Department	
Work Phone	Home Phone
Email Address	

Date(s) of alleged discrimination and/or harassment: _____

Please describe the incident, including the name(s) of those directly involved, and indicate the area(s) in which you believe the alleged discrimination and/or harassment violated the PHA's Equal Opportunity/Affirmative Action/Fair Housing (EO/AA/FH) Policy: (Please attach as many additional pages as needed)

Have you attempted to resolve this problem, and if so, how?

List any witnesses

At this point, what are you looking for in a resolution?

Date: _____

_____ **Your Signature**

Saint Paul Public Housing Agency
555 N Wabasha St., Suite 400
St. Paul, Minn. 55102
EOD 651-292-6176
HR 651-292-6110

Enclose in a confidential envelope and address to either EOD or HR

Board Approved Policy:

Disability Accommodation Policy

Approved: January 25, 2006

Policy

The Public Housing Agency of the City of St. Paul (PHA) is committed to providing an accessible and supportive environment for employees with physical, mental or sensory disabilities, and individuals perceived or regarded as having a disability. The PHA is committed to ensuring that no otherwise-qualified individual with a disability is excluded, denied services, segregated or otherwise treated differently than other employees.

It is the PHA's policy to provide reasonable accommodations for qualified individuals with disabilities who are employees or applicants for employment. PHA adheres to all applicable federal, state and municipal laws, regulations and guidelines with respect to providing reasonable accommodations to afford equal employment opportunity to qualified disabled individuals. Employment opportunities shall not be denied because of the need to make reasonable accommodations for an individual's disability.

Definitions

Disabled individual: An individual who has a physical, mental or sensory impairment that substantially limits one or more major life activities; or has a record or history of such impairment; or is perceived or regarded as having such impairment. [The Minnesota Human Rights Act (MHRA): www.humanrights.state.mn.us/rights_363.html; The Americans with Disabilities Act (ADA): www.eeoc.gov/facts/fs-ada.html.]

Qualified disabled individual: An individual with a disability whose experience, education and/or training enable the person, with or without reasonable accommodation, to perform the essential functions of the job.

Substantial Impairment: An impairment that significantly limits or restricts a major life activity. This includes conditions controlled by medication such as epilepsy or depression or those mitigated by a prosthetic device.

Major life activities: Daily functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Reasonable accommodation: Any change or adjustment to a job or work environment that permits a qualified disabled employee to perform essential functions of the job or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities, and that does not cause an undue hardship to the employer.

Undue hardship. An action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

Governing Principles

Reasonable accommodations will be provided in a timely and cost-effective manner, and shall be consistent with the provisions of the MHRA and the ADA. Reasonable accommodations may include the following:

- modifying existing employment facilities to make them readily accessible and usable by individuals with disabilities
- acquiring or modifying equipment devices
- adjusting or modifying training material or policies
- job restructuring
- modified work schedules
- reassignment to vacant positions

The PHA will attempt to provide an accommodation that is effective in enabling the employee to perform the essential functions of the job. However, accommodations cannot fundamentally alter the requirements of any employment position or result in an undue hardship to PHA. PHA maintains the right to decide which type of accommodation to provide, even if that accommodation is not the one that the employee prefers.

Employees receiving reasonable accommodations have the same obligation as all employees to meet the established performance standards of their particular position, and to comply with all other employee policies and procedures.

Retaliation Prohibited

This policy prohibits retaliation or reprisal of any kind against any PHA employee for:

- Disclosing the presence of a disability
- Requesting a disability accommodation
- Filing a discrimination complaint
- Filing an appeal under this policy, or
- Participating in any way in a disability accommodation process under this policy

Such retaliatory action shall be regarded as a separate complaint, distinct from the initial allegation of discrimination or harassment. Any party who files a complaint of retaliation will not be penalized in any current or future terms or conditions of employment or housing status.

Retaliation may take the form of verbal or written comments; intimidation; denial of reasonable and standard requests; denial of job assignments or promotions; or other forms of verbal or non-verbal communication. If an employee perceives any form of retaliation for disclosing a disability or for participation in the accommodation process, the employee should notify his/her supervisor, Human Resources and/or the Equal Opportunity and Diversity Department (EOD) immediately. Any employee found to have retaliated against another employee shall be found to have violated this policy and be subject to disciplinary action, up to and including termination of employment.

Questions

Questions regarding this Policy should be directed to the Human Resources Director at 651-292-6110.

