STATE OF MONTANA
OFFICE OF THE GOVERNOR
Executive Order No. 41-2008

EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION, and HARASSMENT PREVENTION

WHEREAS, Montana's Constitution affirms Montanans' basic human rights, wherein it declares: "the dignity of the human being is inviolable"; and

WHEREAS, this constitutional provision reflects the rights of all Montanans to be treated with dignity, respect, and equality; and

WHEREAS, denial of equal opportunity, discrimination, and harassment based on race, color, sex, political or religious affiliation or ideas, culture, social origin or condition, sexual orientation, national origin, ancestry, age, disability, or marital status is prohibited by state, federal, and local law, rule, policy, or executive order; and

WHEREAS, discrimination and sexual harassment in the workplace and in the conduct of public service violates the principles of dignity, respect, and equality and results in costs to society and state government, both human and financial; and

WHEREAS, I am firm and unwavering in my commitment to taking a leadership role in promoting nondiscrimination and equal employment opportunity in accessing State of Montana employment, programs, and services and taking necessary and appropriate steps to ensure that the workplace and all state employment, programs, and services are free of discrimination and sexual harassment.

NOW, therefore, I, Brian Schweitzer, Governor of the State of Montana, by virtue of the authority vested in me under the laws and the Constitution of the State of Montana, do hereby order and direct the Department of Administration, which is charged with the administration of state personnel policies, and all agencies, managers, supervisors, and employees under the jurisdiction of the Governor to take the following actions:

1. Make good faith efforts to ensure that all persons employed or served by state government are afforded equal opportunity, without discrimination, based on any of the above classes.

2. Take steps necessary to prevent and stop discrimination, sexual harassment, or harassment based on membership in any of the above classes.

3. The Department of Administration is directed to prepare a nondiscrimination policy applicable to all agencies under the jurisdiction of the Governor, which includes specific language prohibiting discrimination, sexual harassment, and harassment based on membership in any of the above classes and an internal complaint

procedure that remains continuously in effect. The policy shall make it clear that discrimination on the basis of the above-named classes and sexual harassment or harassment based on membership in any of the above classes is a form of misconduct and anyone who is found to have violated the policy of non-discrimination and non-harassment will be subject to discipline, up to and including termination of employment. The policy statement must be distributed to all department directors and heads of agencies that are subject to policies promulgated by the Department of Administration for further distribution to state employees.

4. The Department of Administration shall continue to assist state agencies in implementing and maintaining an Equal Employment Opportunity Program in state government. The program shall include non-discrimination and harassment awareness programs that emphasize harassment prevention and cultural diversity awareness with emphasis on Montana Indian Tribes.

5. Each agency head and its managers are responsible for compliance with and implementation of this Executive Order.

6. This Executive Order supercedes and rescinds Executive Order No. 7-82, issued by Governor Ted Schwinden on August 6, 1982 and Executive Order No. 24-81, issued by Acting Governor George Turman on October 13, 1981.

This Executive order shall become effective upon its signing and shall remain in effect until amended or rescinded by further executive order.

GIVEN under my hand and the Great Seal of the State of Montana this 14th day of November in the year Two Thousand and Eight, A.D.

Brian Schweitzer, Governor

Attest:

Brad Johnson by Susan Ames, deputy

Brad Johnson,
Secretary of State