

 Montana Department of Environmental Quality	POLICY	Effective	November 4, 2009
		Rev.#:	5
		Last Revised:	February 9, 2024
Category:	Human Resources	Contact:	HR Manager

Non-Discrimination in Services

1. PURPOSE

The purpose of this policy is to describe the position of the Department of Environmental Quality (DEQ) against discrimination in providing government services, activities, and programs, and to remind employees that discrimination is prohibited at DEQ and will not be tolerated.

This policy is implemented in compliance with other State and DEQ policies and procedures as well as State and Federal regulations.

2. SCOPE

This policy applies to all permanent full-time and part-time employees, including temporary or seasonal positions. This policy does not apply to independent contractors.

The policy shall be followed unless it conflicts with negotiated labor contracts, which shall take precedence to the extent applicable.

3. POLICY STATEMENT

It is the policy of DEQ, and it is the responsibility of managers, supervisors, and employees of DEQ to provide government services, activities, and programs free from unlawful discrimination based upon race, color, national origin, age, physical or mental disability, religion, creed, sex, sexual orientation, political belief, genetic information, veteran status, culture, social origin or condition, ancestry, or marital status.

4. RESPONSIBILITIES

4.1 COMPLAINANT

Any client or customer who believes they or another person has been subjected to discrimination covered by this policy is encouraged to report the incident(s) or action(s) to the DEQ

Nondiscrimination Coordinator via email at DEQHumanResources@mt.gov or via phone (406) 444-6717 as soon as possible.

Early reporting is encouraged, because the agency's ability to investigate and act on reports diminishes with time.

4.2 MANAGEMENT

- 4.2.1 DEQ managers who receive a report of alleged discrimination shall immediately notify the DEQ Nondiscrimination Coordinator.
- 4.2.2 DEQ supervisors and managers will analyze all their operations on a continual basis to ensure compliance with this policy.

4.3 NONDISCRIMINATION COORDINATOR ALSO TITLED THE HUMAN RESOURCES MANAGER

Initiates and/or completes investigations into complaints.

5. REQUIREMENTS

5.1 SERVICES, FACILITIES, AGREEMENTS

- 5.1.1 DEQ Services, activities and programs will be performed without discrimination.
- 5.1.2 DEQ facilities may not be used in the furtherance of any discriminatory practice.
- 5.1.3 DEQ will not become a party to an agreement, arrangement, or plan that has the effect of sanctioning discriminatory practices.

5.2 AUXILIARY AIDS AND SERVICES

DEQ generally provides auxiliary aids and services to enable effective communication for people with disabilities or limited English proficiency. Examples of auxiliary aids and services include, but are not limited to:

- Qualified interpreters
- Screen readers
- Written materials or notetakers
- Audio recordings
- Braille or large print materials
- Open or closed captioning

Questions on interpreter services can be directed to:

DEQ Human Resources
1520 East Sixth Ave.
PO Box 2000901
Helena, MT 59620-0901
Email: DEQHumanResources@mt.gov
Telephone: 1-406-444-6717
Telephone Relay Service: 711

5.3 DEQ PROGRAMS, WEBSITES, PUBLICATIONS, AND CONTRACTS

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

5.4 DISCRIMINATION INVESTIGATION

- 5.4.1 Upon receipt of a report alleging discrimination, the Nondiscrimination Coordinator and DEQ management shall take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The Nondiscrimination Coordinator will determine the steps to be taken by balancing the rights of the alleged victim(s), including the severity of the alleged conduct, and the rights of the alleged violator(s) of this policy.
- 5.4.2 The Nondiscrimination Coordinator shall initiate an investigation no later than ten (10) working days after receiving notice of the alleged discrimination.
- 5.4.3 The investigation shall include verification of the report, a recommended course of action, and written documentation of the investigation.
- 5.4.4 When an outside investigator is utilized, the investigator shall submit the results of the investigation to the Nondiscrimination Coordinator. 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.
- 5.4.5 Within five (5) working days of receiving the investigator's factual report, the Nondiscrimination Coordinator will, in writing, inform the complainant, any employees directly involved, and their immediate supervisors, of the results of the investigation and the agency's decision.
- 5.4.6 If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the Nondiscrimination Coordinator will inform all parties involved that no action will be taken. If the investigation establishes that discrimination occurred, DEQ management will take appropriate action, including, but not limited to, disciplinary measures pursuant to the State's disciplinary policy, which may include

discipline up to termination if the offender is a DEQ employee. The Nondiscrimination Coordinator will, in writing, inform the complainant only that an action was taken, not the details of the action.

5.4.7 Neither DEQ 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.

5.5 HUMAN RIGHTS BUREAU

A client or customer may concurrently file a complaint of unlawful discrimination with the following:

Human Rights Bureau
PO Box 1728
Helena, MT 59624-1728
Telephone: 1-406- 444-2884
Tol Free: 1-800-542-0807
Telephone Relay Service: 711

The Human Rights Bureau must receive the complaint within 180 days of when the alleged discriminatory practice occurred or was discovered unless the person has filed an internal complaint. A person who files an internal complaint under these rules has 180 days from the conclusion of the internal investigation to file a complaint with the Human Rights Bureau if management completes the investigation within 120 days of when the alleged discriminatory practice occurred or was discovered. If management does not complete the investigation within 120 days, the person must file a complaint with the Human Rights Bureau within 300 days of when the alleged discriminatory practice occurred or was discovered.

6. REFERENCES

- 49-3-205 MCA Government Services
- State of Montana Equal Employment, Nondiscrimination, and Harassment Prevention Policy
- State of Montana Reasonable Accommodations and Equal Access Policy

7. APPROVAL

/s/Christopher Dorrington, Director
Christopher Dorrington, Director

2/9/2023
Date

DEQ POLICY / PROCEDURE REVIEW PLAN & REVISION LOG

Document Review Plan

Original Effective Date	07/15/2011	Document Review Interval	3 years
-------------------------	-------------------	--------------------------	----------------

Revision Log

Rev. #	DATE	DESCRIPTION OF CHANGES
1	7/15/2011	Changed to new format; formerly Policy No. 3.6.0606
2	7/17/2013	Updated links; corrected formatting
3	9/8/2014	General review; Added language regarding limited English proficiency access
4	10/18/16	updated broken links
5	2/9/2024	Policy number DEQ-HR-EEO-2 updated to policy name; signature line update; Footnote update; Updated organization of sections; Added title of Nondiscrimination Coordinator and spelled out protected groups under nondiscrimination