Disability Accommodation Procedures

Purpose

The Public Housing Agency of the City of St. Paul (PHA) is committed to providing an accessible and supportive environment for employees with physical, mental or sensory disabilities, and individuals perceived or regarded as having a disability. The PHA has established a Disability Accommodation Policy (Policy) that prohibits unfair and unequal treatment of employees and applicants for employment with disabilities, and affirms its commitment to providing reasonable disability accommodations. The following procedures are to be followed in requesting, evaluating and receiving reasonable disability accommodations.

Procedures For Applicants For Employment

1. The PHA's policy is to provide reasonable accommodations for applicants with disabilities as stated on the PHA Employment Application.
2. All applicants will be asked the same questions regarding their ability to perform the essential job functions. These questions may be prefaced with a statement regarding the PHA's willingness to provide reasonable accommodations.
3. If an applicant indicates during the interview process that he or she has a disability or if the applicant's disability is obvious, and it is reasonable to question whether the disability might pose difficulties for the individual in performing a specific job task, then the employer may ask whether the applicant would need a reasonable accommodation to perform that task. If the applicant indicates that an accommodation will be necessary, then the employer may ask what accommodation is needed.
4. Qualified applicants will not be denied employment solely on the basis of the applicant's request for a reasonable accommodation.

Procedures For Employees

1. When an employee volunteers that he or she has a disability, the supervisor should immediately ask if an accommodation is needed and remind the employee of the right to ask for an accommodation. If the employee requests an accommodation, the supervisor should refer the employee to the Human resources Department (HR), 651-292-6110.
2. Any employee who believes he or she needs a modified work environment as the result of a temporary or permanent medical condition is responsible for notifying HR of the condition or disability and the request for an accommodation as soon as the need for the accommodation becomes evident. The requested accommodations must have a legitimate employment purpose and cannot be based simply on the employee's preferences.
3. All requests for reasonable accommodations (temporary or permanent) must be in writing using the Disability Accommodation Request Form (attached), and submitted to HR. This request must include written medical verification of the disability and any consequent limitations on work activities. Supervisors receiving requests for accommodations shall direct employees to submit their request in writing using this form. HR is the only office authorized

to determine whether an employee is disabled, under the definition of the MHRA, the ADA and related federal and state laws.

4. Once a Disability Accommodation Request Form is received, HR shall perform all or some of the following in order to determine whether the employee is disabled and what type of accommodation is appropriate and available:
 - Meet with the employee and the supervisor to obtain additional information concerning the disability and requested accommodation.
 - Consult with the supervisor concerning the essential functions of the job.
 - With the employee's written permission, consult with any health care providers or rehabilitation specialists working with the employee.
 - Arrange to have additional medical or rehabilitation specialists examine the employee to further determine whether a disability exists, and/or to evaluate the essential functions of the job and the employee's capabilities in order to recommend possible accommodations.

Note On Confidentiality: All medical information obtained throughout the determination process is considered confidential and private, and must be solicited and received by HR, who will provide only information about necessary restrictions and accommodations to managers and supervisors on an as needed basis. HR will keep all medical information and the completed Disability Accommodation Request Form in a confidential records file, separate from personnel records.

5. HR shall inform the employee in writing of its initial determination regarding the existence of a disability normally within 20 working days. If more time is needed, HR will inform the employee.
6. If a disability is determined to exist, HR will consult with the employee to discuss the most appropriate accommodation. The PHA has the right to select among equally effective methods of accommodating an employee with a disability. The PHA has the right to deny an accommodation based on undue hardship or burden to the PHA and its staff.
7. Employees may be given an opportunity to provide or arrange for their own accommodations, such as providing their own adaptive equipment. However, the procedures in this policy must be followed (written request and approval) even if employees provide or arrange for their own accommodations. This provides documentation of accommodations and ensures the accommodations are not disruptive to the workplace.
8. Employees have a responsibility to actively participate in the search for accommodations and auxiliary aids. This responsibility extends to working with the PHA to seek and obtain financial assistance from governmental agencies and private sources.
9. The PHA will purchase equipment only if it is determined that its use is necessary in transaction of official PHA business. Any equipment purchased remains the property of the PHA. Equipment of a personal nature (such as eyeglasses, hearing aids and walking canes) shall be provided and retained by the employee.
10. Within 2 weeks after accommodations are provided, the employee and his or her supervisor shall evaluate the effectiveness of the accommodation. Upon request by the employee or the

supervisor, HR may participate in this process. If the employee believes modifications to the accommodation are needed, they should be requested in writing and submitted to HR.

