

**DMA Policy: 3-0620**

**Name: EEO, Nondiscrimination and Harassment Prevention Policy Addendum**

**Reference: Governor's Executive Order #41-2016**

**Approval Signature:**



**Effective Date: June 6, 2016**



The Montana Department of Military Affairs (DMA) is committed to equal opportunity, nondiscrimination and harassment prevention in all aspects of employment and in programs, services, and activities offered to members of the public in accordance with the Governor's Order #04-2016.

The DMA promotes consistency with internal policies and procedures and does not tolerate discrimination or harassment based on an individual's race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, sexual orientation, gender identity or expression, political beliefs, genetic information, military service or veteran's status, culture, social origin or condition, or ancestry. Likewise, management may not tolerate discrimination or harassment because of a person's marriage to or association with individuals in one of the previously mentioned protected classes. The DMA is committed to resolving discrimination and harassment complaints in a fair and timely manner.

**Harassment:** Including sexual harassment, consists of, but is not limited to, verbal, written, or electronic communications (for example, voice mails, e-mails, text messages, or other social networking tools) in the form of repeated and unwelcomed jokes, slurs, comments, visual images, or innuendos based on a protected class. Even mutually agreeable behavior, or behavior accepted between two or more people, can be offensive to others; for this reason it is prohibited in the workplace.

## **DIRECTIVES**

### **General Requirements**

- All DMA Division Administrators/Program Directors, supervisors, managers, and employees will make every reasonable effort to ensure that employees, contractors and members of the public are not subject to discrimination or harassment within the context of the delivery of DMA services or programs.
- DMA facilities/programs will prominently display the Department's EEO Policy Statement Poster. The Department's Discrimination Complaint form must be available and provided on request and individuals who wish to file a request should be encouraged, but not required to file a written complaint.
- EEO, Nondiscrimination and Harassment Prevention Training is required for all DMA employees. This training should take place for new employees as soon as available and prior to the completion of the six-month probationary period.
- The immediate supervisor will notify the new employee of this requirement during the new employee orientation. Current DMA employees are required to attend refresher training for EEO, Nondiscrimination and Harassment Prevention every two years.

### **Human Resource assignments and responsibilities**

The DMA HR Officer serves as the Department's Americans with Disabilities Act (ADA) coordinator to assist all facilities and programs with ADA compliance and serves as the

Department's Equal Employment Opportunity (EEO) officer to assist all facilities and programs with EEO and anti-discrimination statutory compliance.

The DMA HR Officer will confer with the DMA Deputy Director, regarding allegations of illegal discrimination or harassment, or violation of state or federal anti-discrimination laws and will commence investigations regarding circumstances and sufficiency of the complaint within ten working days of receiving notice of allegations.

Upon receipt of the investigator's factual report, the HR Officer, or designee, will disclose, in writing, the results of the investigation to the complainant, and employees directly involved in the case including immediate supervisors. The specifics of disciplinary action taken against any DMA employee will not be included in the report unless Department of Administration legal counsel advises to do so.

### **Nondiscrimination and Sexual Harassment Reporting**

When an employee believes they have been subjected to discrimination, they must report the allegation to the Department for prompt investigation and any appropriate actions.

Contractors or members of the public are encouraged to report discrimination allegations to the Department for prompt investigation and any appropriate actions.

Any employee who believes another person has been subjected to discrimination under the Department nondiscrimination policy must report the incident(s) or action(s) to a Division Administrator/Program Director or DMA HR Officer as soon as possible after the alleged discrimination occurs.

Any Division Administrator/Program Director or supervisor who receives a complaint or becomes aware of discrimination or harassment will relay the complaint to DMA HR Officer as soon as possible.

Upon receipt of a report alleging discrimination, including sexual harassment, the Department will take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The Department 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 harasser.

Neither Department management nor any employee will retaliate against any employee, contractor or member of the public for filing a discrimination complaint or for participating in any way in the discrimination or harassment complaint procedure. Nothing in this policy prohibits an employee, contractor or a member of the public from concurrently filing a complaint of unlawful discrimination with the Montana Human Rights Bureau.

### **CLOSING**

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent possible.

Questions concerning this policy should be directed to the DMA HR Officer at 324-3334.

### ACKNOWLEDGEMENT

I hereby acknowledge receipt of the MT Department of Military Affairs EEO, Nondiscrimination and Harassment Prevention Policy #3-0620.

I understand that it is my duty to read, understand and abide by the terms of this policy. I am also aware that failure to comply with the policy is cause for disciplinary action, up to and including termination.

\_\_\_\_\_  
Employee's printed name

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee ID Number