



Section 3: Personnel Policies and Procedures

Resource Contact: Human Resource Office **Effective Date:** 11/4/09

References: 49-3-205, MCA

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NON-DISCRIMINATION IN DEQ SERVICES

Purpose: It is the policy of the Montana Department of Environmental Quality (DEQ), and it is the responsibility of the managers, supervisors, and employees of DEQ to provide government services, activities and programs free from unlawful discrimination.

The purpose of this policy is to describe the DEQ's position against discrimination in provision of government services and to remind employees that discrimination is prohibited at the DEQ and will not be tolerated.

This policy is to be implemented in conjunction with DEQ Policy No. 3.6.0605, "Equal Employment Opportunity," 3.6.0620, "Sexual Harassment Prevention," 3.6.0621 "DEQ Harassment Policy" and in conjunction with Policy 3-0630, "Nondiscrimination-Equal Employment Opportunity," in the Montana Operations Manual and relevant provisions of the Montana State Employee Handbook.

DEQ Services Without Discrimination:

All services of the DEQ must be performed without discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

DEQ facilities may not be used in the furtherance of any discriminatory practice.

The DEQ will not become a party to an agreement, arrangement, or plan that has the effect of sanctioning discriminatory practices.

DEQ supervisors and managers will analyze all of their operations on a continual basis to ensure compliance with this policy.

Reference to This Policy:

Program websites, publications, and contracts may state that all DEQ services will be performed without discrimination and refer clients and customers to this policy.

Complaint Resolution:

The DEQ is committed to resolving complaints of discrimination in a fair and timely manner.

The complaint resolution procedure is a dispute resolution process used when a client or customer alleges that discrimination has taken place. Management must investigate when reports are received. Complaints are submitted to the DEQ Equal Employment Opportunity (EEO) Officer.

Complainant's Responsibility:

Any client or customer who believes he or she or another person has been subjected to a discrimination covered by this policy is encouraged to report the incident(s) or action(s) to a DEQ supervisor or manager in the program, section, or bureau, division or office where the alleged discrimination has occurred as soon as possible. Early reporting is encouraged, because management's ability to investigate and act on reports diminishes with time.

Management's Responsibility:

- (1) Any supervisor who receives a report of an alleged discrimination shall immediately notify the agency EEO Officer.
- (2) Upon receipt of a report alleging discrimination, the DEQ shall take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The agency will determine the steps to be taken by balancing the rights of the alleged victim, including the severity of the alleged conduct, and the rights of the alleged violator of this policy.
- (3) The DEQ Management and the DEQ EEO Officer shall initiate an investigation no later than 10 working days after receiving notice of the alleged discrimination. The investigation shall include verification of the report, a recommended course of action, and written documentation of the investigation. The investigator shall submit the results of the investigation to the DEQ Human Resource Manager. The factual report shall remain confidential and may not be disseminated except to persons having a need or right to know which outweighs the privacy rights of the persons involved.
- (4) Within 5 working days of receiving the investigator's factual report, the DEQ will, in writing, inform the complainant, any employees directly involved, their immediate supervisors, and the EEO Officer of the results of the investigation and the agency's decision.
- (5) If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the DEQ will inform all parties involved that no action will be taken. If the investigation establishes that discrimination occurred, the DEQ will take appropriate action, including, but not limited to, disciplinary measures pursuant to the agency's disciplinary policy, which may include termination. The agency will, in writing, inform the complainant only that an action was taken, not the details of the action.
- (6) Neither the agency management nor any employee will retaliate against any DEQ client or customer for filing a discrimination complaint or for participating in any way in a complaint procedure.