11. When an accommodation request is denied, HR will provide the employee with written notification of denial, including the basis for denial as well as information on the appeal process.
12. If an employee acquires a disability and the PHA is not able to make reasonable accommodations that will allow the individual to continue in his or her current position, HR will explore possibilities for placement in other positions at the PHA for which the employee is qualified to perform. Movement to another position may be a transfer, a demotion or change to part-time employment, and must be made in accordance with applicable personnel policies. While no legal responsibility exists for alternative placement outside the PHA, HR may attempt to assist employees as they seek other employment opportunities.

Appeal Procedures

If an employee disagrees with the initial disability determination or an accommodation request denial, the employee has a right to appeal using the following procedure.

1. An appeal stating the reasons for the disagreement must be filed in writing with HR within 30 calendar days of the date of the initial decision.
2. HR will reevaluate the initial decision and all documentation provided. HR may, as appropriate, include any or all of the following steps in the reevaluation:
 - Consider any additional information, documentation or statements supplied by the employee.
 - Obtain permission from the employee and seek additional medical information.
 - Consult vocational rehabilitation experts.
 - Consult the employee's supervisor and other appropriate individuals.
 - Contact individuals whose names have been mentioned as having additional information or being able to provide a perspective on the employee's need for the accommodation.
 - Seek information from outside agencies.

HR shall notify the employee and his or her supervisor in writing of the final decision regarding the accommodation request normally within 30 calendar days after the appeal was filed. If a final decision cannot be reached within 30 calendar days, HR will inform the employee and his or her supervisor. This is the final internal appeal process for disagreements regarding accommodation requests.

3. If the initial determination is reversed, the procedures set forth in "Procedures for Employees", sections 6 through 12 (above) will be followed.

Other Complaints

Nothing in these procedures should be construed to impede or prohibit a timely filing of a disability discrimination complaint with the Equal Opportunity and Diversity Department (EOD) at 651-292-6176 or appropriate external government agencies listed below.

Questions regarding these procedures should be directed to the HR Director at 651-292-6110.

Additional Resources

PHA-Equal Opportunity and Diversity Department

Central Administrative Offices

Telephone: 651-292-6176

St. Paul Department of Human Rights

240 City Hall

15 West Kellogg Blvd.

St. Paul, MN 55102-1681

Telephone: 651-266-8964

Minnesota Department of Human Rights

190 E. 5th Street, Suite 700

St. Paul, MN 55101

Telephone: 800-657-3704 or 651-296-5663; TTY: 651-296-1283

www.humanrights.state.mn.us/index

U.S. Equal Employment Opportunity Commission

Minneapolis Area Office

330 South Second Ave., Suite 430

Minneapolis, MN 55401

Telephone: 612-335-4040; TTY: 612-335-4045

www.eeoc.gov

U.S. Department of Labor: Employment Standards Administration and Office of Federal Contract Compliance Programs

Minneapolis Area Office

900 2nd Avenue South, Suite 480

Minneapolis, MN 55402-3386

Telephone: 612-370-3177

www.dol.gov/esa/ofccp/

DISABILITY ACCOMMODATION REQUEST FORM

SECTION I: Employee

Name of Employee:	Position Title:
Department:	Supervisor:
Signature:	Date of Request:
My disability is (e.g., visual impairment, arthritis, etc.):	
My disability is ___ temporary ___ permanent If temporary, I am requesting this accommodation until _____	
My disability impairs my ability to perform assigned job duties in the following way (attach additional pages if necessary):	
The reasonable accommodation I am requesting is (attach additional pages if necessary):	
Has a physician, vocational rehabilitation specialist, or other health professional recommended a specific accommodation? ___ Yes ___ No If yes, please attach a copy.	

SECTION II: Employer (Director in consultation with Human Resources.)

Accommodation Request is: ___ Approved ___ Denied ___ Modified If modified , describe modification and give rationale. If denied , give rationale. (Attach additional pages if necessary.)	
Name of Director:	Cost of Accommodation: _____ ___ Estimate ___ Actual
Signature of Director:	Date:
Signature of Human Resources:	Date:

Board Approved Policy:

Domestic Violence Prevention Policy

Approved: January 25, 2006

Purpose

The Public Housing Agency of the City of St. Paul (PHA) is committed to promoting the health and safety of its employees. The purpose of this policy is to increase awareness of domestic violence and to provide guidance for employees and supervisors to address domestic violence and its effects in the workplace.

Domestic violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being of employees who are victims, as well as their co-workers. Domestic violence also affects the workplace in the form of absenteeism, increased turnover, higher health care costs and reduced productivity.

Description

Domestic violence is abusive behavior that is physical, sexual, and/or psychological, intended to establish and maintain control over another person. Domestic violence includes harassment of any employee by a family or household member of the employee in the workplace as well as the display of any violent or threatening behavior (verbal or physical) that may result in physical or emotional injury or that otherwise impacts workplace safety and productivity.

