

	POLICY	Number	DEQ-HR-EEO-2
		Original Effect. Date	November 4, 2009
		Revision No.:	2.0
Section:	HR - Human Resources	Revision Date:	September 9, 2014
Sub-Section:	EEO		
Resource Contact:	DEQ Human Resource Manager		
Originating Unit:	Human Resource Office		
Non-Discrimination in DEQ Services			

1. Purpose

The purpose of this policy is to describe the position of the Department of Environmental Quality (DEQ) against discrimination in provision of government services 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 the managers, supervisors, and employees of DEQ to provide government services, activities and programs free from unlawful discrimination. Unlawful discrimination includes national origin discrimination targeting persons with limited proficiency in English.

4. Requirements

4.1 DEQ Services will be performed without discrimination.

4.1.1 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.

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

- 4.1.3 DEQ will not become a party to an agreement, arrangement, or plan that has the effect of sanctioning discriminatory practices.
- 4.1.4 DEQ will provide 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 note takers
 - Audio recordings
 - Braille or large print materials
 - Open or closed captioning
- Information on interpreter services can be found on the Montana Registry of Interpreters for the Deaf at: <https://myaccount.rid.org/Public/Search/Member.aspx>.
- 4.1.5 DEQ supervisors and managers will analyze all of their operations on a continual basis to ensure compliance with this policy.
- 4.2 **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.
- 4.3 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 Human Resources Manager. The Human Resources Manager is also DEQ's Equal Employment Opportunity (EEO) Officer.
- 4.4 **Complainant's Responsibility:** Any client or customer who believes he or she or another person has been subjected to 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. If the alleged violator is a supervisor or manager, the client or customer may report the incident directly to the Human Resources Manager.
- 4.5 **Management's Responsibility:** Any supervisor or manager who receives a report of alleged discrimination shall immediately notify the Human Resources Manager.
- 4.5.1 Upon receipt of a report alleging discrimination, DEQ management shall take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. DEQ management 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.

- 4.5.2 The Human Resources Manager 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 Human Resources 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.
- 4.5.3 Within 5 working days of receiving the investigator's factual report, the Human Resources Manager 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.
- 4.5.4 If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the Human Resources Manager 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 termination. The Human Resources Manager will, in writing, inform the complainant only that an action was taken, not the details of the action.
- 4.5.5 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.
- 4.6 **Other Complaint Filing Option:** A client or customer may concurrently file a complaint of unlawful discrimination with the Human Rights Bureau (PO Box 1728), Helena, MT 59624-1728; (406)444-2884, (800) 542-0807, TTY (406) 444-0532.
- 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.

5. References

- [49-3-205, MCA, Government Services](#)
- [DEQ Equal Employment Opportunity Policy, DEQ-HR-EEO-1](#)
- [DEQ Sexual Harassment Prevention Policy, DEQ-HR-EEO-3](#)

- [DEQ Harassment Prevention Policy, DEQ-HR-EEO-4](#)
- [Equal Employment Opportunity, Nondiscrimination, and Harassment Prevention \(ARM 2.21.4001 et seq.\)](#)
- [Reasonable Accommodations and Equal Access Policy](#)
- [EEO, Nondiscrimination, Harassment Policy – Fact Sheet](#)
- [Reasonable Accommodations and Equal Access Policy – Fact Sheet](#)
- [Telephone Based Interpreter Services Contract](#)

6. Approval

Tracy Stone-Manning, Director

Date

DEQ POLICY / PROCEDURE REVIEW PLAN & REVISION LOG

Document Review Plan

Original Effective Date	11/4/2009	Document Review Interval	3 years
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Revision Log

Rev. #	DATE	DESCRIPTION OF CHANGES
1	7/15/2011	Changed to new format; formerly Policy No. 3.6.0606
1.0	7/17/2013	Updated links; corrected formatting
2	9/8/14	General review; Added language regarding limited English proficiency access
2.0	10/18/16	updated broken links