Policy

It is the PHA's policy to prevent or minimize the occurrence and effects of domestic violence in the workplace, preferably through early intervention strategies. While the PHA respects each employee's right to privacy and autonomy in her or his personal life, that right must be balanced with the responsibility of the PHA to provide a safe and productive workplace. When an employee informs the PHA that she or he is a victim of domestic violence, or when the PHA is aware that an incident or pattern of domestic violence is affecting the workplace, the PHA may offer available support and assistance to affected employees. Support may include: confidential means for requesting help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling, or legal assistance, and workplace relocation, if feasible. Other appropriate assistance may be provided based on individual need.

Each employee needs to take seriously the problem of domestic violence and its effect in the workplace. The PHA will take reasonable measures to foster a safe working environment for all employees.

Contact Information

Any PHA employee who believes he/she is a victim of domestic violence and is interested in receiving support and/or assistance in accordance with this policy should contact EOD at 651-292-6176, or Human Resource at 651-292-6110.

Board Approved Policy:

Workplace Violence Prevention Policy

Approved: November 22, 2000

THE PUBLIC HOUSING AGENCY OF THE CITY OF SAINT PAUL (PHA) WILL NOT TOLERATE NOR CONDONE HARASSMENT, INTIMIDATION, OR VIOLENCE IN ANY FORM. This behavior is unacceptable, either from or against, a resident or program applicant, an employee, an applicant for employment, a Board member, a contractor, or a member of the public.

Violence is hurtful actions or words directed at a person. Violence may take many forms: overt or covert, verbal threats, or physical attack. Some examples are:

- Threatening language, gestures, behavior or posture; antagonism, intimidation, and harassment either in person, on the phone, or in written or electronic communication
- Verbal abuse such as degrading, belittling or bullying another person
- Hurtful, hostile, or disrespectful treatment and/or communication
- Physical confrontations that may be verbal or physical
- Violent physical behavior such as fighting, striking, and threatening with a weapon

Any employee who violates this policy will be subject to appropriate disciplinary action, which may include termination of employment.

Violations by non-employees may be cause for termination of leases or contracts.

Violations of criminal statutes or ordinances will be reported to law enforcement authorities.

All employees are responsible for complying with this policy and working to ensure a respectful and violence-free workplace.

Supervisors are expected to take proactive steps to prevent workplace violence and to intervene appropriately when workplace violence occurs.

Concerns and incidents of violence are to be reported to a supervisor, department director, EOD at 651-292-6176, or HR at 651-292-6110 as soon as possible.

Workplace Violence Prevention Procedures

INSTRUCTIONS FOR COMPLETING THE FORM

- 1) When an incident occurs, contact any of the following immediately:
 - ❖ A Director or a supervisor
 - ❖ Human Resources at 651-292-6106
 - ❖ EOD at 651-292-6176

If there is injury, Human Resources must be contacted immediately by either the employee or the supervisor.

- 2) The employee or a supervisor that the employee reports the incident to should complete the form the following form. ALL incidents are to be reported.
- 3) Provide as many details as possible on the form.
- 4) Send the form to EOD as soon as possible and no later than 24 hours after the incident as an e-mail attachment to “workplace violence”, or by interoffice mail, or in person.

SAINT PAUL PUBLIC HOUSING AGENCY WORKPLACE VIOLENCE REPORTING FORM

Name of Employee(s) Affected		Date report filed	
Name of Supervisor(s) Notified		Date notified	
Name of person who was violent/made a threat	Name: _____ Check One: <input type="checkbox"/> PHA Employee <input type="checkbox"/> PHA Resident/Section 8 participant <input type="checkbox"/> Service Provider <input type="checkbox"/> Housing Applicant <input type="checkbox"/> Visitor		
Description, (if name unknown) of person who was violent/made a threat	Check One: <input type="checkbox"/> Male <input type="checkbox"/> Female Physical description _____ _____		
Relationship if any between the parties			
Date of occurrence		Place of occurrence	
Describe incident: * <i>People involved</i> * <i>Threats made</i> * <i>Language used</i> * <i>Physical contact if any</i> * <i>Intimidating behavior</i> * <i>Weapons used/displayed</i> (if there is injury, an injury report has to be filed with HR)			
Witnesses (Ph# and address if known)			
Has this happened before Describe			
Additional relevant information			
Signature of Reporting Employee/Supervisor		Date	

SAINT PAUL PUBLIC HOUSING AGENCY
WORKPLACE VIOLENCE REPORTING FORM
(This side to be completed by EOD/HR)

Date Report received by HR/EOD	
Response team members	
Description of action taken	